

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

The Town of Greenwich Zoning Board of Appeals held a meeting at the Town Office Building, 2 Academy Street, Greenwich, New York on Thursday, September 4, 2014 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: ZBA Clerk Amanda Willetts, Code Enforcement Officer Dan O'Connor, Jim Ball, Letitia Dayer, Roger Wyatt, Bill Wade and Andy( did not sign in or state his last name).

ZBA Clerk Amanda Willetts called roll.

MINUTES:

ZBA Chairman John Farndell asked the Board if they had reviewed the minutes from the August 7, 2014 meeting. They stated they had.

RESOLUTION NO.18 -2014  
App. of Minutes 08/07/2014

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

and passed by said Board,

RESOLVED, that the minutes of the August 7, 2014 meeting be accepted and approved.

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

OLD BUSINESS:

**Area Variance Application #2014-04** – Submitted by Jim Ball representing Clear Water Pools concerning property located at 1100 State Route 29, Greenwich. Applicant would like to add an addition to the existing nonconforming building which will not meet the front yard setback requirements. The Town of Greenwich Zoning Ordinance requires a 35ft front yard setback and the proposed building will be 25 ft from the front yard. Applicant is requesting a 10 ft area variance to

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

allow for the structure. Property is located in a Commercial District. Parcel ID# 228.-3-12.2.

ZBA Chairman John Farndell stated that Jim Ball was present representing AV# 2014-04. The Board was unable to make a decision after the public hearing that was held at the last meeting due to the applicant not being present. ZBA Chairman John Farndell asked the Board if they had any questions for Mr. Ball. The Board stated they did not. ZBA Chairman John Farndell asked Mr. Ball if he had anything further to add to his application. Mr. Ball said he did not.

ZBA Member Gregory Smith then read Section 617.20, Appendix B, Short Environmental Assessment Form Part I and Part II to the Board.

*Part I, Project and Sponsor Information*

1. *Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule or regulation? Yes.*
2. *Does the proposed action require a permit, approval or funding from any other governmental Agency? Yes. Washington County Building Permit.*
3. *a. Total acreage of the site of the proposed action? Less than one acre.*  
*b. Total acreage to be physically disturbed? Less than one acre.*  
*c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? Less than one acre.*
4. *Check all land uses that occur on, adjoining and near the proposed action. Commercial.*
5. *Is the proposed action,*
  - a. A permitted use under the zoning regulations? Yes.*
  - b. Consistent with the adopted comprehensive plan? Yes.*
6. *Is the proposed action consistent with the predominant character of the existing built or natural landscape? Yes.*
7. *Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? No.*
8. *a. Will the proposed action result in a substantial increase in traffic above present levels? No.*  
*b. Are public transportation service(s) available at or near the site of the proposed action? No.*  
*c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? No.*
9. *Does the proposed action meet or exceed the state energy code requirements? Yes.*
10. *Will the proposed action connect to an existing public/private water supply? No.*
11. *Will the proposed action connect to existing wastewater utilities? No.*
12. *a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? No.*  
*b. Is the proposed action located in an archeological sensitive area? No.*
13. *a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? No.*  
*b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? No.*
14. *Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: None Apply.*
15. *Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? No.*
16. *Is the project site located in the 100 year flood plan? No.*
17. *Will the proposed action create storm water discharge, either from point or non-point sources? No.*
18. *Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? No.*
19. *Has the site of the proposed action or an adjoining property been the location of an*

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

*active or closed solid waste management facility? No.*

20. *Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? No.*

ZBA Member Gregory Smith stated that Mr. Ball had signed the reviewed Part I short form.

*Part II, Impact Assessment.*

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No, or small impact may occur.*
2. *Will the proposed action result in a change in the use or intensity of use of land? No, or small impact may occur.*
3. *Will the proposed action impair the character or quality of the existing community? No, or small impact may occur.*
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No, or small impact may occur.*
5. *Will the proposed action result in the adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No, or small impact may occur.*
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No, or small impact may occur.*
7. *Will the proposed action impact existing:*
  - a. *public/private water supplies? No, or small impact may occur.*
  - b. *public/private wastewater treatment utilities? No, or small impact may occur.*
8. *Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources? No, or small impact may occur.*
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No, or small impact may occur.*
10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No, or small impact may occur.*
11. *Will the proposed action create a hazard to environmental resources or human health? No, or small impact may occur.*

*Part III is not applicable to this application.*

The Town of Greenwich Zoning Board of Appeals, as the lead or involved agency, determined, based on the information and analysis of the Short Environmental Assessment Form, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Therefore the following decision was made.

RESOLUTION NO.19 -2014  
Negative Declaration- AV # 2014-04

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

and passed unanimously by said Board,

RESOLVED, that pursuant to Article 8 of the New York State Environmental Quality Review Act of the Environmental Conservation Law and 6 NYCRR part 617, the Town of Greenwich Zoning Board of Appeals, as the lead or involved agency, determined based on the information and analysis of the

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

Short Environmental Assessment Form, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, therefore a negative declaration of adverse impact is found for Area Variance Application # 2014-04.

The Board then 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.
2. *Whether benefit sought by applicant can be achieved by a feasible alternative to the variance?* Undetermined due to no other alternatives considered.
3. *Whether the requested variance is substantial?* No.
4. *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* No.
5. *Whether the alleged difficulty was self-created?* Yes.

RESOLUTION NO. 20-2014  
Granting of Area Variance # 2014-04

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

and passed unanimously by said Board,

RESOLVED, that the Zoning Board of Appeals, after taking into consideration the five factors, finds that the benefit to the Applicant, Jim Ball, does outweigh the detriment to the neighborhood or community and therefore Area Variance # 2014-04 is granted,

and be it further,

RESOLVED, that the Zoning Boards of Appeals finds that an area variance of 10 ft from Section 190-9 and 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.

RECORD OF VOTE:

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

NEW BUSINESS:

**Area Variance Application #2014-05** – Submitted by Ken Yager regarding property located at 13

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

County Route 70, Greenwich. Property is located in a Residential District. Parcel ID# 219.-1-19.1.

ZBA Chairman John Farndell asked if anyone was present to represent the submitted area variance application. There was no response. ZBA Chairman John Farndell said the Board will review other business and if a representative of the application attends then it will be addressed later in the meeting.

**Area Variance Application #2014-06** – Submitted by Letitia Dayer and Roger Wyatt regarding property located at 338 River Road. Applicants would like to build an addition on an existing nonconforming structure which will not meet the front or rear yard setback requirements. The Town of Greenwich Zoning Ordinance requires a 50 ft front yard setback and a 100 ft rear yard setback. The proposed building will be 24 ft from the front yard and 65 ft from the rear yard. Applicants are seeking a 26 ft front yard area variance as well as a 35 ft rear yard area variance to allow for the construction of the addition. Property is located in a Rural Agricultural District. Parcel ID# 211.-1-2.

ZBA Chairman John Farndell asked if anyone was present to represent the submitted area variance application. Letitia Dayer stated she was. ZBA Chairman John Farndell asked Ms. Dayer to explain her application. Ms. Dayer said when the barn was built in 1993 its purpose was to be utilized as an art studio. Applicants would like to add the addition to allow an area for bathroom facilities as well as a small kitchenette. The addition will not be any more nonconforming than the existing structure. ZBA Chairman John Farndell asked if the building will be utilized for a business that will change the traffic to that area. Ms. Dayer stated it would not, the art studio is only utilized by her and Mr. Wyatt. Ms. Dayer stated that they occasionally will have guests over to view a film that Mr. Wyatt makes. ZBA Member Tammara Van Ryn said if the kitchen and bathroom is added then the structure will be livable. Ms. Dayer stated their reason for adding the kitchen area and bathroom is because at the current time they have to walk across the street to their home to use the bathroom and to wash her paint brushes. ZBA Chairman John Farndell asked Ms. Dayer if that property was located in a flood plain. Ms. Dayer stated it was not. ZBA Chairman John Farndell asked Ms. Dayer to submit proof at the next meeting that the property is not in the flood plain. Ms. Dayer said she will bring her insurance paperwork for the Board to review. ZBA Chairman John Farndell stated due to the property being located on the Hudson River this application will take at least two months. A referral will need to be sent to the Washington County Planning Board as well as notice to the Town of Northumberland due to the municipal boundary. ZBA Chairman John Farndell said a referral application will be sent to the Washington County Planning Board for their October 2014 meeting therefore, the public hearing will need to be set for the ZBA meeting on November 6, 2014. ZBA Clerk Amanda Willetts explained to the applicants that the referral will be sent to the Washington County Planning Board and will be reviewed at their meeting on Tuesday October 14, 2014, applicants can choose to or not to attend the County meeting however it is encouraged that applicants attend.

RESOLUTION NO.21 -2014  
Public Hearing for AV# 2014-06

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

and passed by said Board,

RESOLVED, that the Zoning Board of Appeals grant the Public Hearing for Area Variance Application # 2014-06, submitted by Letitia Dayer and Roger Wyatt, concerning property located at 338 River Road, that will take place on November 6, 2014 at 7:05 pm at the Town Office Building, 2 Academy Street, Greenwich.

