

TOWN OF GREENFIELD

PLANNING BOARD

May 10, 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, John Streit, and John Bokus, Alternate, who is serving in place of Thomas Siragusa who is absent. Charlie Baker, Town Engineer, is present.

MINUTES – April 26, 2011

These minutes will be reviewed and voted on at the next meeting.

REBECCA CHANDLER-EARLS – Special Use Permit

NYS Route 9N

Rebecca Chandler-Earls is present. A public hearing is opened at 7:01 p.m. R. Chandler-Earls explains that she would like to install a singlewide mobile home with a full basement on her 5-acre parcel. She will have a new septic and well installed. There being no public comment, this public hearing is closed at 7:03 p.m.

Discussion takes place that this is a Type II action and a SEQRA review is not required. B. Duffney states that he is familiar with this property, he is fine with this request and there is plenty of property to meet setbacks. C. Baker states that all issues regarding well and septic will be resolved at the building permit level.

RESOLUTION – R. Chandler-Earls, Special Use Permit

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of Rebecca Chandler-Earls for a Special Use Permit to place a single family mobile home on property located at 4170 NYS Route 9N, TM#112.-1-32.

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

Noes: None

Absent: Siragusa

ROLLAND HOAG – Site Plan Review

Maple Avenue

Rolland Hoag is present. T. Yasenchak states that the applicant was asked to provide the Board the with a plan showing the intended traffic pattern and parking. R. Hoag explains the change to the parking on the map he provided showing the 10 parking spaces, 9 regular and 1 handicap access. There will be no change to the traffic flow in and out of the parking lot and the applicant explains the areas available on this

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property for overflow parking. T. Yasenchak asks the applicant to explain what he has previously stated about parking for family members. R. Hoag explains the specific area where family cars will be arranged (in the former bank drive-thru lanes) and explains that the family usually leaves all at once. He states that he will do whatever the Board wants for parking and that vehicles can go on the lawn if necessary. He states the number of vehicles that can fit on the property depends on the size of the vehicles, but that they can be located in a way as to not block the roadway. T. Yasenchak explains that the public hearing was adjourned from the last meeting. The public hearing is reopened at 7:09 p.m. There being no further public comment, this public hearing is closed at 7:10 p.m.

T. Yasenchak states that there is a draft motion presented by a Board member and issues that the Town Attorney has recommended the Board take a look at. L. Dupouy states that the applicant has already had the worst-case scenario as far as the amount of vehicles. She asks what the applicant will do to help to mitigate the concerns of the neighbors. R. Hoag states that the driveway will always remain open, he will have "Funeral Home" signs made up and make sure that the staff does not allow parking in the driveway. People will be told that they must park elsewhere. He reiterates that he has spoken with the Elks Club; they have provided a letter of which the Town has a copy and they will be allowing parking in their lot. R. Hoag states that if they should have a wake or funeral on the same night that the Elks have a function, each will have to keep parking in their own lots. He states that he will be cautious of the neighbors. B. Young states that restricting Elks Lane to one lane parking restricts their access. She states that there were cars parked along there. T. Yasenchak explains that the public hearing has been closed. B. Duffney comments on the King funeral. R. Hoag states that he will probably never have 16 fire trucks at another funeral. He reiterates that all of the family was parked in the lot, he has only had one funeral at the site and all other parking was Elks parking. He states that he is hoping to get this settled and has not done any advertising. J. Streit states that he has prepared a draft, which he would like to read and he has incorporated suggested changes from the Code Enforcement Officer.

RESOLUTION – R. Hoag, Site Plan Review

MOTION: J. Streit

SECOND: B. Duffney

Rolland Hoag ("Applicant") has applied for Site Plan approval to use the existing former NBT Bank building at 402 Maple Avenue (Route 9) in Saratoga Springs as a funeral home. The property is more particularly identified as Tax Map Number 153.17-2-22.2. There would be no changes to the size of the existing building and no exterior changes to the building other than new signage on the front door and elimination of exterior lighting at the location of the automated teller machine (ATM). (The ATM was removed by the bank when it vacated the property.) No new structures or site improvements are proposed. There would not be any changes to the lot or paved parking and drive areas except for removal of some painted stripes on the pavement designating some parking spaces.

