

**Town of Greenwich
Zoning Board of Appeals
April 4, 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, April 4, 2013 at 7:00 pm.

MEMBERS PRESENT:

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

OTHERS PRESENT: Amanda Willetts – ZBA Clerk, Code Enforcement Officer Dan O'Connor, Chuck Marshall, Dawn Miller, Margaret Lane, Gail and Don DeLoria.

ZBA Clerk Amanda Willetts called roll.

MINUTES:

ZBA Chairman John Farndell asked the Board if they had reviewed the minutes from the March 7, 2013 meeting. They stated they had. The following decision was made.

RESOLUTION NO. 06-2013
App. of Minutes 03/07/2013

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

and passed unanimously by said Board,

RESOLVED, that the minutes of the March 7, 2013 meeting be approved and accepted.

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

PUBLIC HEARING:

7:05 pm - **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. Applicant is seeking a 5 ft

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area 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 asked Mr. Marshall to explain his application. Mr. Marshall reviewed the plans. ZBA Member Tammara Van Ryn stated to the members of the public that the existing store will remain up while the new store is being constructed.

ZBA Chairman John Farndell opened the public hearing at 7:05 pm at which time he asked if any member of the public would like to speak. Member of the public Gail Deloriea stated that she lives on State Route 29 and she doesn't feel that the building is going to impact her, however, she has a concern that the granting of the area variance will set a precedent. Mrs. DeLoriea continued that she does not want to see a business come in and purchase the empty medical building across the street from her home and, due to precedent from the Stewart's area variance, be able to build close to the property lines. ZBA Chairman John Farndell stated that the Board looks at every application individually and takes into account each applicant's hardships and ability to meet the Boards criteria. Mr. Marshall said the reasoning for leaving the existing store up while a new store is built is to keep employees working; otherwise they would either loose time, about 3,500 hours, or have to temporarily relocate to a different store. Another member of the public Don DeLoriea stated that he was wondering why Stewart's does not purchase the old medical building, take that down and rebuild there since the lot is larger. Mr. Marshall stated that Stewart's owns the lot that they are proposing to build on and it doesn't make sense to purchase another piece of property when they already have one. ZBA Chairman John Farndell said that he believes that the old medical building property has already been sold. Mrs. DeLoriea asked Mr. Marshall how the new store will benefit the members of the Village of Greenwich. Mr. Marshall stated that the lot layout will be safer with more curb cutting to better control traffic. They are adding a crosswalk as well as sidewalks. Also, the store will be bigger, have more gas pumps and they are adding a diesel pump. Mrs. DeLoriea asked if the Town does not approve the area variance will Stewart's make the store smaller or not build the store. Mr. Marshall said if Stewart's is not granted the area variance they will not build the new store. Mr. DeLoriea asked if anyone has taken into consideration the sidewalk being 5 ft closer to the road and how that could be a safety issue especially with children. Mr. Marshall explained that the 5 ft area variance only pertains to the rear of the building. He also stated that he has been in contact with DOT and they have approved everything thus far. A member of the public Dawn Miller said that her concern was how the store being closer to her property may affect her property value. Mr. Marshall said that in respect for her property they have kept the lighting off the back of the building with exception to the one light over the delivery door as well as using LED lighting. Mr. Marshall continued that in any other case he would have approached Mrs. Miller and tried to purchase 5 ft of property to avoid having to receive an area variance. However, since Stewart's property is zoned as commercial and Mrs. Miller's is zoned residential Stewart's then would have to apply for a use variance to change the zoning therefore it would not work. Mr. Marshall continued explaining that a new fence will be placed and new compressors will be installed which will be quieter than the existing ones. ZBA Member Tammara Van Ryn stated that in regards to the previous precedent statement, the Board has a number of criteria that is reviewed before a decision is made as well as the different circumstances that are taken into consideration. Tammara continued explaining that because of the placement of the Village and Town line separating the two parcels, Mr. Marshall has had to go before not only the Town Zoning Board but also the Village Zoning Board as well as the Town Planning Board for review of the application. Mrs. Miller said the fence will not move just the building will be much closer to her property. ZBA Member Dawn Sharts said that was correct. Discussion ensued regarding the size of the store and placement of the canopies. ZBA Member Tammara Van Ryn asked Dawn Miller what the impacts are now on her property from the Stewart's Shop and what her concerns would be with the new store. Mrs. Miller stated that the noise is the only impact now but she is concerned about how the store moving closer will impact her property value. ZBA Member Ralph Vecchio asked Mrs. Miller if she had spoken with a real estate broker about her concern of her property value depreciating. Ms. Miller said she contacted