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

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

NEW BUSINESS:

Code Enforcement Office Dan O'Connor said Bill Wade and Andy (did not state last name nor did he sign in) had come before him this evening with plans to construct a house only 6 ft off the property line, which he had to deny, therefore he suggested they come to the meeting tonight. ZBA Chairman John Farndell asked that they explain what it is they would like to do. Andy stated that Mr. Wade would like to construct a 4,200 square foot house on property located at 788 North Road. The proposed placement of the house will be 6 ft from the rear property line. The property is located in a Rural Agricultural District which the Zoning Ordinance requires a 50 ft setback. The adjoining property closest to the rear property line is owned by Mary Ellen Williams with a 99 year lease to own first refusal by the applicant Mr. Wade and the property has a 2 acre ASA easement for a defined building area in close proximity to where the proposed house will be. Mr. Wade was originally planning on building within that 2 acre ASA easement but has since purchased the adjoining property. Mr. Wade stated he has obtained an easement from Mr. Gervais to allow for a driveway to the proposed house. ZBA Member Tammara Van Ryn asked if the ASA easement defined building area could be dissolved because essentially since Mr. Wade owns the adjoining property and the easement he could build two houses in close proximity to each other. Mr. Wade stated that the ASA easement states that the property cannot be subdivided. ZBA Member Tammara Van Ryn stated that there can be two homes on one lot without subdividing. Mr. Wade said he would not need two houses. ZBA Member Tammara Van Ryn stated he may not build on the ASA easement however it would be allowed if an area variance is granted. ZBA Chairman John Farndell asked the size of the lot where the proposed house will be built. Mr. Wade stated it was about 60 acres. ZBA Member Dawn Sharts asked if there was enough room to build the home 50 ft from the property line, which is the required setback, rather than obtain an area variance to build 6 ft from the property line. Mr. Wade stated there was enough room to build it 50 ft from the property line. ZBA Chairman John Farndell asked why they were applying for an area variance if they can meet the required setback. Mr. Wade said it will have the least amount of impact on the agricultural land, best views as well as the most centrally located among the other properties he owns if the house is built there. Andy said the view is substantially better than it would be 50 ft away as well as the best soil and perk tests have been in this area. Mr. Wade said Mary Ellen wrote and signed a letter that she does not contest the construction of the house. ZBA Chairman John Farndell said the letter will be addressed when the formal application is reviewed. ZBA Member Tammara Van Ryn asked if they could build the house within the required setbacks. Andy stated they could however the view will not be as good. ZBA Chairman John Farndell said the Board will need to have a completed application submitted to ZBA Clerk Amanda Willetts by September 12, 2014. The public hearing will be set pending completion of the necessary paperwork.

RESOLUTION NO. 22-2014  
Public Hearing on AV# 2014-07

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

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

and passed unanimously by said Board,

RESOLVED, that the Zoning Board of Appeals grant the Public Hearing for Area Variance Application # 2014-07, submitted by Hawkeye Woods LLC., concerning property located at 788 North Road, that will take place on October 2, 2014 at 7:05 pm at the Town Office Building, 2 Academy Street, Greenwich, pending all the necessary paperwork and fees are 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 August 2014 submitted by Budget Officer Kellie Blake.

The Board reviewed the yearly budget for 2015. The Board decided to keep the budget at the current amount which is as follows:

B8010.101	Attorney	\$ 1,000.00
B8010.102	Clerk	\$ 1,200.00
B8010.2	Equipment	\$ 0.00
B8010.4	Cont. Expense	\$ 600.00
	Department Total	\$ 2,800.00

ZBA Member Tammara Van Ryn stated she understands that the ZBA has no power to give ZBA Clerk Amanda Willetts a pay raise however she feels that one should be granted by the Town of Greenwich Town Board. The Board agreed.

RESOLUTION NO.23 -2014  
Approval of 2015 Yearly Budget

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

and passed by said Board,

RESOLVED, that the Zoning Board of Appeals budget for the year of 2015 will be accepted and approved as follows:

B8010.101	Attorney	\$ 1,000.00
B8010.102	Clerk	\$ 1,200.00
B8010.2	Equipment	\$ 0.00
B8010.4	Cont. Expense	\$ 600.00
	Department Total	\$ 2,800.00

**Town of Greenwich  
Zoning Board of Appeals  
September 4, 2014**

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

DISCUSSION:

ZBA Chairman John Farndell stated he had spoken with the ZBA Attorney Anthony Izzo regarding the expiration of an area variance. Mr. Izzo said adding the one year expiration date on the bottom of the Area Variance Decision Form was a great idea. ZBA Clerk Amanda Willetts stated she has already added it to the bottom of the form and also places the exact expiration date so there will be no confusion. ZBA Chairman John Farndell stated that Mr. Izzo also said that if an applicant comes in requesting an extension of the area variance then a public hearing must be held with the applicant being responsible for the mailing fees to allow for the amendment of time frame. ZBA Chairman John Farndell continued that Mr. Izzo also said if an applicant comes before the Board seeking an extension and the area variance has already expired then the applicant must reapply and complete the entire process again.

No one attended the meeting representing Area Variance Application #2014-05 therefore the application will be addressed at the next meeting as long as a representative of the application is present.

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 8:20 pm.

Respectfully Submitted

Amanda Willetts,  
ZBA Clerk