

To: Zoning Board of Appeals, Town of Greenwich, N.Y.

Application for *an Interpretation and Appeal*

Applicable Zoning Law Sections (§ 190-11, §190-82, §190-105, Zoning Law Appendix A)

1. Applicant's Name: Ralph J. Vecchio, Member, Board of Assessment & Review, Town of Greenwich
2. Applicant's Address: 114 Dundon Ln, Greenwich, NY 12834
3. Applicant's Phone Number: 518 692 2870
4. Property Location: 101 Fiddlers Elbow Rd., Greenwich, NY
5. Tax Parcel Number: Section: 228.-2-2.8 Zoning District: INDUSTRIAL

Purpose of Request: .

1. Reverse or rescind Certificate of Compliance issued by Greenwich Code Enforcement Officer Andrew Mollica dated July 1, 2021 to Comfort Foods Community, 101 Fiddlers Elbow Road, Greenwich, N.Y. or
2. In the alternative suspend the issued Certificate of Compliance and require the owner of record and/or Comfort Foods Community as the Board may decide to submit an application for Site Plan Review as required by the Zoning Law.

Grounds for Appeal:

1. The Certificate of Compliance was incorrectly issued to Comfort Foods Community who was not the record owner of the parcel at the time nor is the current owner of record;
2. The Certificate of Compliance incorrectly classified the use of the property as permitted in the Industrial Zone;
3. Even if it is found that the property qualifies as a permitted use in the Industrial Zone the Certificate of Compliance incorrectly identifies the use as not requiring either a special use permit or site plan review.

As to the 60-day limitation on filing an appeal (Zoning L., § 192-82, A. (1) I offer the following;
A timely filing was prevented by the lack of any reasonably informative public notice of the Code Enforcement Officer's (CEO) actions.

1. The CEO's monthly report filed with the Town does not offer any substantive information such parties names, property location and category of permitted use, e.g., "warehouse", etc. that would alert any party that might be interested of a possible error or omission.
2. Worse, in this case, the CEO's determination eliminating site plan review effectively concealed the true nature of the sale and the activity to be conducted at the site and deflected any interested person for cause to inquire into the transaction and the issuance of the Compliance certificate.

In fact, it was only by chance that your applicant only recently had cause to inquire into the Certificate of Compliance. It began when I was told about the Comfort Foods Community's informal appearance before the Planning Board in March of this year at which Comfort Foods Community declared their ownership in the former Toy Works property at Fiddlers Elbow Road. (See Planning Board Minutes, March 17, 2021).

Because the purchase could have implications on the taxable status of the property (Comfort Foods is an exempt organization) as well property values in the area I was curious as to the possible loss of property tax revenue resulting from the purchase and so in April of this year, I consulted the County Tax map and property tax records. My search found no record of any sale of the former Toy Works property to Comfort Foods Community but instead a sale to 101 Fiddlers Elbow Road, LLC which is so listed on the County and Town tax rolls and tax maps.

Since Comfort Foods Community asserted that they were already at the site I obtained the Certificate of Compliance and immediately noticed two conspicuous discrepancies:

1. There was no determination as to which permitted use listed in table (Zoning L., Appendix A) applied to the subject property, such as, "light industrial" or "warehouse" and
2. Incorrectly declared that site plan review was not required.

I use the word "conspicuous", first, because a determination by the CEO is the key to whether a special use permit or site plan review is required and second there are only 9 of the thirty-two uses permitted in the Industrial Zone which do not require a special use permit or site plan review and the activity described in the Certificate of Compliance says "Food Processing – Distribution", which clearly IS NOT a use excluded from a special use permit or site plan review. Just as significant, the use as described in Certificate of Compliance may not qualify as a permitted use in the Industrial Zone, at least not without further details as to the activity to be conducted at the site.

(Note: Principal Permitted Uses are:

1. ag structure; 2. child care family; 3. child care small, 4. co-location; 5. farm worker housing, 6. forestry, 7. home occupation 1, 8. horse farm, and 9. park.)

I urge the Board to find that this application is timely because under all the circumstances described above and particularly because of the filing of a deceptive Certificate of Compliance there was no reasonable opportunity to alert an interested party to the possible issues associated with the use of the property which would have surfaced if site plan review had been required.

In the interest of preserving the integrity of the Zoning Law I urge the Board to act on this application.

Materials in support of this application are attached as follows:

1. Copy of Certificate of Compliance, Comfort Food Community
2. Copy of 2022 Assessment Roll
3. County Real Property Record
4. CEO Report Excerpt from Town Council Minutes
5. County Tax Map


Applicant Signature


Date

TOWN OF GREENWICH
ZONING COMPLIANCE CERTIFICATE

Property Owners Name: Condon Food Company Date: 7-1-2021
 Address: 101 Fingert's Elbow Road CO. Vermont Phone: 517 541 3752
 Cell Phone: 517 328 7843

Location (if different): 228-1-28
 Tax Map ID # 228-1-28

Does the property border or contain either the Bateman Kill or Hudson rivers? no
 Does the property border or contain a watercourse or wetland? no

Building Construction: Estimated Cost of Construction: \$ 5,000

Use of Building: (circle please)

1. Residential: Single Family Two Family Multi-Family

2. Agricultural:

3. Storage

4. Workshop

5. Solar: Roof-top or Ground Mounted & kWh _____

6. Commercial Business: Type: _____

7. Other: Food Processing Green Organic

No. of Stories	<u>1</u>	No. of Bedrooms	<u>1</u>	Circle Yes or No	
No. of Bathrooms	<u>1</u>	Sliding Type	<u>no</u>	Inground Pool	Yes No
Heat Type	<u>Water Supply</u>	Water Supply	<u>no</u>	Fireplace	Yes No
Total # of Rooms	<u>1</u>			Central Air	Yes No

Size of Building:

Total Square Feet 7,200 Finished Basement Area 1,100

Dimensions of garage 12' x 20' Finished Attic Area _____

Basement garage area _____ Square Feet of Farm Building _____

Dimensions of porch and/or decks) no

FOR USE BY ZONING-ENFORCEMENT OFFICER

Do local subdivision regulations apply? YES or NO

If yes, in what way? _____

Zoning District: Rural Agricultural Hamlet/Mixed Use Residential Commercial Industrial

Setbacks required for District: Front: 50 Side: 75 Rear: 15 100 ft. river setback required? no

Lot size required for District: 4.17 Building 6000

Is this a permitted use in this Zoning District? YES or No

If no, is a Special Use Permit Required? Yes or NO

If no, is a Site Plan Review Required? Yes or NO

Town of Greenwich, Zoning Enforcement Officer _____ Date 7-1-2021

ANY CHANGES TO APPLICATION REQUIRE NOTIFICATION TO THE ZONING ENFORCEMENT OFFICER.
 ONE SET OF PRINTS WILL BE RETAINED BY THE TOWN OF GREENWICH, WASHINGTON COUNTY CODE
 ENFORCEMENT REQUIRES 2 SETS.

STATE OF NEW YORK
 COUNTY - Washington
 TOWN - Greenwich
 SWCS - 533459

2022 TENTATIVE ASSESSMENT ROLL
 TAXABLE SECT ON OF THE ROLL - 1
 OWNERS NAME SEQUENCE
 UNIFORM PERCENT OF VALUE IS 100.00

