

TOWN OF GREENFIELD

PLANNING BOARD

April 26, 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, Nathan Duffney, Lorna Dupouy, Michael Gyarmathy, Thomas Siragusa, John Streit, and John Bokus, Alternate. Charlie Baker, Town Engineer, is present.

MINUTES – April 12, 2011

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of April 12, 2011.

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

Noes: None

PLANNING BOARD CASES

REBECCA CHANDLER-EARLS – Special Use Permit

NYS Route 9N

Rebecca Chandler-Earls is present. The applicant would like to install a new mobile home with new well and septic on an existing lot. T. Yasenchak reviews G. McKenna's notes and the requirements for a Special Use Permit and states that most are for commercial uses and not residential. A plot plan has been provided with the application. Some clearing will be done for the home. T. Siragusa asks if the existing driveway will be used for anything other than the residence. R. Earls states that it will not. J. Bokus asks how Catherine Chandler's property is accessed. R. Earls states that there is a driveway from North Greenfield Road. B. Duffney states that he is familiar with this property. There is no problem with sight distance for the existing driveway. There is a slope to the property but there are no major water issues, it is dry through there. He does not see any issues with this. L. Dupouy states that she is sure that with the tiny bit that she knows the applicant, that it will be perfect and lovely. C. Baker states that this will require G. McKenna's approval for the building permit process for the septic, well, etc. T. Yasenchak states that because this is a special use permit a public hearing is required. A public hearing is set for May 10, 2011 at 7:00 p.m.

CASEY CORNELL – Minor Subdivision

Bump Hill Road

Casey Cornell is present. A public hearing is opened at 7:08 p.m. C. Cornell explains the project and states that the setback line on lot 1 has been corrected. He explains that the property consists of 13 acres on either side of Bump Hill Road and that he will be creating one lot with the existing house on it and two

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building lots. Mary Shartle, Bump Hill Road, asks for clarification on the map. There being no further public comments, this public hearing is closed at 7:09 p.m.

The Board completes Part II of the Short Form SEQRA. All questions are answered “no”. J. Streit makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. L. Dupouy seconds the motion. All present in favor.

C. Baker states that the only outstanding issue was the setback line and that has been corrected.

RESOLUTION – C. Cornell, Minor Subdivision

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board approves the application of Casey Cornell for a 3-lot minor subdivision of property located at 62 South Greenfield Road, TM#138.-1-97 per the map submitted.

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

Noes: None

ROLLAND HOAG – Site Plan Review

Maple Avenue

Rolland Hoag, Olivia Sheridan and Glen Ward are present. T. Yasenchak states that the public hearing is still open from the last meeting. Since the last meeting we have received a response from the Saratoga County Planning Board with a decision that there is “no significant countywide or inter community impact.” T. Yasenchak reads from G. McKenna’s notes regarding issues that were brought up for his review. Regarding parking, the applicant is not required to show 30 additional parking spaces and per Section 105-121 (e), the applicant may not provide parking in excess of 20% of the required number of parking spaces and therefore can only have 10 parking spaces. Chapter 49 was addressed by the Town Attorney and is not required. M. Hill states that with regard to SEQRA, the facility is a commercial facility less than 4000 square feet in size and therefore exempt from SEQRA review. This is per section 6NYCRR 617.5, subsection C, subsection 7 and that provides the specific exemption as this is on the Type 2 list, which is a list of projects that are exempt from SEQRA. Because of that fact it is also exempt from environmental review under Chapter 49 of the Town’s Code. T. Yasenchak reads that regarding Section 105-91, G. McKenna states that, “The property in question is located in the Office Residential District. Directly to the North of this property is a 2 story medical building, to the west, across NYS Route 9, is a 2 story medical building and a diner, directly south is an auto bumper painting and repair business, and directly east is the Elks Club with Bingo parlor, restaurant and bar room facilities. The proposed use as a funeral parlor would be consistent with existing surrounding uses.” Regarding Section 105-52A, G. McKenna has reviewed this section and comments on items 1 – 7. T. Yasenchak states that we had discussed the possibility of additional parking. The Code Enforcement Officer has read the code and his interpretation is that the applicant cannot exceed the required parking by more than 20%, which would be 10. However, in the interest of the neighbors, the Board would like the applicant to give them a plan as to how he would address overflow traffic patterns for a large funeral. R. Hoag states that he did receive a call asking him to show additional spaces that he would add. He has drawn in on the map how he would add additional spaces and that he can use the drive-thru area for overflow with access all around the building for the fire department. He states that he will do this in whatever way the Board would like. R. Hoag presents a letter to the Board from the Elks Club. T. Yasenchak reads the letter stating that the Elks Club has voted to withdraw their name from the suit and stating that they look forward to working with R. Hoag on a reciprocal parking arrangement. A. Brick confirms that he has spoken with M. Winzer and that they wish to withdraw from the action. T. Yasenchak reopens the public hearing at 7:25 p.m. Glen Ward, one of the principals of Compassionate Funeral Care, states that he called the Town of Wilton and their parking code is the same as the Town of

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Greenfield. He states that the plaintiffs' property was constructed after the subject property was built. He does not have the exact time line but the NBT Bank was built around 2000 and according to the Saratoga County Clerk's records the plaintiffs' property, which she referred to as a sanctuary, was built after that. He states that if he were to build a house in a site he felt was desirable, he would check to see what the conforming uses were with the contiguous properties. If you are going to build a nice house next to a commercial property you have to be open to the idea that there could be other uses for the property down the road. G. Ward states that one advantage they have over, for example the Elks parking, is that when the applicant has an event they have controlled parking, meaning they have people on the grounds whose duty it is to park cars and make sure that there are no adverse conditions created. Whereas when the Elks having a gathering there are not usually Elks in the parking lot parking cars, assisting elderly people, making sure that open spaces are maintained for emergency vehicles, etc. G. Ward states that he does not believe that the Elks brought the idea of the lawsuit to their membership for a vote prior to enacting it. He believes it was done by the Board of Directors. T. Yasenchak states that we are going to keep the public hearing open, as we need to talk about the overflow traffic pattern. R. Hoag states that he feels it is unfair to keep this open and states that this has been ongoing for months, he has a life as well and he asks the Board to please take into consideration that he has provided lots of information. T. Yasenchak states that she sympathizes and that this is something that we have been counseled on by the Town Attorney. M. Hill states that everyone sympathizes with the situation. The Board wants to make sure that whatever decision it makes with regard to this application is the most solid and defensible decision that it can make and that is M. Hill's job as the Board's legal counsel to help the Board do that. He is going to recommend that the Board make its decision based on a written draft decision rather than try to make its decision based on some kind of a verbal motion. There has been no draft prepared for tonight's meeting. It was not anticipated that a decision would be made at this meeting tonight and because the applicant has provided some new additional information at tonight's meeting, as a matter of general legal principle and good legal practice in helping the Board make the most defensible decision possible, the recommendation would be to let the public hearing continue open to the next meeting and the Board can work on a draft decision in the meantime. The Board can make a decision at the next meeting as to whether they are in a position to make a decision. T. Yasenchak asks if there are any questions from the Board regarding G. McKenna's statements. She states that if the applicant needs clarification he should speak with G. McKenna. R. Hoag asks if he is being asked to remove spaces. M. Hill states that the upper limit is 20% over the required number of spaces and the Zoning Administrator has determined that the number of designated parking spaces would be 10 spaces. R. Hoag states that he understands that but by the same token, the building exists, he is not changing anything. He states that the people prior to him had more spaces and that was ok. M. Hill states that they didn't, the code changed in 2007. T. Yasenchak states that this is a different use. Banks have different parking requirements. She states that the only thing the Board is trying to do is, if the Board approves this and there are more parking spaces than the Code requires, this is to limit someone coming back and saying that we approved something that did not agree with our code. She states that it does not mean that the applicant has to take the asphalt out; it is just saying that the designated parking spaces need to be 10. She reiterates that the applicant should speak with G. McKenna. M. Hill states that the reason the applicant was asked to show a drawing that would show the ability to accommodate more cars, the flow of the cars, and how cars would be arranged during a large funeral was because apparently at a prior meeting the applicant had made a statement to the effect that he could accommodate up to 30 cars. Olivia Sheridan asks if the Board is asking R. Hoag to show only 10 parking spaces and no more, and also a traffic pattern for overflow. M. Hill states that is correct – 10 designated parking spaces and in addition to that show by means of a drawing how overflow would be accommodated in the event that those 10 spaces are used for a large funeral and how, on a temporary basis, cars might be arranged to accommodate any overflow. O. Sheridan asks if there is a suggested scale they should use. M. Hill states that he thinks they would want to scale to the size of a car and how they would arrange cars, line them up, etc. O. Sheridan states that the first funeral was a very unusual situation. She states that the focus of that situation was the parking, it was managed and it is not the norm. T. Siragusa states that for him, what would the traffic pattern look like on the property in an overflow situation. O. Sheridan states that there are arrows for traffic control. T. Yasenchak states that she would not think that the applicant would need to do much more. O. Sheridan states that they want to make sure that they provide the

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information necessary, and if they don't it is possible that the public hearing would be extended. T. Yasenchak states that from the information that the Board knows today and from what the attorney is telling us, we need a traffic flow pattern as well as a revised map showing 10 parking spaces that G. McKenna can help with. L. Dupouy states that she went to the property, parked, walked around and looked at everything – not only the space where the funeral home is, but also the Elks Club and she saw the lovely house. She found it very troublesome because the first fact was that no one ever went to their neighbor and talked to them first. She went on line and found that the cost of a stanchion is \$11.95. She saw that commonsense wise that for \$11.95 perhaps 8 stanchions that would block the entrance to their driveway so that no one would park in front of it, could have solved this whole problem, but how would the funeral home know that there was a problem if no one told them. Immediately this went to an aggressive place instead of a neighborly place. It is such a litigious society that we live in and this is not what Greenfield is about at all. She also felt that here is where we like to welcome young couples, that they can realize their dreams about working hard, having and being good neighbors, and the Board trying to help our neighbors up and hold them up. Obviously this other couple is a very successful couple, and they could probably be very good mentors to the applicant. She states that the other thing that has to be kept in mind is anytime in society when you have a funeral of a fireman, police officer or any type of military hometown hero, those are the most largess funerals that exist and they bend and break all the rules because of their size and they affect everyone so deeply. She states that having gone through a family funeral last summer, it is a service that she could never provide herself because you are dealing with people and raw emotions, and the people who do it have a very, very special gift to be able to provide this for the community. L. Dupouy states that with either lines drawn on the pavement or stanchions put on the ground, she would want us all to work together instead of being so aggressive towards one another. J. Streit states that in considering all the pertinent points, Mr. Brick when he came to the last meeting presented a thorough, professional and comprehensive accumulation of points that we should address. He feels that those have been adequately addressed by the Code Enforcement Officer. He believes that the point that was made that the house was built after these structures were there addresses whether this is compatible with existing structures – this was an existing structure. He thinks that all the activities at a funeral home, as are all the activities at a bank, are generally held within the confines of the walls so the only issues are parking. He feels that has been adequately addressed and at the moment he sees no outstanding problems that would prevent him from voting on a worded approval. M. Gyarmathy states that he agrees with the statements made by Dr. Streit. He thinks that the parking issue that arose was due to a public servant's funeral and like L. Dupouy said, he thinks it is out of the ordinary, a lot of people are going to attend those funerals and he thinks that there are going to be issues that will have to be dealt with and they should be dealt with in a neighborly way. J. Streit states that he is encouraged by this letter from the Elks Club and that looking forward it sounds like they will be compromising on parking. If they convey ahead of scheduled events that will go a long way to easing any inconveniences. J. Bokus states that he agrees with the other Board members. If the first funeral was an average family funeral, it would be interesting to see the response from the neighbors. Would this same action have transpired? He does not think so and it is totally the exception when you have a funeral for very public figures. B. Duffney states that unfortunately from January to date he has attended 3 family funerals. At the first in January, he knows that there were close to 300 people who came through the door. At no given time does he believe that there were 60 people in the funeral home. That funeral home has 8 parking spaces. The people who came were families with 2, 3, 4, 5, people in a car. He has checked a few other funeral homes – one in Saratoga has no parking spaces; one in Glens Falls with about 12 parking spots with the rest being on-street parking; one in Wilton with maybe 12 to 16 parking spaces. This funeral for a fireman was probably one of the biggest that will ever be attended at this funeral home. He agrees with the rest of the Board and would feel very comfortable with approving this with a written draft addressing the issues. M. Hill questions if any Board members want to work on the draft for the Board to review at the next meeting. J. Streit states that he would be happy to draft something and submit it to the other members. He will consult with G. McKenna. This would be the draft of a potential motion. T. Yasenchak asks J. Streit to draft two options and to please forward it to her and to the Town Attorney. T. Yasenchak reiterates that the public hearing will be held open and is adjourned at 7:48 p.m.

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LORNA DUPOUY – PLANNED UNIT DEVELOPMENT
South Greenfield Road

L. Dupouy states that she has hired an engineering firm and does not have their information back. She states that her concern is that she does not want to get special treatment but she does not want to feel that she is put through more than other applicants. Her husband is retired military and they are trying to refurbish this property. They are putting all their money into this. She wants to open a little B&B, she wants to have the Tea Room and hold weddings. She states that the code says that she has to put down everything that she could potentially ever want to do. She followed the code and by following it she is stuck in this place of having to answer questions about things that she will be dead before she gets to them. T. Yasenchak states that, as G. McKenna states, if she shows it in phases it will be simpler and the amount of detail that we need to do for each phase won't be as much. C. Baker states that he agrees. He states that L. Dupouy needs to try to develop the focus on those 3 things she just pointed out and concentrate specifically on those. The master plan can show the rest of the things. There are details that we will need for the 3 activities. C. Baker states that the caveat to that is that the applicant does have to develop a public water supply system and sewer system, and those things really do have to be done for the long range plan. There is a lot of work that is going to have to be done up front to address these.

Meeting adjourned 7:54 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary