

**Town of Greenwich  
Zoning Board of Appeals  
February 7, 2013**

The Town of Greenwich Zoning Board of Appeals held a meeting at the Town Office Building, 2 Academy Street, Greenwich, New York on Thursday, February 7, 2013 at 7:00 pm.

MEMBERS PRESENT:

John Farndell	ZBA Chairman
Gregory Smith	ZBA Member
Dawn Sharts	ZBA Member
Tammara Van Ryn	ZBA Member
Ralph Vecchio	ZBA Member
Roland Mann	ZBA Member (Alternate)

OTHERS PRESENT: Amanda Willetts – ZBA Clerk, Code Enforcement Officer Dan O'Connor and Chuck Marshall.

ZBA Clerk Amanda Willetts called roll.

MINUTES:

ZBA Chairman John Farndell asked the Board if they had reviewed the minutes from the November 1, 2012 meeting. They said they have and had no changes. The following decision was made.

RESOLUTION NO. 01-2013  
App. of Minutes 11/01/2012

Motion by ZBA Member Dawn Sharts,  
Seconded by ZBA Member Tammara Van Ryn,

and passed unanimously by said Board,

RESOLVED, that the minutes of the November 1, 2012 meeting be approved and accepted as submitted.

RECORD OF VOTE:

Chairman John Farndell	AYE
Member Gregory Smith	AYE
Member Ralph Vecchio	AYE
Member Dawn Sharts	AYE
Member Tammara Van Ryn	AYE
Member Roland Mann (Alternate)	N/A

NEW BUSINESS:

- **Area Variance Application #2013-01** – Submitted by Jennifer Howard representing Stewart's Shops Corp. Stewart's Shops would like to construct a new store behind the existing one located at 204 Main Street and 88 Abeel Avenue, Greenwich. The existing store will be removed once construction of the new one has been completed. The rear of the proposed store will be approximately 15 ft from the rear property line. The required setback is 50 ft. Applicant is seeking a 35 ft area

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variance to allow the construction of the new store. Property located in a Commercial District. Parcel ID # 228.20-4-5.

ZBA Chairman John Farndell stated Chuck Marshall was present representing Stewart's Shops Corp. John also stated that the application was requesting a 35 ft area variance; however, he has researched the definitions of Frontage and Lot Line, Rear and read them to the Board. *FRONTAGE - That side of a lot abutting a Town road or a road meeting Town road standards, ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a road shall be considered frontage. LOT LINE, REAR - The lot line opposite and most distant from the front lot line.* After some discussion the Board agreed that the lot line in which the variance is being requested shall be determined to be the rear lot line. The Board and Mr. Marshall agreed to the following amendment to the area variance application. The application that has been submitted requesting an area variance of 35 ft, because the set back was thought to be 50 ft, hereby be amended requesting a 5 ft area variance because the setback has been determined to be 15 ft and the building according to the plans submitted is 10 ft from the property line. ZBA Chairman John Farndell asked Mr. Marshall to explain the application. Mr. Marshall stated that they are hoping to construct the new store behind the existing store in order to keep the store open during construction. The new store will be approximately 3400 square feet which is 500 square feet more than the existing store. Mr. Marshall reviewed the plans with the Board. ZBA Member Ralph Vecchio asked Mr. Marshall what the neighborhood is like. Mr. Marshall stated that he was not familiar with the neighborhood because he has not yet been there but he will definitely visit the site before the next meeting. ZBA Member Ralph Vecchio stated that his reasoning for asking the question was not to be pretentious but that is one of the questions that will be asked under the 5 criteria. Mr. Marshall stated that he would argue that they are already there and moving the building does not change the neighborhood. ZBA Member Tammara Van Ryn said that with moving the building this affects a different property owner. Mr. Marshall stated that was true but it still does not change the neighborhood. ZBA Member Tammara Van Ryn said that it does change the neighborhood; you can't just say that because we impacted this neighbor then it's ok to do the same to another neighbor. Mr. Marshall said that when they redo the store they make the lights better; the compressors make less noise and they basically clean up the site and make it look better for the area versus what is there now. ZBA Chairman John Farndell stated that the existing store is only 6 ft from the property line. ZBA Member Tammara Van Ryn asked if Stewarts had purchased property from Warren Tire. Mr. Marshall stated that Stewarts owns the entire parcel including the portion that Warren Tire is on. ZBA Member Tammara Van Ryn then asked what the distance is between the proposed new structure and Warren Tire. Mr. Marshall stated there is 5 ft between Warren Tire and the proposed building. ZBA Member Tammara Van Ryn stated she doesn't think multiple structures should be allowed on a parcel and that should be addressed at the next Zoning review. Discussion ensued regarding the plans. Code Enforcement Officer Dan O'Connor stated he would like it if every Board that Mr. Marshall goes before has the same exact plans that way there is no confusion and everyone is on the same page. Mr. Marshall stated that is why they did not yet submit an application to the Planning Board in case there were any changes made at the ZBA meeting tonight. ZBA Member Tammara Van Ryn asked if the fence along the property line was going to be replaced. Mr. Marshall stated that if the fence is in poor condition it will be replaced since they are redoing the entire store they would not leave a poor looking fence and it probably wouldn't make it through the construction. Mr. Marshall continued saying he only comes into Town for the Town meetings, which are at night, therefore he is unaware of the existing condition of the fence, however, he will check on that along with reviewing the 5 criteria for the next meeting. Mr. Marshall also said that Stewarts considers themselves to be a better than average neighbor and applicant therefore they are always looking to make things better. More discussion ensued regarding the plans. Mr. Marshall explained that they are also going before the Village of Greenwich Zoning Board for a variance on the parking because they need to have 34 spaces and they only have 32 spaces. Discussion ensued regarding parking and entrances. ZBA Member

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Tammara Van Ryn asked Mr. Marshall if he or anyone else from Stewarts has approached the adjoining property owners about doing a boundary line adjustment or purchasing the extra 5 ft of land from them therefore not requiring an area variance. Mr. Marshall said they have not, however, that is a great idea therefore he will. The Board decided to set the public hearing on the area variance application for March 7, 2013 at 7:05 pm.

RESOLUTION NO.02-2013  
Public Hearing on Area Variance App. # 2013-01

Motion by ZBA Member Ralph Vecchio,  
Seconded by ZBA Member Tammara Van Ryn,

and passed unanimously by said Board,

RESOLVED, that Area Variance Application # 2013-01, submitted by Stewart's Shops Corp. concerning property located at 88 Abeel Avenue, be granted a public hearing that will take place on Thursday, March 7, 2013 at 7:05 pm at the Town Office Building, 2 Academy Street, Greenwich.

RECORD OF VOTE:

Chairman John Farndell	AYE
Member Gregory Smith	AYE
Member Ralph Vecchio	AYE
Member Dawn Sharts	AYE
Member Tammara Van Ryn	AYE
Member Roland Mann (Alternate)	N/A

If new copies of the plans need to be submitted the applicant needs to only submit one to the Board. ZBA Chairman John Farndell stated that at the Planning Board meeting that the ZBA was asked to attend on January 10, 2013, it was decided that the Planning Board will be lead agency for the SEQRA review. In doing so the ZBA needs to receive the SEQRA review. ZBA Member Ralph Vecchio asked if we can give the applicant more time to go before the Planning Board and then come back to the ZBA after. ZBA Chairman John Farndell stated the applicant needs the area variance before they can get approval from the Planning Board. Mr. Marshall stated that without the area variance they have no project. He continued that if they (A) don't get the area variance or (B) don't get the 5 ft they need from the adjoining property owner than they will not build the new store. ZBA Member Gregory Smith said is there no plan C; change your plans to accommodate, for example, take the 5 ft off the rear of the building? Mr. Marshall said technically they could, however, Stewarts has specific standards and with this building, it is already not a standard building and taking it in another 5 ft would be hairy. ZBA Member Gregory Smith said they would rather scrap the entire project over 5 ft. Mr. Marshall said probably, yes. Mr. Marshall continued that at the next meeting he will review the 5 criteria and explain to the Board why this area variance should be approved. ZBA Member Gregory Smith said to Mr. Marshall that given the earlier discussion regarding the lights, quieter compressor and all the improvements with the new store, is there any chance that Mr. Marshall could bring in documentation quantifying just how much the improvements will be reduced, such as a decibel meter reading on the new compressor versus the old one. That would help not only the Board's decision but might answer some of the adjoining property owner's questions at the public hearing as well. ZBA Member Dawn Sharts asked if pictures could be brought in on how it looks now and how it may look after because a picture is worth a thousand words. Mr. Marshall said he would try and bring in as much documentation as he can for the next meeting.

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The application fee of \$100.00 was received at the time of the application submission.

**DISCUSSION:**

Code Enforcement Officer Dan O'Connor explained to Mr. Marshall that he needs to submit the Site Plan Review application to the Planning Board and attend their workshop meeting on February 14, 2013.

ZBA Chairman John Farndell stated that he would like to discuss a previous application AV # 2012-01 for Whalen's Chevrolet. When the Board made the decision on granting the area variance there was a condition that no cars were to be parked in front of the new entrance. ZBA Chairman John Farndell stated that there have been cars parked in front of the new entrance. The ZBA discussed this with Code Enforcement Officer Dan O'Connor and it was decided that Dan will go and speak with the property owner making him aware of the situation.

ZBA Member Tammara Van Ryn said she has an issue with the way the area variances are not able to be searched. The ZBA as a Board has great record keeping, however, unless a property owner or potential property owner knows to specifically ask if the property has had an area variance there is no other way to find out. ZBA Chairman John Farndell said that we could ask the Planning Board to include it on their final plans that are filed with the County.

**CORRESPONDENCE:**

The Board reviewed the monthly budgets for the months of November and December 2012 and January 2013 submitted by Budget Officer Kellie Blake. ZBA Member Tammara Van Ryn asked why the ZBA budget was amended transferring the monies for the General Code and their Board was not aware before it was transferred. ZBA Chairman John Farndell said the Town Board handles the budgets, which includes any transfers, amendments, etc.

Motion by ZBA Member Dawn Sharts,  
Seconded by ZBA Member Tammara Van Ryn,

and passed unanimously by said Board,

That the meeting be adjourned at 8:00 pm.

Respectfully Submitted

Amanda Willetts,  
ZBA Clerk