PAGE 139
 VALUED ON DATE-JUL 01, 2021
 TAXABLE STATUS DATE-MAR 01, 2022

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE	COUNTY	TOWN	SCHOOL
CURRENT OWNERS NAME	SCHOOL DISTRICT	LANE	TAX DESCRIPTION	TAXABLE VALUE		
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS	ACCOUNT NO.		
	101 Fishlers Elbow Rd			228-2-2.8		88510241
228-2-2.8	710 Manufacture		COUNTY TAXABLE VALUE	350,000		
101 Fishlers Elbow Road LLC	Greenwich 323421	31,700	TOWN TAXABLE VALUE	350,000		
135 Main St	371/342	350,000	SCHOOL TAXABLE VALUE	350,000		
PO Box 86	ACRES 2.01		ED001 Emulce Zone 6	350,000 TO		
Greenwich, NY 12824	EAST-0752020 NRTH-1558854		FD342 Middle Falls fire	350,000 TO		
	DEED BOOK 20210 PG-5117		LD342 M Falls Ligh	350,000 TO M		
	FULL MARKET VALUE	350,000				
	1048 State Route 29			228-15-4-E		885101277
228-15-4-E	220 2 Family Res		COUNTY TAXABLE VALUE	157,700		
1048 State Route 29 LLC	Greenwich 533421	18,000	TOWN TAXABLE VALUE	157,700		
194 Summit Lake Rd	FRNT 82.00 DPTH 215.00	157,700	SCHOOL TAXABLE VALUE	157,700		
Argyle, NY 12824	EAST-0752426 NRTH-1556602		FD342 Middle Falls fire	157,700 TO		
	DEED BOOK 3232 PG-136		LD342 M Falls Ligh	157,700 TO M		
	FULL MARKET VALUE	157,700				
	1050 State Route 29			228-15-1-5		885101075
228-15-4-5	220 2 Family Res		COUNTY TAXABLE VALUE	147,600		
1050 State Route 29 LLC	Greenwich 533421	16,200	TOWN TAXABLE VALUE	147,600		
194 Summit Lake Rd	FRNT 81.00 DPTH 165.00	147,600	SCHOOL TAXABLE VALUE	147,600		
Argyle, NY 12809	EAST-0752439 NRTH-1556600		FD342 Middle Falls fire	147,600 TO		
	DEED BOOK 3232 PG-132		LD342 M Falls Ligh	147,600 TO M		
	FULL MARKET VALUE	147,600				
	1100 State Route 29			228-3-10.2		885101729
228-3-12.2	330 Vacant comm		COUNTY TAXABLE VALUE	50,000		
1100 RT 29 LLC	Greenwich 533421	50,000	TOWN TAXABLE VALUE	50,000		
1100 State Route 29	FRNT 185.00 DPTH	50,000	SCHOOL TAXABLE VALUE	50,000		
Greenwich, NY 12824	ACRES 6.40		FD342 Middle Falls fire	50,000 TO		
	EAST-0753636 NRTH-1557252		LD342 M Falls Ligh	50,000 TO M		
	DEED BOOK 20200 PG-1202					
	FULL MARKET VALUE	50,000				
	1111 State Route 29			228-2-20.1		885108735
228-2-20.1	431 Auto dealer		COUNTY TAXABLE VALUE	2500,000		
1111 Greenwich Holdings LLC	Greenwich 533421	250,000	TOWN TAXABLE VALUE	2500,000		
1111 State Route 29	Survey 12652 & 11955	2500,000	SCHOOL TAXABLE VALUE	2500,000		
Greenwich, NY 12824	2974/202 900/78 359/187		FD342 Middle Falls fire	2500,000 TO		
	FRNT 409.00 DPTH		LD342 M Falls Ligh	2500,000 TO M		
	ACRES 5.47					
	EAST-0754014 NRTH-1557752					
	DEED BOOK 20210 PG-3781					
	FULL MARKET VALUE	2500,000				



Commercial

- Property Info
- Owner/Sales
- Inventory
- Improvements
- Tax Info
- Report
- Comparables

Parcel History
View parcel history data

Municipality of Greenwich

SWIS:	533489	Tax ID:	228.-2-2 8	
-------	--------	---------	------------	--

Ownership Information

Name	Secondary Name	Address
101 Fiddlers Elbow Road LLC		P.O. Box 86 135 Main St Greenwich NY 12834

Sale Information

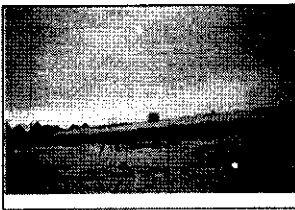
Sale Date	Price	Property Class	Sale Type	Prior Owner
6/14/2021	\$350,000	710 - Manufacture	Land & Building	Gunther, John A
	Value Usable	Arms Length	Deed Book	Deed Page
	Yes	Yes	20210	5117

Historic Deed Information

[View All Images](#)

Photographs

(Click on photo to enlarge it.)



Photo

Photo 1 of 2 ➔

Maps

- [View Tax Map](#)
- [Pin Property on GIS Map](#)
- [View in Google Maps](#)
- [View in Bing Maps](#)

Map Disclaimer

From Town Council Minutes

“August 10, 2021

4) Code Enforcement Report: Code Enforcement Officer Andrew Mollica’s report showed the following activity for the month of July:

Local Compliance – Building Permits: 4

Local Compliance – Completed LRCC #2: 4

Sign Permits 1

Driveway Permits 1

Special Use Permit Inspections 1

Notice of Violation Served: 2”

From Town Council Minutes

September 14, 2021

7) Code Enforcement Report: Code Enforcement Officer Andrew Mollica's report showed the following activity for the month of August:

Local Compliance – Building Permits: 4

Local Compliance – Completed LRCC #2: 4

Local Compliance – Heating Equipment/Chimney 1

Local Compliance – Demolition 1

Driveway Permits 1

Special Use Permit Inspections 1

Notice of Violation Served: 1

Appearance Tickets 1

