

**Town of Greenwich
Zoning Board of Appeals
May 2, 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, May 2, 2013 at 7:02 pm.

MEMBERS PRESENT:

John Farndell	ZBA Chairman
Gregory Smith	ZBA Member
Ralph Vecchio	ZBA Member
Roland Mann	ZBA Member (Alternate)

MEMBERS ABSENT:

Dawn Sharts	ZBA Member
Tammara Van Ryn	ZBA Member

OTHERS PRESENT: Amanda Willetts – ZBA Clerk 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 April 4, 2013 meeting. They stated they had. The following decision was made.

RESOLUTION NO. 10-2013
App. of Minutes 04/04/2013

Motion by ZBA Member Gregory Smith,
Seconded by ZBA Member Ralph Vecchio,

and passed unanimously by said Board,

RESOLVED, that the minutes of the April 4, 2013 meeting be approved and accepted.

RECORD OF VOTE:

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

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

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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 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 opened the public hearing at 7:05 pm at which time he stated that the only member of the public present was Chuck Marshall representing Stewart's Shop.

Mr. Marshall stated that he had approached his employer regarding the changes that were being considered regarding the façade. Mr. Marshall continued that his employer agreed that changing the façade at this point in the process was not appropriate. They instead decided to change the color of the façade from the proposed yellow to gray.

Mr. Marshall said he had spoken with Mrs. Cameron's attorney and made, what Mr. Marshall feels is a fair offer, due to the inconvenience she will face regarding the proximity of the new store to her property. Mr. Marshall said he had inquired on the property that was adjoining that of Cumberland Farms because it is currently on the market. The property is assessed by the Town of Greenwich for 110,000 and is currently listed on the market for 194,000. Mr. Marshall said this shows that the proximity of the residential property to a commercial district does not affect the sale price. He continued saying he thinks Mrs. Cameron's property is assessed for around 165,000 however it's fair to assume that she could get more for her property. ZBA Member Gregory Smith asked if Mrs. Cameron or her attorney responded to the offer. Mr. Marshall said he had not heard back from either Mrs. Cameron or her attorney. ZBA Chairman John Farndell said he would like to thank Mr. Marshall for addressing the Boards concerns regarding the façade. The proposed façade fits better with the character of the neighborhood, the color is not a concern. ZBA Chairman John Farndell asked ZBA Clerk Amanda Willetts to read a letter into the record that was received from J. Thomas Roohan, President of Roohan Realty. It read as follows:

April 22, 2013

Chairman Farndell:

I have been asked by Stewart's Shops to offer an opinion on the real estate market in Greenwich and specifically the property of Dawn Cameron and Kevin Miller with regard to the proposed redevelopment of the Stewart's property. Roohan Realty is a locally owned business serving the commercial and residential markets for over forty years.

In my experience and in this instance, the redevelopment of a Stewart's that has been at this Route 29 site since 1978 will not adversely affect the property value of the adjacent homeowner because the market has previously addressed the proximity issue when Dawn Cameron and Kevin Miller purchased the property in 1991.

Thank you for your consideration and please let me know if I can be of further assistance with this process.

*Very truly yours,
J. Thomas Roohan,
President, Roohan Realty*

JTR/mem

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ZBA Chairman John Farndell stated it was now 7:11 pm and no one has attended for the reopening of the public hearing. The ZBA Chairman then closed the public hearing at 7:11 pm. The Board reviewed the following 5 factors:

1. *Whether an undesirable change would be produced in character of the neighborhood or a detriment to nearby properties?* No. The property has had a commercial structure on it, with continued commercial use since 1978, therefore moving the building will not produce and undesirable change.
2. *Whether benefit sought by applicant can be achieved by a feasible alternative to the variance?* No.
3. *Whether the requested variance is substantial?* Yes.
4. *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* No. Overall it will be an improvement in many areas, specifically with traffic.
5. *Whether the alleged difficulty was self-created?* Yes.

After the consideration and review of the above five factors the Board made the following decision.

RESOLUTION NO. 11-2013
Granting of AV# 2013-01

Motion by ZBA Member Gregory Smith,
Seconded by ZBA Member Ralph Vecchio,

and passed unanimously by said Board,

RESOLVED, that the ZBA, after taking into consideration the five factors, finds that the benefit to the Applicant, Stewart's Shops, does outweigh the detriment to the neighborhood or community and therefore Area Variance # 2013-01 is granted,

and be it further,

RESOLVED, that the ZBA finds that an area variance of 5 ft from Section 190-9 Area Requirements Table 2 D of the Town of Greenwich Zoning Ordinance is the minimum variance granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community,

and be it further,

RESOLVED, that a condition corresponds with the granting of the area variance that there must be a minimum of 100 ft of arborvitae plantings along the rear fence line running between Stewart's property and that of Dawn Cameron and Kevin Miller.

RECORD OF VOTE:

Chairman John Farndell	AYE
Member Gregory Smith	AYE

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

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.

CORRESPONDENCE:

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

Motion by ZBA Member Gregory Smith,
Seconded by ZBA Chairman John Farndell,

and passed unanimously by said Board,

That the meeting be adjourned at 7:20 pm.

Respectfully Submitted

Amanda Willetts,
ZBA Clerk