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her attorney and her attorney told her that he tried to contact someone from Stewart's and they have not yet called him back. Mr. Marshall stated that he had given Mrs. Miller his card and he has not received any phone calls. ZBA Member Ralph Vecchio asked Mrs. Miller if she gave her attorney Mr. Marshall's card. Mrs. Miller said that she had given her attorney a copy of the plans received from Mr. Marshall and the letter from the ZBA notifying her of the public hearing, she didn't think that she gave her lawyer Mr. Marshall's card. ZBA Member Dawn Sharts asked Mrs. Miller if she knew the name of the person her lawyer was trying to call at Stewart's. Mrs. Miller said she did not. She stated that her lawyer's name is Tom Herkinham. ZBA Member Ralph Vecchio asked if Mrs. Miller or her lawyer had contacted a real estate broker regarding her concern of her property value. Mrs. Miller said no, she has not had much time to deal with this. ZBA Member Tammara Van Ryn said the burden is placed on the property owner to show whether or not their property value is impacted. ZBA Member Ralph Vecchio said that he was not suggesting that Stewart's had to answer that question. ZBA Member Tammara Van Ryn said she doesn't think that a private homeowner should have to hire a realtor and get an appraisal. ZBA Member Ralph Vecchio said the property owner doesn't have to do anything, however, if they want to make a case showing that it could be a hardship then they have to make their case. Mr. Marshall stated that one of the five factors that are addressed is a change in neighborhood and since Stewart's are already there he doesn't feel it is a change. He continued that if it was a new store coming in on a vacant piece of property than it may affect the property owners, but since the store is already there he doesn't feel that the property value will be impacted. ZBA Member Gregory Smith asked Mrs. Miller in what way she feels that the store moving closer to her property will impact the value. Mrs. Miller said she doesn't know a thing about realty so she doesn't know. A friend of Dawn Miller's, Margaret Lane stated that she thinks Mrs. Miller's concerns may be that the store is closer to her property and closer to the other commercial building which will make the area look more commercial than rural. Ms. Lane said she understands why Mrs. Miller is concerned about it especially when it relates to the possibility of losing value of her property. ZBA Member Dawn Sharts told Mrs. Miller that she should have a realtor come out to her property and give her a value. ZBA Chairman John Farndell said it may help because the new Stewart's will look better than the current one that is there as well as better lighting. Mr. Marshall said that the plans do not show any proposed landscaping along the rear of the building along the fence, however, they could add some arborvitae to help buffer and to rural up the area. ZBA Member Ralph Vecchio asked Mr. Marshall if he is willing to amend his application to include the addition of the landscaping along the rear of the building and fence and also maintain it. Mr. Marshall said yes, that is not a significant commitment. He continued that he cannot help that Mrs. Miller lives next to Stewart's so all he can do is try to make it as less intrusive as possible in any way he can. ZBA Member Tammara Van Ryn asked Mrs. Miller if a taller fence would help with some of her concerns. Mrs. Miller said that she doesn't want a higher fence because it will limit the amount of sunlight on her property. ZBA Member Ralph Vecchio asked Mrs. Miller if she had the opportunity to contact a realtor would she do so and provide a statement from them as to the impact that Stewart's may or may not have on her property. Mrs. Miller stated she would. ZBA Member Ralph Vecchio asked Mrs. Miller how much time she may need to do so. Mrs. Miller stated that she would need about two weeks. ZBA Member Ralph Vecchio said that he wanted to make it clear that whatever the realtor statement may say will not necessarily impact the decision that the Board makes on the area variance application. Ralph continued that there are five criteria that the Board reviews, one being the impact on the neighborhood, however being that the site already had a commercial structure on it for many years makes it hard to argue a change in neighborhood. Ralph wanted her to be aware that she may go through the trouble of having a realtor visit her property and it could have no affect on the Boards decision. Mrs. Miller said ok. ZBA Member Dawn Sharts said that it may not affect the Board's decision however it may make Mrs. Miller feel better. Dawn continued that the Assessor's assessments are based on comparable properties and square footage and not on neighboring properties. Even having neighbors that do not take care of their property will not impact the value. ZBA Member Gregory Smith said the realtor may say that it doesn't

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however it may affect what someone is willing to pay for that property. ZBA Member Dawn Sharts said that everyone is different, she lives in the country and she would not like to live on a busy road or highway as many others do. ZBA Member Gregory Smith said yes but the price is usually impacted by those things. ZBA Member Dawn Sharts said that she was speaking on behalf of assessments and if someone lives next to a dump, their assessment is not going to be lower because of that it's based on square footage. ZBA Member Ralph Vecchio said that he would not rely on the Assessor, the homeowner should seek something from a realtor. Don DeLoriea asked if the project does get approved then what benefit does it have on Greenwich, would it benefit Greenwich that much to have a new store. Mr. Marshall said Stewart's pays a lot of taxes and if they build a new store they will be paying more. ZBA Member Tammara Van Ryn said some of the benefits that they have reviewed were safer entry and exit from State Route 29 and that there will be more room between parking and the gas pumps which will reduce the amount of accidents. Mr. Marshall said that they are putting in sidewalks and the LED lighting will also be beneficial and less intrusive. ZBA Chairman John Farndell asked if anyone had any further questions. ZBA Member Gregory Smith asked if Mr. Marshall could quantify what Stewart's pays in taxes. Mr. Marshall said he could quantify what they pay now in property and school taxes however the sales tax is lumped together in one bill inclusive of all the Stewart's in Washington County, therefore he couldn't say specifically what the sales tax was for the Greenwich store. ZBA Member Gregory Smith said that the property tax is likely to increase since they are adding a new, larger store and anticipating sales increase which will also increase the amount of sales tax paid to Washington County. Mr. Marshall said correct, this is one of the stores that have paid for its self over and over again. The store is not worth trying to improve, they need to take it down and start new. ZBA Member Tammara Van Ryn said that Mr. Marshall had given them reasons at the previous meeting of why they are leaving the existing store open. Mr. Marshall stated that they want to keep the existing store open not only for sales but also for the employees. It will take about 10 weeks for the new store to be constructed and the existing store to be taken down. If the existing store was to close then the employees would lose between 2,500 to 3,000 hours or if they could find placement in another store, however at a corporate level, they don't think it's fair to make a decision that will impact the lively hood of their employees. ZBA Member Dawn Sharts showed the members of the public the plans of the façade. Mr. Marshall said that the architecture will remain the same but the façade may possibly change, instead of the yellow hardy board siding it may be gray stucco. Discussion ensued. ZBA Member Tammara Van Ryn asked Mr. Marshall to explain where the construction vehicles will go. Mr. Marshall said the construction vehicles will be parked in the YMCA parking lot and the construction site will have fencing around it to keep it safe. ZBA Member Gregory Smith said that he is surprised to hear that the plans that the Board was presented with may now change, is there a reason for it. Mr. Marshall said that he found out the day before this meeting, 4/3/13, that the new Stewart's may not look like that. ZBA Member Gregory Smith said that may be a problem. ZBA Member Ralph Vecchio asked Mr. Marshall if the footprint of the store is going to change. Mr. Marshall said no, the footprint is not going to change and with all do respect the appearance of the building is reviewed in the planning process. ZBA Member Dawn Sharts said that is true, their Board has no say. ZBA Member Gregory Smith said that is absolutely true however does the Planning Board know that this may change. Mr. Marshall said no because his meeting is two weeks away and he was just made aware of this possible change the day prior to this meeting. ZBA Member Gregory Smith asked if the Planning Board will be made aware. Mr. Marshall said absolutely, he is not going to propose one building and put up another one, he will propose what will actually be built. ZBA Chairman John Farndell said that with the design requirements the Board can ask that the siding be placed on the building. ZBA Member Gregory Smith said that when they are asked to review the change in the character of the neighborhood, yes their principle purview is the footprint of the building and its use but also the overall affect and the Board is being asked to make a decision on plans that may not actually be constructed and just in principle that is a bad idea. Mr. Marshall said that he agrees completely, however, he was informed by his boss that it may change. ZBA Member

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Ralph Vecchio asked what would change. Mr. Marshall said that the yellow hardy board siding may instead be gray stucco. ZBA Member Ralph Vecchio said that he feels that is irrelevant to the issue before this Board. ZBA Chairman John Farndell said the Board is reviewing whether it is a detriment to the character of the neighborhood. ZBA Member Ralph Vecchio said the Board is evaluating whether a 5 ft area variance is going to have a detrimental effect on the character of the neighborhood not whether the color or the material of the façade is. If the Planning Board gives their approval on whatever the material of the façade, there is no way the ZBA can make a jump from approving a 5 ft variance into the material of the façade. ZBA Member Tammara Van Ryn said that she could make that jump. ZBA Member Ralph Vecchio said that having the ability to do it and whether or not it should be done are two different things. ZBA Member Tammara Van Ryn said they are doing a balancing test in the benefit to the applicant versus the detriment to the health, safety and welfare of the community and welfare is whether it is an undesirable change in the neighborhood character or to nearby properties. ZBA Member Ralph Vecchio asked what is an undesirable change, the color or the 5 ft variance because what is before this Board is just the 5 ft variance. ZBA Member Gregory Smith said his problem is that he is not entirely sure what is before him because what we have is not final plans and what is the likely hood that more things change like the placement of the entrance, etc. ZBA Member Ralph Vecchio said as a matter of what is before us, there is only one thing before us which is strictly the setback. ZBA Member Dawn Sharts said that they have to take into consideration the neighbors concerns and that's why they are called in. ZBA Member Ralph Vecchio said that they take it into consideration with respect to whether the 5 ft is going to make a difference in the character in the neighborhood or nearby properties. Ralph continued that the only issue he sees is whether or not the 5 ft will affect the value of Mrs. Miller's property. That is his take on it and if the Board denies it based on the color and material of the façade and the applicant takes the Board to court, the court will ask why the Board even addressed the issue of the facade. ZBA Member Gregory Smith asked if since the Board approved one set of plans but they build something else, couldn't that be argued. ZBA Member Ralph Vecchio said only if it affects the 5 ft area variance. Ralph continued that they could condition the area variance but only as it pertains to the 5 ft. Mr. Marshall said that he could assure the Board that the footprint and placement of the building will not change nor would the architecture of the building change it would merely be the finish of the façade. ZBA Member Tammara Van Ryn said that understands Ralph's opinion but it's hard for her to separate it because there would be no need for the variance if Stewart's replaced the existing store, however the Board has been given these benefits to why the new store will be better which makes it part of their decision because it puts the benefits and 5 ft together as a package. ZBA Member Ralph Vecchio said then maybe the Board shouldn't be concerned with all those benefits and be more concerned about the 5 ft variance and how could Stewart's change their plans to not need it. Discussion ensued regarding Zoning Districts. ZBA Member Ralph Vecchio asked Mrs. Miller if she wanted to argue that this will have substantial impact on her property. Mrs. Miller asked Mr. Marshall if they have had any similar cases in the past. Mr. Marshall said that he would like to help Mrs. Miller feel more comfortable by postponing the application until next month so that Mrs. Miller can have her lawyer contact him and she can have the opportunity to have an appraisal done. Mr. Marshall continued that he doesn't see this having an impact on her property value however he would like her to feel comfortable with the change. Mrs. Miller asked when they were planning to start construction. Mr. Marshall said that if they received approval here tonight, he would get approval on April 19th and then they would start construction by the week of May 20th. They wanted to start soon so they were not doing construction during the week of the Washington County Fair. ZBA Member Ralph Vecchio asked Mr. Marshall if he really wants to postpone the application for another month. Mr. Marshall said as an applicant he feels that he has the votes of the Board to get the area variance approved however, he wants everyone to feel comfortable with the decision and that includes neighboring property owners. The Board agreed with Mr. Marshall and expressed their appreciation for his decision.

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ZBA Chairman John Farndell closed the public hearing at 8:07 pm and stated that the public hearing will be postponed in order to be reopened at the May 2, 2013 meeting.

ZBA Chairman John Farndell stated that the Board received the referral back from the Washington County Planning Board which stated: '*Found to be a matter of essentially local concern with conditions; therefore, the referring body should proceed to take final action on the matter.*' Since ZBA Clerk Amanda Willetts completed the referral on behalf of not only the Town Zoning Board of Appeals but also the Village Zoning Board of Appeals and the Town Planning Board the conditions that were on the referral form did not pertain to the Town ZBA.

ZBA Member Gregory Smith stated that the Planning Board of the Town of Greenwich has determined that the action described below is subject to SEQRA and may involve one or more other involved or interested agencies including the Town of Greenwich Zoning Board of Appeals, the Village of Greenwich Zoning Board of Appeals, NYS Department of Transportation and the NYS Department of Health. The Planning Board has made preliminary determination that this is a Type I action in accordance with 6 NYCRR section 617.6(a)(1)(iv), requiring coordinated review. The Planning Board has stated its intent to act as lead agency. In the absence of written objections from any other involved agency within thirty (30) days from the date of this notice, the Planning Board will assume the lead agency role for this action pursuant to NYCRR section 617.6(b)(3)(i). Greg continued and suggests as the ZBA SEQRA representative that, as one of the concerned agencies, a motion be made that the Town of Greenwich Zoning Board of Appeals concurs that this is a Type I action and that the Greenwich Planning Board assume role as lead agency.

RESOLUTION NO. 07-2013
AV#2013-01 SEQRA – Lead Agency

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

and passed unanimously by said Board,

RESOLVED, that, as one of the concerned agencies, the Town of Greenwich Zoning Board of Appeals concurs with the Town of Greenwich Planning Board that the SEQRA review for Area Variance # 2013-01, submitted by Stewart's Shops, is a Type I action in accordance with 6 NYCRR section 617.6(a)(1)(iv) and that the Greenwich Planning Board assume role as lead agency.

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

ZBA Member Ralph Vecchio made a motion to postpone the public hearing until May 2, 2013 at which time Mrs. Miller will be given an opportunity to present any pertinent information.

RESOLUTION NO.08-2013
AV #2013-01 Postpone Public Hearing

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Motion by ZBA Member Ralph Vecchio,
Seconded by ZBA Member Dawn Sharts,

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, public hearing be postpone until the next ZBA meeting that is to be held on May 2, 2013 at which time the public hearing will be reopened to allow for any new pertinent information to be added.

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

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.

DISCUSSION:

ZBA Member Ralph Vecchio said that the Board has a right to look at the entire building when making a decision on the 5 ft variance once it's approved by the Planning Board. ZBA Chairman John Farndell said he would like to propose that they make a recommendation to the Planning Board that the original hardy board siding design be kept and not allow the possible proposed stucco material. ZBA Member Ralph Vecchio asked why. ZBA Member Roland Mann said that Mr. Marshall didn't even have to inform the Board on their change as it does not pertain to them. ZBA Member Gregory Smith said that it was appropriate for Mr. Marshall to inform the Board of the change. ZBA Chairman John Farndell said he feels it affects the character of the building. ZBA Member Tammara Van Ryn said instead they could suggest to the Planning Board the possible affect the façade change could have on the character of the neighborhood. ZBA Chairman John Farndell read to the Board from the Zoning Ordinance *Section 190-50, Architectural design guidelines, D, (5) Exterior materials. Exterior materials shall be wood, stone, brick, clapboard or other material as approved by the Planning Board. Concrete block exteriors are prohibited.* John said that this is a synthetic concrete material that does not hold up to the abuse. ZBA Member Ralph Vecchio said the Board could state that the possible change in the façade could be in violation of Section 190-50, D, (5). Discussion ensued regarding the façade of the building.

ZBA Member Tammara Van Ryn said the following message should be sent to the Greenwich Planning Board: The ZBA postponed the decision pending additional information on property value from an abutter, but the ZBA would like to convey to the Planning Board that they have reviewed the application with the hardy board siding and is prepared to make a decision based on the design that was presented. The neighbor that is seeking property value information is seeking that based on the hardy board design. Any exterior change approved by the Planning Board would influence the ZBA's decision therefore the ZBA does not support any change as it will not be in compliance with Zoning Ordinance Section 190-50. Architectural design guidelines, D, (5) Exterior materials.

CORRESPONDENCE:

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

ZBA Chairman John Farnell stated that a resolution was received from the Washington County Planning Board regarding Exemptions of Matters of Local Concern from County Planning Review. He read the agreement.

'The following actions shall be considered by the Town of Greenwich Zoning Board to be of a local, rather than an inter-municipal or county-wide concern, unless such actions would result in the placement, replacement or extension of any structure into the right-of-way of any State or County highway; or unless such actions would result in new entrances onto State or County highways or any highway which serves as a border between adjacent communities:

Actions of Local Concern-

- 1. The granting of an individual setback, lot-line variance or an area variance for a single-family or two-family residence;*
- 2. Conversion of single-family home to a two-family home;*
- 3. The replacement or reconstruction of a facility in-kind, on the same site, within the same footprint;*
- 4. Construction or placement of minor structure accessory or appurtenant to existing facilities, including garages, carports, patios, decks, porches, fences, barns, or other buildings not changing land use, density or drainage patterns, including upgrading of buildings to meet building or fire codes;*
- 5. The construction or expansion of a single-family or two-family residence on an approved lot that includes the provision of the necessary utility connections and installation maintenance and/or upgrade of a drinking water well and a septic system;*
- 6. Placement of individual mobile homes through site plan, special permit or variance permitting procedures;*
- 7. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with the generally accepted principles of farming;*
- 8. Minor temporary uses of land having negligible or no permanent effect on the environment as determined by a negative declaration of significance under the State Environmental Quality Review Act by the referring body;*
- 9. Temporary land use moratoria which do not act to restrict the actions of State, County or other governmental agencies;*
- 10. The extension of utility distribution facilities to serve new or altered single or two-family residential structures or to render service in approved subdivisions;*
- 11. Home occupations that do not require significant alteration to the building, expansion of water or wastewater facilities, or increased parking;*
- 12. Placement of signs which are not visible from State or County highways or visible from any other highway which serves as a border between adjacent communities;*
- 13. Designation of local landmarks or their inclusion within historic districts;*

The following considerations shall apply to exempted actions under this agreement:

- 1. The exemption of the actions shall not preclude any board reviewing an action pursuant to the zoning of the Town of Greenwich, at its discretion, from submitting any such action for referral to the County Planning Board pursuant to the provision of General Municipal Law Article B, Sections 239 1 and m (GML 239). Such referral shall comply with and be bound by all requirements and time frames associated with said section.*

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2. Any board reviewing an action pursuant to the zoning of the Town of Greenwich may at any time request the assistance of the Washington County Department of Planning and Community Development to assist in making its determination of the applicability of these provisions.

3. The County Planning Board shall be sent a copy of any public hearing notice required for any project, which would normally be subject to County Planning Board review pursuant to GML 239 at least Ten (10) days prior to the date of such hearing.

4. The Washington County Planning Board shall be provided with a copy of any approval issued for an exempted action.

This agreement shall take effect immediately and shall remain in effect until April 1, 2016 or until such time as it may be amended by one or both parties.

The following resolution was made.

RESOLUTION NO.09-2013
County Resolution for Exemptions of Matters of Local Concern

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

and passed unanimously by said Board,

WHEREAS, the Washington County Planning Board was created by the Washington County Board of Supervisors as provided by Article 12 B of the General Municipal Law; and

WHEREAS, the provisions of General Municipal Law Article B, Section 239 I and m (GML 239) require local municipal bodies in Washington County to submit certain planning and zoning actions to the Washington County Planning Board for said Board's review and recommendation unless excepted by an agreement approved by the municipal body; and the County Planning Board that such matter is of a local rather than an inter-municipal or county-wide concern; and

WHEREAS, it is in the interest of the County and local municipal bodies for a local municipal body to be able to take action on matters of local concern without being bound by the referral requirements of GML 239; and

WHEREAS, having such an agreement for exception of matters which are not of an inter-municipal or county-wide concern is not detrimental to the County or the Town of Greenwich; and

WHEREAS, the Washington County Planning Board has established a process for exempting matters and actions of local concern from the referral requirements of GML 239; now, therefore, be it

RESOLVED, that the agreement entitled "*Exemption of Matters of Local Concern from County Planning Review Agreement*" shall exempt action of local concern under this agreement from the referral requirements of GML 239 shall exist between the County Planning Board and the Zoning Board of Town of Greenwich; and be it further

RESOLVED, that said agreement shall apply to zoning reviews and actions of the Zoning Board of Town of Greenwich: and be it further

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RESOLVED, that a copy of this resolution with the attached agreement shall be provided to the Washington County Planning Board; and be it further

RESOLVED, that this agreement shall take effect immediately.

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

Motion by ZBA Member Dawn Sharts,
Seconded by ZBA Chairman John Farndell,

and passed unanimously by said Board,

That the meeting be adjourned at 8:35 pm.

Respectfully Submitted

Amanda Willetts,
ZBA Clerk