

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**April 12, 2011**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Lorna Dupouy, Michael Gyarmathy, Thomas Siragusa, John Streit, and John Bokus, Alternate. Nathan Duffney is absent. Charlie Baker, Town Engineer, is present.

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**MINUTES – March 29, 2011**

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of March 29, 2011.

VOTE: Ayes: Bokus, Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak

Noes: None

Absent: Duffney

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**PLANNING BOARD CASES**

**CASEY CORNELL – Minor Subdivision**

Bump Hill Road

Casey Cornell is present and explains that he would like to subdivide this lot into three lots. It is divided by the road and there will be one lot on one side and two lots on the other with the existing house on the first lot. T. Yasenchak reads from G. McKenna's notes stating that this is a 12.5-acre parcel and the applicant would like to subdivide, creating a total of 2 new lots. Lot 1 is a corner lot with two frontages and the setback line on South Greenfield Road should be 75'. C. Baker states that he reviewed the plan, they are all large lots, the plans have all the appropriate notes and he has no engineering issues. T. Yasenchak states that the applicant was here previously, we had given him a list of items and he has come back with those completed. Public hearing is discussed and set for April 26, 2011 at 7:00 p.m. T. Yasenchak states that at that time the Board will complete the SEQRA. The lots meet all the Town requirements and all the requirements are on the plans with the exception of correcting the one setback line.

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**ROLLAND HOAG – Site Plan Review**

Maple Avenue

Rolland Hoag is present. T. Yasenchak explains that this application is scheduled for a public hearing and asks if the applicant has any new information to add. The public hearing is opened at 7:07 p.m. Andy Brick, Attorney from the office of Donald Zee, submits some pictures of the first funeral held at the site and he states that they are depicting a fair indication of the parking problem that exists at that particular location. He states that they have filed an Article 78 on behalf of Barbara Young and George Kendersky, who are also present. A. Brick states that they understand that the Board is revisiting the application to

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correct some of the deficiencies that they raised in the Article 78 and applaud that, they appreciate that. He thinks, however, that he needs to call the Board's attention to a number of continued deficiencies that still exist in light of reopening and holding a public hearing. He cites Town Code Section 105-91, which states that the purpose of Site Plan Review is to provide for "the review and approval of development plans to ensure that land development occurs in harmony with surrounding uses without adversely impacting neighboring parcels, property values, public facilities, infrastructure or the natural environment." He states that in the Code, Section 105-93 (B) (1) states that a preliminary site plan review should be in compliance with Section 105-52A and compliance with Chapter 49, Environmental Quality Review. He states that the preliminary site plan required has to meet the criteria set forth under an application for a special use permit. He asks the Board to revisit that section and to confirm that the existing site plan meets all those requirements and any deficiency would have to be corrected before the Board could act. The more interesting deficiency is that particular section states that the application should consist of documentation of compliance with Chapter 49 of the code of the Town of Greenfield, as applicable. He states that Chapter 49 (2) states that no decision shall be made by the Town Board, etc., until there has been full compliance with all the requirements of this chapter. He refers to Chapter 49 requiring that applicants file a written statement and Chapter 49(5). A. Brick states that there has been no discussion regarding a SWPPP, whether one exists and if so has it been updated. He states that it is his understanding that this application has not been heard by the County Planning Board and it is on their agenda for April 21, 2011. He states that the Planning Board cannot take action on the matter this evening and it would be inappropriate for the Planning Board to take any action related to the SEQRA without the benefit of the comments from the experts at the County level who may possibly raise an environmental concern that has not been addressed by this Board. He states that it would be inappropriate for the Board to take any action on this matter this evening. The big issue is that the parcel does not appear to work for a funeral home use for parking as demonstrated by the pictures. He states that granted, it meets the current Town Code provisions. He would submit however, that the Planning Board's obligation is not just to look to see if it complies with the Code. He thinks that they have an obligation to ensure and protect the general health, safety and welfare of the community, they can utilize that authority to go above and beyond and require anything greater than what is required by the Town Code. He states that the Town Zoning Code is a minimum. The Board has the ability based on the circumstances of an individual plan to require additional parking. He states that in light of what happened at the first go round when this place was opened, the parking doesn't work, it didn't work. He states that he is not an expert in the State Fire Code or Building Code, but he strongly suspects that that parking arrangement is a distinct violation of the State Fire Code related to access roads and it is made ironic by the fire truck parked on the street. He states that he defies anyone to tell him how that fire truck would get to that building with all those cars. A. Brick states that if that is the parking plan that the applicant is going to submit, he thinks it needs to be shown on the plan and reviewed by the Code Enforcement Officer for compliance with State Building Codes and State Fire Codes. He states that R. Hoag stated that he could probably get 30 spaces on there and had not had time to paint those spots. A. Brick states that if that is the case, then that needs to be shown on the plan before the Board can consider it and take action. He states that the parking issue may not be unsolvable here. There is a good bit of open space on the eastern end that could become more of a parking lot to address the concern. Parking on the access road can be restricted to keep the parking on the property. There are a lot of things that can be done. Perhaps the existing pavement can be readjusted, the drive-thru could be removed to provide more parking spots. He states that they are not saying that it cannot be done. What they are saying is that it hasn't been done; the Board shouldn't act until it is done and the Board is satisfied beyond the minimum that parking works on the particular property. A. Brick reiterates that any action by the Board at this juncture he would believe is premature. They have requested that the Town Board consider adding the parking requirements for a funeral home use to their discussion of potential code revisions that is on their agenda for Thursday. He states that any action by this Board prior to determination by the Town Board on how they are going to proceed and whether or not they are going to revisit parking calculations, would be premature. A. Brick thanks the Board for the opportunity to speak, for revisiting and opening the public hearing. Barbara Young, Elks Lane, states that she appreciates the opportunity to be able to be here to talk to the Board about how this has impacted her and her family. Unfortunately, they had to hire an attorney and felt that was the only way for them to be heard. She states that they bought their piece

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of property because it is on Loughberry Lake, it is a beautiful piece of property; you drive down Elks lane, take a right and you are literally in a sanctuary. It is a wooded piece of property with access to the lake, it is very private and quiet. She states that when the Board approved this, it changed their lives. She indicates that on the day of the funeral pictures were taken from her driveway, she had a funeral home cone at the end of her driveway and there was no way she could get out of her driveway. There were multiple firetrucks and ambulances. She states that the parking lot at the Elks Club was filled and Elks Lane was constant traffic. She states that her husband counted the number of cars that came through and it was about 100 cars an hour. This totally disrupted their evening. On the day of the funeral, she had a family emergency and it took her 30 minutes to get out of the driveway. She states that she had to beep her horn at the people there for the funeral. She states that she feels like a horrible person and feels awful that she has been put in this position. She states that the Elks Club is very much in the same situation and they feel like they are now forced into a position to become bad Elks and guard their parking lot. The Elks are a community based organization and do a lot of fundraising. They have now received negative publicity about this and B. Young states that it is unfair that they are being put into this position. She would really like the Board to consider the position they have been put in and the impact. Melissa Strauss, Pepper Lane, states that she is concerned because this can be a very congested area, there are odd angles and all this traffic. She is concerned about the parking spilling over into the Meadows. She is very concerned about accidents and congestion in that area. T. Yasenchak states that a letter was received from Dr. Paul Rappaport opposed to this application and stating concerns for parking. T. Yasenchak states that the public hearing will be remaining open. Rolland Hoag states that a lot of the concerns seem to be with parking. The Elks are not here and he has spoken with them. They use his parking lot for events. He does not know if they are even still part of this suit. T. Yasenchak asks Mike Hill, representing the Town Attorney's office, if he has any comments at this time. M. Hill thanks the Board for the opportunity but states that there is nothing at this point. T. Yasenchak states that this application has been forwarded to the County Planning Board and that they will be having their meeting on April 21. Olivia Sheridan, R. Hoag's wife, states that the parking seems to be the focus of a lot of the conversation and that it seems to be a pre-existing issue prior to the funeral home. Frequently on Bingo nights the parking lot for the funeral home is used as is the access road lined with cars on the left hand side. She states that regarding a special use permit, it is their understanding that a funeral home is a permitted use and that a special use permit is not required. The parking spaces that exist meet the code requirements and in their opinion, they have met the needs of the requirement. They understand that people are proposing that there be more parking but at the time that the application was made they met the requirements of the code. She states that she knows that some of the neighbors feel that hiring an attorney is the only avenue that they felt could be taken, she does not believe that she or her husband were approached on this matter and they would have been willing to talk with them in a cooperative spirit. She feels that if we are to talk about the Elks, the Elks should actually be here themselves to speak on this matter. O. Sheridan states that their real focus in this business was to provide the greater good to the community and to fulfill needs not there in other funeral homes. Glen Ward, Damascus Drive, states that on the day of the King funeral he was in charge of the parking lot, the wake the day before was for 6 hours and there were 483 people who signed the guest book. Sometimes people come more than one in a car, so he thinks that the traffic count is skewed. He was posted down at the far eastern part of the parking lot and when people pulled in he determined where they were parking based on whether or not they were going to the cemetery. Fire Chief John Lant was in charge of parking the fire apparatus and they followed his direction. At the end of the day, before the funeral was started, there were no cars parked on Elks Lane, there were 4 to 6 car parked in the Elks parking lot which were members who determined that that was where they wanted to park. There was a law enforcement officer parked closer to the 2 Elks Lane driveway and G. Ward is sure that if there was an emergency instead of activating an audible horn, if the neighbor had gotten out and spoken to the law enforcement officer, they would have cleared the way for her to leave. He states that he, being involved with this business, has never been approached by any residents about any concerns. He does not think that enacting a law suit would have been his first avenue to try to remedy some problems. As Ms. Sheridan said, when the application was presented, they were in conformity with existing regulations as far as parking. As far as industry trends, he states that Mr. King's funeral was the exception and not the rule. Funerals are getting smaller; people are not having calling hours; half of the clients don't even use the building, they are having grave-side or direct

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cremation. He states that the move in the funeral industry is that people are down-sizing. When they have a funeral, the cars enter from the lower entrance towards the Elks Club. It is kind of like a horse-shoe, so they try to maintain that open at all times for emergency vehicles. In this case, the Fire Department was in charge and they did put a truck in that part of the driveway with a one-way traffic pattern. G. Ward states that they did approach the County Planning Board during this process. They were under the impression from the feed back from the County that, although the County always reserves the right to look at the issue, they are not changing the traffic pattern, they are not making any curb cuts and they were not making any material alterations to the building such as an addition, landscaping, drainage, stormwater management. Those are the kinds of things that they look at. T. Yasenchak reiterates that the public hearing will be kept open and is adjourned at 7:37 p.m. to the next meeting.

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### **DISCUSSION**

T. Yasenchak states that as many people know, the Chairman of the Planning Board, Gary Dake, has been with us for many years and he decided that he wanted to pursue other things so he resigned. The Board wants to read into the record an acknowledgement and recognition for the time that he served on our Board.

### **ARTICLE OF APPRECIATION**

The members of the Planning Board of the Town of Greenfield, on behalf of the Town of Greenfield, hereby recognize and express the appreciation of the Town for the long service of Gary Dake who recently resigned membership on the Board in order to pursue other activities. Gary served on the Board for seventeen years, the majority of that time as Chairman. He conducted the meetings with absolute attention to the fairness of decisions, both to the interests of the applicants and to the desire of the citizens of Greenfield. He conducted the meetings he chaired with efficiency and in the strictest attention to proper adherence to the regulations under which the Board was authorized. He will be particularly missed for his special way of completing SEQRA forms. We, the current members of the Greenfield Planning Board, wish to unanimously express our gratitude to Gary Dake for his inspired leadership.

T. Yasenchak states that he will truly be missed on this Board.

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Meeting adjourned 7:40 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary