

**Town of Greenwich
Zoning Board of Appeals
March 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, March 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
Roland Mann	ZBA Member (Alternate)

ABSENT: Ralph Vecchio ZBA Member

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 February 7, 2013 meeting. They said they have and had no changes. The following decision was made.

RESOLUTION NO. 03-2013
App. of Minutes 02/07/2013

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

and passed unanimously by said Board,

RESOLVED, that the minutes of the February 7, 2013 meeting be approved and accepted as submitted.

RECORD OF VOTE:

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

CORRESPONDENCE:

The Board reviewed the monthly budget for the month of February 2013 submitted by Budget Officer Kellie Blake.

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OLD 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 10 ft from the property line. The required setback is 15 ft. The applicant would also like to have 3 wall mounted signs, one on the building and two on the pump station. The Zoning Ordinance only allows for one wall mounted sign. Applicant is seeking a 5 ft area variance to allow the construction of the new store and a variance to allow three wall mounted signs. 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. The public hearing for the application was postponed since the last meeting due to the applicant wanting to add three wall mounted signs to the area variance application. ZBA Chairman John Farndell stated that there had been a section newly added to the Zoning Ordinance, within Section 190-61 Signs, which allows for signs on gas pumps as long as they are no larger than 2 square feet. John continued that the issue is the two additional signs, in which the applicant would like to add, are located on the gas canopy, which is proposed to be on the adjoining property that is located in the Village of Greenwich. ZBA Member Tammara Van Ryn asked if there has ever been something that would allow consolidation for review. ZBA Chairman John Farndell stated there is not, the Town Planning Board looked into it when this application was submitted and each municipality must review their own. ZBA Member Gregory Smith stated that at the last meeting they had discussed that the plans in the Village were not of the Town Zoning Board of Appeals' concern due to the fact that it is out of the Board's jurisdiction. ZBA Member Tammara Van Ryn asked Mr. Marshall if they had gone before the Village Zoning Board. Mr. Marshall stated that they have completed the process and received approval from the Village Zoning Board. It was decided that the 2 signs that are proposed to be located on the gas canopy are not within the Town of Greenwich's Zoning Board of Appeals jurisdiction as they are proposed to be constructed on the parcel located in the Village of Greenwich. There is only one wall mounted sign within the Town's jurisdiction, which will be located on the façade of the building, and the Zoning Ordinance allows for one wall mounted sign. Therefore, no area variance is required for the wall mounted signs.

RESOLUTION NO.04-2013

Area Variance App. # 2013-01, Three wall mounted signs

Motion by ZBA Member Tammara Van Ryn,
Seconded by ZBA Member Gregory Smith,

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, does not need to include three wall mounted signs since the gas canopy that will house the two wall mounted signs is proposed to be constructed on the parcel located within the Village of Greenwich, which is out of the Town of Greenwich Zoning Board of Appeals' jurisdiction, and the Town Zoning Ordinance, Section 190-61, allows for one wall mounted sign, which in this case will be the sign located on the façade of the building.

RECORD OF VOTE:

Chairman John Farndell	AYE
Member Gregory Smith	AYE

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Member Ralph Vecchio	ABSENT
Member Dawn Sharts	AYE
Member Tammara Van Ryn	AYE
Member Roland Mann (Alternate)	AYE

ZBA Member Tammara Van Ryn asked Mr. Marshall if during the review with the Village Zoning Board the signs were discussed. Mr. Marshall said that he was unable to attend that meeting due to a family emergency; however, he was not informed by the person that did attend, Jennifer Howard, that any discussion regarding signs took place. ZBA Chairman John Farndell asked Mr. Marshall if they had gone before the Greenwich Planning Board for review. Mr. Marshall stated that they were on the agenda to appear before the Greenwich Planning Board on March 14, 2013 to start the review process. ZBA Chairman stated that the ZBA still has to hold a public hearing regarding the application for the 5 ft area variance and asked Mr. Marshall if he would like to set it for next month. Mr. Marshall stated that he thought that the public hearing was going to be held at this meeting. ZBA Chairman John Farndell asked ZBA Clerk Amanda Willetts if the public hearing was going to take place tonight. ZBA Clerk Amanda Willetts stated that she had been contacted by the applicant, Jennifer Howard, regarding the three wall mounted signs and during that discussion Jennifer stated that she would like to push the public hearing back in light of the sign issue. ZBA Chairman John Farndell stated that because of the discussion with Jennifer Howard, ZBA Clerk Amanda Willetts did not continue the process to allow for the public hearing tonight. Therefore a public hearing needs to be set if they wish to continue with the application. Mr. Marshall said he apologizes, Jennifer did mention to him that the application was pushed back therefore he did know. It was decided that the public hearing for the area variance application will be set for April 4, 2013 at 7:05 pm.

RESOLUTION NO.05-2013
Public Hearing on Area Variance App. # 2013-01

Motion by ZBA Member Gregory Smith,
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, April 4, 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	ABSENT
Member Dawn Sharts	AYE
Member Tammara Van Ryn	AYE
Member Roland Mann (Alternate)	AYE

Mr. Marshall stated that he had approached the adjoining property owner, Dawn Cameron, gave her a copy of the plans and spoke with her about the project. Mr. Marshall said he was going to ask her about getting 5 ft of land, however, her property is zoned as a residential district, which would do nothing for the store. If they purchased the property they would then have to apply for a use variance to change the property from residential to commercial. Mr. Marshall stated that he did try to alleviate the burden. ZBA Member Tammara Van Ryn asked if the structures on the map are

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accurately located, regarding the adjoining properties. Mr. Marshall said he was not certain but he did bring new plans and photographs, which he reviewed with the Board. Mr. Marshall said one of the five factors that was previously discussed was whether or not this is an undesirable change in the neighborhood. He continued that it's not since the store is there already and they are trying to keep the existing store open during the construction of the new store. Mr. Marshall said that some people would say that this is self-created but he feels it is not. The reason being is there are about 250 hours worked each week, which would be a total of 2,500 hours that would be lost by employees during the construction period if the existing store did not remain open. Therefore, while it seems to be self-created since they could take down the existing store and rebuild there, because of the hours lost by employees and money lost from the store not being open they would not benefit. ZBA Member Roland Mann asked if the construction equipment will interfere with the existing store. Mr. Marshall said that Stewart's has a good relationship with the YMCA and most of the construction equipment will be parked there and they have discussed with Warren Tire that they, Warren Tire, will be the one most affected and Warren Tire understood. The construction process will only take about 10 weeks, that includes building the new store and taking down the old one. They are looking to start construction around June or August depending on when they receive approval. Discussion ensued regarding the construction site.

Mr. Marshall addressed the questions regarding noise and lighting from the last meeting. He stated the loudest equipment they have are bard units, which are the wall mounted heating and cooling units, and they are manufactured in Ohio. The generalization of the units they expect to install in the new store are that they run at about 43 decibels, which is considered to be lighter than rain fall but louder than a whisper. ZBA Member Dawn Sharts asked Mr. Marshall if he knows what the decibel rating is on the units that are at the existing store. Mr. Marshall said he does not know that because when the store was built that was not tracked. He continued with explaining the new lighting. They will be using LED lights which are better because the light shines down. Meaning the intensity of the light is directly underneath it and dissipates as it goes out. Therefore in concern for the neighbors, this is considerably better. ZBA Member Tammara Van Ryn asked what would ordinarily be done regarding lighting along the side and rear of the building since that is the largest impacted area in which they would potentially be granting the area variance on, for instance will there 24 hours lighting. Mr. Marshall said that typically the lighting is a half hour before the store opens and then a half hour after the store closes. This is so there is lighting when the opening person arrives and when the closing person leaves. Discussion ensued regarding placement of lighting on the submitted plans.

ZBA Member Gregory Smith said the only question that he could see coming up at the public hearing would be why not take 5 ft off the back of the building. Mr. Marshall said this is what they call a one off building due to the fact that the rear corner does not come to a 90 degree angle like the other stores do. ZBA Member Gregory Smith said Mr. Marshall had explained at the previous meeting that taking any more away from the building would cause other hardships. Mr. Marshall said it would indeed cause other hardships. ZBA Member Gregory Smith asked what they would be. Mr. Marshall said it basically causes an internal problem within the store. The delivery area and the way the coolers and freezers are set up is geared for the employee. The delivery person delivers into the cooler in where they also have access to the freezer. It is designed so the customer never sees the backroom cooler space. ZBA Member Gregory Smith said that there is a certain flow and to carve any away would disrupt that flow. Mr. Marshall said yes and then if they try to move the store forward it affects parking. They like to have their pumps as far away from the parking spaces as possible due to the large number of accidents that occur while backing out of parking spaces. The Board thanked Mr. Marshall for answering all of their questions. Mr. Marshall thanked the Board for their time.

The application fee of \$100.00 was received at the time of the application submission.
The certified mailing fee of \$189.41 for 31 notices was received.

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DISCUSSION:

ZBA Member Tammara Van Ryn asked Code Enforcement Officer Dan O'Connor how the visit to Whalen's Chevrolet went. CEO Dan O'Connor said that Mr. Whalen took care of the problem, if you noticed. ZBA Member Tammara Van Ryn stated that she has been out of Town therefore she didn't notice. ZBA Chairman John Farndell said for the most part the cars are gone except there was one parked out there on Saturday. ZBA Member Dawn Sharts said she sees the cars come and go. ZBA Chairman John Farndell said that they might place cars there that have sold for people to pick up. CEO Dan O'Connor said that he delivered a copy of the ZBA's decision to Mr. Whalen and they can have cars to the right of the building just not in front as per the area variance decision. ZBA Member Tammara Van Ryn thanked CEO Dan O'Connor for making the trip out to Whalen's. CEO Dan O'Connor said it was not a problem as it is his job.

ZBA Member Tammara Van Ryn stated she noticed that Carmody Ford has been doing some construction on the dealership building. ZBA Chairman John Farndell stated they had gone before the Planning Board about a year ago and got approval. CEO Dan O'Connor said they had to renew because it had been so long since they received approval.

ZBA Member Gregory Smith said he would like to address the SEQRA regarding Stewart's area variance application. Is the Board waiting for the decision from the Planning Board? ZBA Chairman John Farndell said not necessarily. They may have to do an uncoordinated review if the Planning Board has not completed their SEQRA review by the public hearing next month.

Motion by ZBA Member Dawn Sharts,
Seconded by ZBA Member Gregory Smith,

and passed unanimously by said Board,

That the meeting be adjourned at 7:50 pm.

Respectfully Submitted

Amanda Willetts,
ZBA Clerk