

**Town of Greenwich
Zoning Board of Appeals
October 3, 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, October 3, 2013 at 7:00 pm.

MEMBERS PRESENT:

John Farndell	ZBA Chairman
Dawn Sharts	ZBA Member
Ralph Vecchio	ZBA Member
Tammara Van Ryn	ZBA Member
Roland Mann	ZBA Member (Alternate)
Gregory Smith	ZBA Member 7:01 pm

OTHERS PRESENT: ZBA Clerk Amanda Willetts, George and Tami Whalen.

ZBA Clerk Amanda Willetts called roll.

CORRESPONDENCE:

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

MINUTES:

ZBA Chairman John Farndell asked the Board if they had reviewed the minutes from the September 5, 2013 meeting. They stated they had. The following decision was made.

RESOLUTION NO. 18-2013
App. of Minutes 09/05/2013

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 September 5, 2013 meeting be approved and accepted.

RECORD OF VOTE:

Chairman John Farndell	AYE
Member Gregory Smith	AYE
Member Ralph Vecchio	AYE

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Member Dawn Sharts	AYE
Member Tammara Van Ryn	AYE
Member Roland Mann (Alternate)	N/A

CORRESPONDENCE:

ZBA Chairman John Farndell stated that the Board received a letter from George Whalen of Whalen Chevrolet requesting the Board to reconsider the condition placed on Area Variance #2012-01. The letter reads as follows:

RE: Variance

Upon completion of our building renovation project, we would ask you to reconsider that we could either rescind all together or at least grant us the ability to display at least two vehicles adjacent to the Chevrolet blue archway entrance in the front of our new showroom. It is a valuable display area that would provide some level of protection to our showroom glass but would not block the ability of potential customers to drive through.

We respectfully ask that you consider this request.

Sincerely,

*George W. Whalen Jr.
President*

ZBA Chairman John Farndell stated that he had spoken with ZBA Attorney Anthony Izzo who advised the Board that they would need to agree to review the condition placed on area variance application #2012-01 as well as hold a public hearing. ZBA Member Ralph Vecchio asked ZBA Chairman John Farndell if, when he spoke with ZBA Attorney Anthony Izzo, Mr. Izzo said that the Board could possibly put a procedure in place where if they were to revisit an application in the future a public hearing need not be held. ZBA Chairman John Farndell stated that Mr. Izzo told him that the Board would need to agree to revisit the area variance decision and a public hearing must be held. John continued that if the Board had made a mistake then they could review the motion but since it was not a mistake and the Board is being asked to review the condition they have to undergo the procedure again. Also, if the Board had been at fault then the Board would be responsible for the certified mailing fees but since the Board is not at fault Mr. Whalen will be responsible for the certified mailing fees. ZBA Chairman John Farndell stated that the application had previously been submitted to the Washington County Planning Board at which time they deemed it to be a matter of local concern therefore no second referral is needed. The Board agreed to revisit the application and the following decision was made.

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RESOLUTION NO. 19-2013
Revisit Area Variance #2012-01

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

and passed unanimously by said Board,

RESOLVED, that the Zoning Board of Appeals, at the request of applicant George Whalen of Whalen Chevrolet concerning property located at 1258 State Route 29, will revisit the condition placed on Area Variance #2012-01.

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 asked if Mr. Whalen should be made to comply while the application is being reviewed or should he be able to park the cars in front of the showroom. ZBA Member Tammara Van Ryn stated that she feels that Mr. Whalen should refrain from parking any cars in front of the showroom until the Board has reached a decision. Tammara continued that the condition is not that much of a hardship and it was agreed upon by both parties at the time of the decision. ZBA Member Ralph Vecchio said that he agrees that it is not much of a hardship; however, he finds it to be a bureaucratic waste of time. ZBA Chairman John Farndell said that he agrees with ZBA Member Ralph Vecchio, however, there are procedures that the Board must follow. The Board then agreed to set the public hearing for the revisit of Area Variance #2012-01 on November 7, 2013 at 7:05 pm.

RESOLUTION NO. 20-2013
PH to Revisit Area Variance #2012-01

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

and passed unanimously by said Board,

RESOLVED, that the Zoning Board of Appeals will hold a public hearing to revisit the condition placed on Area Variance #2012-01, submitted by George Whalen of Whalen Chevrolet concerning property located at 1258 State Route 29, Greenwich, that will be held on Thursday, November 7, 2013 at 7:05 pm at the Town Office Building, 2 Academy Street, Greenwich.

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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

OLD BUSINESS:

Area Variance Application #2013-03 – Submitted by William LaPan representing Stephen and Kathleen Coffin. Property located at 379 Anthony Road, Greenwich. Applicant is seeking an area variance to allow for a minor subdivision. Lot 1 is seeking a 28.7 ft area variance and Lot 2 is seeking a 36.8 ft area variance. The Zoning Ordinance requires 50 ft setbacks. Property located in a Rural Agricultural District. Parcel ID # 212.-1-4.

ZBA Chairman John Farndell stated that the Board had overlooked the SEQRA for Area Variance Application #2013-03 at the September 5th meeting therefore they need to review it. ZBA Member Gregory Smith stated that the application is a type two action meaning that no SEQRA review is required.

RESOLUTION NO. 21-2013
Type 2 Action, SEQRA - AV# 2013-03

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

and passed unanimously by said Board,

RESOLVED, that pursuant to Section 617.5 of the New York State Environmental Conservation Law the proposed area variance application AV #2013-03 is a type two action and therefore requires no further State Environmental Quality Act Review.

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

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CORRESPONDENCE:

ZBA Clerk Amanda Willetts gave each Board member a chart that displayed all of the area variances and decisions that have come before the Board dating from 2007 to 2013.

DISCUSSION:

ZBA Member Ralph Vecchio stated that he would like to do some research regarding revisiting applications and seeing if the Board could put in a regulation that would allow the Board to review a past application without the need for a rehearing. ZBA Member Tammara Van Ryn stated that Mr. Whalen came to the Board, he could adhere to the condition that he agreed to but instead he came to the Board requesting the amendment for his own convenience and is willing to spend the money and go through the process. ZBA Member Ralph Vecchio stated that he is not only talking about this application but for future applications. ZBA Member Tammara Van Ryn said that the Board works for the public so the process of having to notify the public with a public hearing if the Board is going to reconsider a decision that it has made she feels is a good process. ZBA Member Ralph Vecchio said that he is going to do some research and address it again at the next meeting.

ZBA Clerk Amanda Willetts said that Code Enforcement Officer Dan O'Connor stated at the last meeting (ZBA Clerk was not present) that he did not receive another copy of the decision form and asked that Mr. Whalen be placed on the agenda, Amanda would like to clarify that she did give Code Enforcement Officer Dan O'Connor additional copies of the decision form and did not recall him asking Mr. Whalen be placed on the agenda. ZBA Member Tammara Van Ryn said she knows that ZBA Clerk Amanda Willetts gave CEO Dan O'Connor an additional copy because she did it in front of the Board. ZBA Clerk Amanda Willetts said she discussed it with CEO Dan O'Connor already and wanted it noted in the minutes.

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

and passed unanimously by said Board,

That the meeting be adjourned at 7:30 pm.

Respectfully Submitted

Amanda Willetts,
ZBA Clerk