The lot measures approximately two (2) acres and is located in the Town's Office Residential Zoning District under Chapter 105 – Zoning of the Greenfield Town Code. Per Section 105 Attachment 4 Table 1, Use Regulations of the Zoning Code, funeral homes are an allowed use in the Office Residential Zoning District, contingent upon Site Plan review and approval by the Planning Board. Under Section 105-92(B)(6), Site Plan Review is required for a change from one commercial use to another, as is being proposed in this case.

The area surrounding the property is characterized by commercial development. Adjacent on the north side is a 2-story medical office building; to the immediate south is an automotive bumper repair facility. To the west, across Maple Avenue/Route 9 are a 2-story medical building and a diner. To the east, directly in back of the property, is the Elks' Club with a bingo parlor, restaurant and bar room and meeting room facilities. The proposed commercial use as a funeral home is consistent with these surrounding uses, which themselves comply with the zoning of the area.

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There is a residence located southeast of the property, behind the adjacent bumper repair shop. This residential use shares a driveway with the proposed funeral home and Elks' Club. The residence was constructed after the bumper repair shop, Elks' Club and former bank (now the proposed funeral home) and was purchased by the current owners in 2005.

The existing commercial building on the property was built in 2000 and is a single story in height. It measures approximately 2,873 square feet. No expansion is proposed. The Applicant will make interior changes to convert the former bank building to use it as a funeral home. He has submitted plans to the NYS Department of Health with respect to proposed embalming facilities and funeral home operations. DOH has approved the plans. The building is served by municipal sewer. Water is obtained from an on-site well. Water consumption is expected to be minimal, limited to restroom use and a minor amount for embalming and preparation processes.

The Planning Board has reviewed the application, proposed site plan, and proposed parking and vehicle management plan. In accordance with NYS General Municipal Law Section 239-m, referral was made to the Saratoga County Planning Board (SCPB), as required under Section 105-94 Public Hearing Subsection 105-94-A-1(a) of the Town Code. On April 21, 2011, the SCPB determined that the proposed funeral home would not have any significant County-wide or inter-community impact.

The proposed change in use to a funeral home is exempt from environmental review under the State Environmental Quality Review Act ("SEQRA"). Because the building measures approximately 2,873 square feet in size and the change in use does not involve a change in zoning or require a use variance, it falls within the SEQRA "Type II" exemption for non-residential structures or facilities of less than 4,000 square feet of gross floor area (6 NYCRR 617.5(c)(7)). As a SEQRA "Type II" action, the proposed funeral home is likewise exempt from environmental review under Chapter 49 of the Town Code (see Section 49-2).

The conversion of the existing building use to a funeral home does not require submission of a Stormwater Pollution Prevention Plan ("SWPPP") under Chapter 85 of the Town Code. In accordance with Section 85-4, a "SWPPP" must be submitted only when there will be a "land development activity" associated with a project. As defined in Chapter 85, "land development activity" occurs when one or more acres of land is disturbed in connection with a project. There would not be any land disturbance associated with the Applicant's proposed conversion of the existing building to a funeral home.

Under Section 105-121(A)(1)(a) and related Table 3 in the Town Code, the funeral home would be required to have 1 regular parking space per each 400 square feet of floor area, or 7.18 parking spaces for the 2,873 square feet of building area. The Zoning Administrator rounded this figure to 8 required regular parking spaces. Consistent with Section 105-121 (A)(1)(e), parking for the building cannot exceed the required number of regular spaces by more than 20%. In this case, 20% of 8 spaces would be 1.6 spaces. The Zoning Administrator rounded this to 2 spaces. So, the funeral home could have a maximum of $8 + 2 = 10$ regular parking spaces, plus spaces for handicapped access. The Applicant has consulted with the Zoning Administrator on a plan to eliminate 6 of the marked parking spaces on the property in order to bring the parking on the property into compliance for use as a funeral home. The Applicant is agreeable to the reduction in parking spaces and will re-mark the parking lot areas accordingly, subject to approval by the Zoning Administrator.

On April 12, 2011 this Board opened a properly-noticed Public Hearing for the purpose of hearing and taking the spoken and/or written comments of anyone wishing to offer comment on the Applicant's Site Plan application. A number of people offered spoken and written comments and materials for the Board's consideration. The Public Hearing was continued to April 26, 2011 and continued again until May 10, 2011, and was closed on May 10, 2011.

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The Planning Board has reviewed, considered and deliberated about the Applicant's Site Plan application, the recommendation of the Saratoga County Planning Board, and all written and spoken comment received in connection with the application through the close of the Public Hearing. In accordance with Section 105-96 of the Code, which establishes criteria for Site Plan application review, the Board has considered the items as specified in Section 105-54(B) through 105-54(Q) of the Code. The Board finds as follows:

1. B. The community infrastructure and services are of adequate capacity to accommodate the proposed use of the property as a funeral home. The funeral home would not impose any demand on schools and no significantly different demand on police, fire, highway, trash collection or sewer services than the previous commercial use. Water will be supplied by private well, not by the Town. Demands on the community infrastructure and services from the proposed funeral home would not be materially different from those imposed by the previous approved use as a bank.
- C. The building proposed to be used as a funeral home is already in existence. It was built in 2000. The Planning Board at that time conducted a Site Plan Review to determine that the soil capacity and natural features of the site were adequate to support the then-proposed building. The soil capacity and natural features would be unchanged for use of the property as a funeral home. No new structures or site improvements are proposed.
- D. The proposed use, the design of the existing building and the existing site layout comply with the intent of the Town's Comprehensive Plan and meet the provisions of the Town's Zoning Law and other regulations and ordinances and comply with applicable NYS standards.
- E. Vehicular and pedestrian traffic patterns associated with the proposed use will be appropriate and satisfactorily established and managed, subject to compliance with the conditions imposed below. Among other factors, the Board has considered traffic flow and volumes (both in normal operations and at peak times for large funeral events), turning movements, sight distances, site access; location and access of off-street parking and arrangement and staging of vehicles; off-street vehicle circulation; and minimizing interference with use of the shared driveway by neighboring properties.
- F. The proposed use and existing design and site layout will be in harmony with the appropriate and orderly further development of the surrounding area, which is likely to continue to be commercial in nature in keeping with the trend in development.
- G. The location and height of the existing building and the existing layout of the site with respect to parking, loading, landscaping and other features will not interfere with or discourage appropriate development of land adjacent to the proposed site or unreasonably affect its value. The surrounding area is built-out, with few if any vacant undeveloped parcels in the vicinity. Property uses in the area are almost entirely commercial in nature. Development and re-development are likely to continue to be commercial in nature, consistent with existing uses.
- H. The scale, design and material of the existing structure are compatible with existing structures within 500 feet built prior to it.
- I. No changes are proposed to screening, landscaping or exterior lighting (except removal of the light at the former ATM area). The only change to signage would be the lettering on the front door. Thus, in these respects there will be no adverse impacts from the change in use of the former bank to the proposed funeral home to properties within 500 feet.

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- J. Considerations about organization and layout of the site are not applicable because the existing building and site layout will remain unchanged, and therefore there will be no new impacts on slopes or other natural features.
 - K. No trees are proposed to be removed, and the existing landscaping is adequate and will be unchanged.
 - L. Provision of recreational areas and open spaces is not applicable or required for this application for Site Plan Review.
 - M. The Saratoga County Planning Board has issued its recommendation with regard to the Site Plan for the proposed change in use, finding that it will not have any significant County-wide or inter-community impacts. The NYS Department of Health has issued its approval for the proposed funeral home to operate.
 - N. (No design guidelines for Site Plan review have been adopted by the Planning Board. This item is thus not applicable.)
 - O. The proposed use is a "Type II" action under SEQRA and is therefore exempt from SEQRA review. Because it is an exempt "Type II" action under SEQRA, it is also exempt from environmental review under Chapter 49 of the Town Code.
 - P. The proposed change in use of the property does not constitute a "land development activity" under Chapter 85 of the Town Code ("Stormwater Management and Erosion and Sediment Control") because the change in use will not cause a disturbance of one or more acres of soil. In fact, no site improvements or development or layout changes are proposed at all, and no site disturbance is proposed or anticipated. For these reasons no Stormwater Pollution Prevention Plan or other stormwater control plan or review are required under Chapter 85 or under Section 90-23 of the Town's Subdivision regulations.
 - Q. There are no outstanding Town Code violations pending against the subject property or against the Applicant. Except for the pending Site Plan application, and subject to modifications required in conjunction with the Site Plan application to make on-site parking meet the Town's parking requirements and limitations, the property is in compliance with all sections of the Town's Zoning Law.
2. The large funerals or wakes that are heavily-attended have the potential to occasionally cause unusual peak traffic that might temporarily interfere with vehicles going to and from the properties which share the common driveway with the proposed funeral home. To prevent such potential interference, the following conditions shall apply to this Site Plan approval:
- A. The Applicant shall immediately make a good-faith attempt to obtain a parking agreement or otherwise arrange for the use of the Elks' parking lot to accommodate overflow parking for large funerals and wakes, consistent with the Elks' apparent desire to enter into a reciprocal agreement with the Applicant for use of the respective parking areas.
 - B. Whenever the Applicant has reason to believe that a funeral or wake will result in a greater number of cars than can be accommodated in the marked parking spaces on the Applicant's property, the Applicant shall have at least two parking attendants on duty outside to direct and arrange cars on its property and to prevent cars from blocking the

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shared driveway or obstructing access to and egress from the Elks' Club and the adjacent residential property.

- C. The Applicant has reason to believe that a funeral or wake will result in a greater number of vehicles than can be accommodated in the marked parking spaces on the Applicant's property, the Applicant shall place temporary signage in appropriate locations on the shoulders of the shared driveway informing funeral and wake attendees not to park their cars in the shared driveway or to block the entry to the private driveway on the neighboring residential property.

Upon review and with the imposition of the conditions set forth above, this Board finds that the Site Plan application of Rolland Hoag for the proposed use of the building and property at 402 Maple Avenue/Route 9 meets the requirements of the Town's Site Plan regulations and will be in harmony with surrounding uses, without adversely impacting neighboring parcels, property values, public facilities, infrastructure or the natural environment. The Board therefore approves the Site Plan application of Rolland Hoag subject to the conditions set forth in Paragraphs 2A through 2C above and subject to the re-marking of parking spaces to a maximum of 10 regular spaces, including handicapped access spaces, as reviewed and approved by the Town Zoning Administrator.

DISCUSSION:

T. Yasenchak suggests the following additions:

Paragraph 1 – "...improvements are proposed. A new code compliant, free-standing sign is proposed."

Paragraph 3 – "...is the Elks' Club, in the Town of Wilton, with a bingo parlor,...."

Paragraph 4 – "There is a residence located southeast of the property, in the City of Saratoga Springs, behind...."

Paragraph 4 – "The residence was constructed after the bumper repair shop building,...."

1 C – "No new structures or site improvements are proposed beyond that of a code-compliant, free-standing sign."

1 F – "development of the surrounding Town of Greenfield area, which is likely to continue to be commercial in nature in keeping with the Town of Greenfield Comprehensive Plan and Zoning."

1 G – "Property uses in the area are almost entirely commercial in nature in the Town of Greenfield area."

1 I – "lettering on the front door and the installation of a code-compliant, free-standing sign as allowed by the Town of Greenfield regulations."

T. Yasenchak states that the Town Attorney has also suggested considering the possibility of other conditions. M. Hill states that as counsel, the proposed draft recognizes that the applicant will comply with the minimum and the maximum allowed parking. Even with all the space available, the Board recognizes that there is a potential for an extraordinary event and the Board has asked the applicant to show what can be done to ensure appropriate parking. He states that the other possible conditions that were drafted are important for the Board to consider. He states the Board could legally impose them in the Board decided they would be appropriate and reasonable. Concerns were mentioned regarding vehicle flow and overflow

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parking. The Board is not required to adopt those conditions. T. Yasenchak asks if it is appropriate to ask the applicant if he feels that these conditions are reasonable. M. Hill states that the Board can approve the conditions even if the applicant does not agree. T. Yasenchak reviews the suggestions.

Original Draft Condition 2A – the original draft contained the following additional language: “In the event Applicant is not initially successful in obtaining such an easement or in reaching such as agreement, Applicant shall make renewed good-faith efforts and inquiries with the Elks, or other future owner of the property, at least once per year thereafter.” R. Hoag states that the Town has a letter from the Elks club regarding their willingness to work with the applicant. He states that he has discussed the issue with this insurance company and with the Elks and there is a concern regarding a written legal agreement. He states that they have agreed to a working relationship and he feels that he has enough parking. T. Yasenchak points out that the applicant is leasing this property and is not the property owner. J. Streit states that given the letter and the positive attitude, he does not anticipate the need for the additional language. L. Dupouy states that she feels that the applicant has met the burden of proof and has shown that there is room for overflow parking, so why have this as a condition. J. Streit states that it is being sensitive to the plaintiffs concerns and there is no harm in having it. L. Dupouy states that she believes that the applicant has shown mitigation. She believes that the funeral was a once in a blue moon issue and that the issue could be handled with a letter to the neighbors indicating the passing of a police officer, etc., and that they may have a large gathering at the funeral home. M. Gyarmathy agrees with L. Dupouy and believes that we may be contradicting ourselves, as the applicant is being required to show 10 parking spaces. He feels that there is no need for paragraph 2A. M. Hill states that it is useful to make a distinction. The draft recognizes compliance with the minimum number and not to exceed the maximum number, however, based on discussion and information, there are large events that can happen and discussion has taken place about the ability to accommodate the excess. What the Board is doing is recognizing the potential for an extraordinary event that may never happen again. If it does happen, there will need to be a way to address it. The Board is asking R. Hoag to get a letter from the Elks Club stating their willingness to work on a reciprocal agreement. J. Streit concurs with the Town Attorney and states that the Board is not asking the applicant to do anything more than he has already done. There is a letter in the file from the Elks Club. R. Hoag states that he does not foresee anything as large as the first funeral and that if there should be, he will definitely work with the Elks. L. Dupouy asks for clarification that there has only been one funeral at the site and that was for B. King. R. Hoag states that is correct. The additional language requiring ongoing efforts to get an agreement or easement with the Elks will not be added.

Original Draft Condition 2B – J. Streit states that the applicant already has one person who acts as a parking attendant, which seems adequate in most cases, and would therefore suggest changing the Motion to read: “Applicant shall have at least **one parking attendant** on duty....” B. Duffney seconds the change.

Original Draft Condition C – J. Streit states that the original condition C was omitted as the Code Enforcement Officer stated that it would be unenforceable.

“C. Whenever the Applicant has reason to believe that a funeral or wake will result in a greater number of vehicles than can be accommodated in the marked parking spaces on the Applicant’s property, the Applicant shall notify the Elks Club and the owners/occupants of the adjacent residential property at least 24 hours in advance about the timing of the funeral or wake and inquire about whether the Elks or adjacent owners/occupants anticipate a need to enter or leave their properties at any particular time during the upcoming funeral or wake. The Applicant shall use information about anticipated ingress and egress needs of his neighbors to direct his parking attendants to recognize their vehicles and assist in expediting such ingress and egress and to minimize any potential interference from cars carrying attendees to and from the funeral or wake.”

L. Dupouy states that if this is required and a note is sent to the nearby property owners, there is no need for them to respond. There is no need to know their business. The note would just act as a heads up

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and would be an extra consideration. J. Streit states that the neighbors should not have to give notice to anyone. They should have the right to come and go at all times. T. Yasenchak asks L. Dupouy if she is saying that we should strike the areas that talk about asking the neighbors about their business. L. Dupouy reiterates that she opposes asking the neighbors to provide the funeral home with any personal information of their comings and goings. T. Yasenchak asks if L. Dupouy is saying that she would like to keep the request of asking the applicant to notify the Elks and the neighbor. L. Dupouy states that she would, not so much on a legal basis but just because it is a common nicety, it is a good business practice. J. Streit states that he thinks it is reasonable to conclude that a lesson has been learned. L. Dupouy states that she does not think that it should be for every funeral, only the ones that we have been talking about that could possibly be huge, like this first one happened to be. T. Yasenchak states that we have asked other applicants to provide notice as far as certain business situations. B. Duffney states that this would not be an everyday occurrence, such as a fire fighter, and B. Duffney believes that it would be a rare thing to have a funeral of that size. This condition will be added to the Motion as condition "C" with following changes:

Whenever the Applicant has reason to believe that a funeral or wake will result in a greater number of vehicles than can be accommodated in the marked spaces on the Applicant's property, the Applicant shall notify the Elks Club and the owners/occupants of the adjacent residential property at least 24 hours in advance about the timing of the funeral or wake. The Applicant shall direct his parking attendants to minimize any potential interference from cars carrying attendees to and from the funeral or wake.

J. Streit amends his motion to read as revised. B. Duffney seconds.

T. Yasenchak asks if R. Hoag has any comments on that. R. Hoag states that if he can't park in the road anyhow, as discussed earlier, then why would he be parking in the road now and contacting the neighbors. T. Yasenchak states that the Board is not saying that the applicant would be contacting the neighbors because he was blocking the road, just saying that he would let the neighbors know if he had reason believe that attendance would be greater than usual. L. Dupouy reiterates that this is not for every funeral. Just if it were some funeral that might be extraordinary. R. Hoag states that the Board needs to understand that in his business he might meet someone and think that there might be a certain number of people and then he is not correct. J. Streit states that the wording is: "Whenever the Applicant has reason to believe...". It does not mean that he is supposed to anticipate every one. B. Duffney states that if you have a policeman or fallen State Trooper you are going to have State Troopers from the whole state who will be there. R. Hoag states that he would have to work with the Elks in a situation like that because they want to be able to use his parking lot also. T. Yasenchak states that the last part of the condition does say, "The Applicant shall direct his parking attendants to minimize any potential interference...", so the applicant would tell the parking attendants to tell people that they cannot park in certain areas. Even if it is a fire truck or State trooper, to say that you are sorry but they cannot park in that area.

Original Draft Condition D – J. Streit states that he did not include condition D as the Code Enforcement Officer had recommended removal and he thinks that we have covered this in other ways with instruction to the applicant to anticipate as many conditions that have occurred before to not occur again.

"D. Whenever the Applicant has reason to believe that potential attendees of a funeral or wake may wish to drive to the funeral home and/or park large vehicles, such as fire engines, on Applicant's property, the Applicant shall contact such attendees or the organizations from which such vehicles are likely to come, and strenuously discourage the use of such large vehicles (except for buses, if the buses can be accommodated on Applicant's property and thereby reduce the number of cars that would otherwise come to the funeral or wake)."

J. Streit states that he did not include original draft condition D as the Code Enforcement Officer had recommended removal and he thinks that we have covered this in other ways with instruction to the applicant

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to anticipate as many conditions that have occurred before to not occur again. M. Hill states that J. Streit had previously mentioned the Zoning Administrator's opinion with regard to the enforceability. He states that he would encourage the Board to be less concerned about the enforceability issues and more concerned about whether a proposed condition addresses a potential need that you see. Not to ignore the responsibility that the Zoning Administrator has but, he would suggest that it is more important if the Board thinks that a potential condition addresses something that the Board thinks is important, they would recommend that you include it and we can handle the enforceability issues that may arise. L. Dupouy states that if that is the case then she has a problem with this because anyone who volunteers his time for fire fighters, policeman, or whatever, they have a whole world of tradition and you are not going to get any of them to not bring their fire trucks as they say goodbye to a fallen comrade. That is just how it is and to try to call them and say we want you to have a very nice farewell parting to your brother or sister in arms, but don't bring your large truck. You have set yourself up for a big situation. It would be the same thing for a police officer or military person. She states that she sees what we are trying to do here, and it is a good thing, but it won't work. J. Streit states that he thinks that we have all agreed that there can be no parking on the shared driveway whatsoever, that there can be no parking at any time. That prohibits large trucks from being parked there, after that it is the funeral directors responsibility to make sure that those vehicles are parked in a manner that doesn't impede the safety of that area. We are saying that no fire trucks, no vehicles of any type whatsoever no matter who the deceased is can park on that common driveway. T. Yasenchak states that in "B" where we talked about having the parking attendant to direct and arrange cars to prevent cars from blocking the driveway, that pretty much covers it unless we go back to that one and change "cars" to "vehicles" because what if the only people who come drive fire engines and only three show up. They would definitely fit on that piece of property. She states that she is being a little sarcastic but she is saying to limit and say no you cannot bring these, she thinks is a disservice. J. Streit states that if vehicles park on Route 9, that is a state road and becomes the responsibility of the State Police to make sure that people do not park illegally. B. Duffney states that when the fire fighters bring their fire trucks, it is to honor their fallen comrades. He comments on the owner of a local quarry who passed away and there were 20 dump trucks at his funeral. He feels that this has been addressed in "B". T. Yasenchak asks if then we are going to omit the original draft condition "D" but we are going to go back to "B" and change "cars" to "vehicles". J. Streit so moves and B. Duffney seconds.

Condition E – As was originally proposed:

"Whenever the Applicant has reason to believe that a funeral or wake will result in a greater number of vehicles than can be accommodated in the marked parking spaces on the Applicant's property, the Applicant shall place temporary signage in appropriate locations on the shoulders of the shared driveway informing funeral and wake attendees not to park their cars in the shared driveway or to block the entry to the private driveway on the neighboring residential property. Such signage shall be professionally done, shall be tasteful in appearance, and shall be mounted securely on posts or stands that will not topple or blow over easily. The temporary signs shall be placed in such a manner that the signs themselves will not cause an obstruction to the owners/occupants of the neighboring residential property. The Applicant shall attempt to confer with the owners/occupants of the neighboring residential property and reach agreement about the size, form, appearance, content and locations for placement of the temporary signs prior to having the signs made or used. In the event the Applicant is unable to promptly obtain an easement or reach an agreement for funeral and wake attendees to use the parking lot at the Elks' Club, the Applicant shall have similar temporary signs created to advise attendees not to park on the Elks' property."

J. Streit states that his original motion contained this condition (as proposed Condition "C") but he struck the sentence requiring the Applicant to confer with the neighbors about the proposed signs. He states that if we say that the signs should be professionally done we have covered that. T. Yasenchak questions R. Hoag that he has already stated that he plans to have signs directing people where to park. R. Hoag asks if this refers to the Elks too. T. Yasenchak states that the Elks are in the Town of Wilton, they have an

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approved use and the Planning Board is limited to discussing R. Hoag's project. She states that the Elks should not be causing a traffic hazard with their parking and that is something that would have to be addressed between the neighbors, the Elks and the Town of Wilton. L. Dupouy states that she agrees with J. Streit that that sentence should be struck, but she does think it would be a good thing for the applicant to confer with the neighbors on the signage. R. Hoag states that he would be willing to do all that but he is never going to park in that road because that's what the Board told him in the first place. He would be happy to work out signs. J. Streit asks whose property the roadway is. T. Yasenchak states that she thinks the Elks own it and there are easements across it. B. Young states that she has an easement and that the Elks maintain the driveway. J. Streit states that we cannot put restrictions on the Elks. He states that all the applicant is doing is putting signs saying that under the terms of this agreement the applicant has agreed not to have people park on the common driveway. R. Hoag states that he will put no parking signs along there. J. Bokus asks if we are saying that we are going to ask the applicant to put signs on another Town's property. T. Yasenchak states that it is not the Town's property, it is the Elks' and the applicant has an easement on the driveway to access his property. J. Streit states that if the Elks decide that they do not want other's parking on their property, the applicant is not obligated to be the one to tell people not to park there. That is up to the Elks. T. Yasenchak states that we are only asking the applicant, when there is an event that he foresees may have a greater number, he would put those signs up. J. Streit moves to strike, "The applicant shall attempt to confer with the owners/occupants of the neighboring residential property and reach agreement about the size, form, appearance, content and locations for placement of the temporary signs prior to having the signs made or use. In the event the Applicant is unable to promptly obtain an easement or reach an agreement for funeral and wake attendees to use the parking lot at the Elks' Club, the Applicant shall have similar temporary signs created to advise attendees not to park on the Elks' property." B. Duffney seconds.

Condition F – J. Streit's motion strikes the following:

"Whenever the Applicant has reason to believe that a funeral or wake will be so large and heavily attended that it would result in a greater number of vehicles than can be accommodated on the Applicant's property (including overflow parking on the Elks' property if the Applicant obtains an easement or reaches an agreement for use of the Elks' property) the Applicant shall contact potential attendees or the organizations from which such attendees or vehicles are likely to come, and shall make arrangements for off-site parking and shuttle-bus or van service to the funeral home for such attendees."

J. Bokus states that it would be appropriate to strike the paragraph. He does not think that it is the applicant's duty to arrange for shuttle service and then who pays for it. R. Hoag states that the Greenfield Fire Department did that for the King funeral. L. Dupouy states that was their call and not the applicant's. Board concurs to strike this paragraph. M. Hill states that if any Board members have any additional or different conditions that they wish to suggest or discuss with the Board, he would encourage them to bring those up now. J. Bokus states that he would shudder to think that we would impose more restrictions. M. Hill states that he believes that the Zoning Administrator in his comments on the proposed draft did have some comments with regard to the number of parking spaces and which are designated and how he arrived at this, paragraph 9, dealing with the calculations. J. Streit states that in his motion he used the language suggested by the Zoning Administrator. M. Hill states that because it is the Zoning Administrator's responsibility to make the determination about parking spaces and calculation of parking, he would suggest and recommend that we adopt the language that the Zoning Administrator has suggested here and replace the language from the draft. G. McKenna also suggested language changes for the concluding paragraph. J. Streit so moves, B. Duffney seconds. T. Yasenchak states that due to the revisions, some of the numbering and lettering will have to be changed. J. Streit re-reads his conclusion:

"Upon review and with the imposition of the conditions set forth above, the Board finds that the Site Plan application of Rolland Hoag for the proposed use of the building and property at 402 Maple Avenue/Route 9 meets the requirements of the Town's Site Plan regulations and will be in harmony

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with surrounding uses, without adversely impacting neighboring parcels, property values, public facilities, infrastructure or the natural environment. The Board therefore approves the Site Plan application of Rolland Hoag subject to the conditions set forth in Paragraphs 2A through 2D above and subject to the re-marking of parking spaces to a maximum of 10 spaces, including handicapped access spaces, as reviewed and approved by the Town Zoning Administrator.”

M. Hill suggests that in the first paragraph, a short sentence be added stating that no pavement will be removed. (Motion is restated below in its entirety with all revisions.)

RESOLUTION – R. Hoag, Site Plan Review

MOTION: J. Streit

SECOND: B. Duffney

Rolland Hoag (“Applicant”) has applied for Site Plan approval to use the existing former NBT Bank building at 402 Maple Avenue (Route 9) in Saratoga Springs (the Property) as a funeral home. The Property is more particularly identified as Tax Map Number 153.17-2-22.2. There would be no changes to the size of the existing building and no exterior changes to the building other than new signage on the front door and elimination of exterior lighting at the location of the automated teller machine (ATM). (The ATM was removed by the bank when it vacated the property.) No new structures or site improvements are proposed except for installation of one Code-compliant freestanding sign. There would not be any changes to the lot or paved parking and drive areas except for removal of some painted stripes on the pavement designating some parking spaces. No pavement will be removed.

The lot measures approximately two (2) acres and is located in the Town’s Office Residential Zoning District under Chapter 105 – Zoning of the Greenfield Town Code. Per Section 105, Attachment 4, Table 1 – Use Regulations of the Zoning Code, funeral homes are an allowed use in the Office Residential Zoning District, contingent upon Site Plan review and approval by the Planning Board. Under Section 105-92(B)(6), Site Plan review is required for a change from one commercial use to another, as is being proposed in this case.

The area surrounding the Property is characterized by commercial development. Adjacent on the north side is a 2-story medical office building; to the immediate south is an automotive bumper repair facility. To the west, across Maple Avenue / Route 9 are a 2-story medical building and a diner. To the east, directly in back of the Property and located in the Town of Wilton, is the Elks’ Club with a bingo parlor, restaurant and bar room and meeting room facilities. The proposed commercial use as a funeral home is consistent with these surrounding uses, which themselves comply with the zoning of the area.

There is a residence located southeast of the Property, within the City of Saratoga Springs, behind the adjacent bumper repair shop. This residential use shares a driveway with the proposed funeral home and Elks’ Club. The residence was constructed after the bumper repair shop (which at the time was a commercial sign shop), Elks’ Club and former bank (now the proposed funeral home), and was purchased by the current owners in 2005.

The existing commercial building on the Property was built in 2000 and is a single story in height. It measures approximately 2,873 square feet. No expansion is proposed. The Applicant will make interior changes to convert the former bank building to use it as a funeral home. He has submitted plans to the NYS Department of Health (DOH) with respect to proposed embalming facilities and funeral home operations. DOH has approved the plans. The building is served by municipal sewer. Water is obtained from an on-site well. Water consumption is expected to be minimal, limited to restroom use and a minor amount for embalming and preparation processes.

The Planning Board has reviewed the application, proposed site plan, and proposed parking and vehicle management plan. In accordance with NYS General Municipal Law Section 239-m, referral was

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made to the Saratoga County Planning Board (SCPB), as required under Section 105-94(A)(1)(a). On April 21, 2011, the SCPB determined that the proposed funeral home would not have any significant County-wide or inter-community impact.

The proposed change in use to a funeral home is exempt from environmental review under the State Environmental Quality Review Act ("SEQRA"). Because the building measures approximately 2,873 square feet in size and the change in use does not involve a change in zoning or require a use variance, it falls within the SEQRA "Type II" exemption for non-residential structures or facilities of less than 4,000 square feet of gross floor area (6 NYCRR 617.5(c)(7)). As a SEQRA "Type II" action, the proposed funeral home is likewise exempt from environmental review under Chapter 49 of the Town Code (see Section 49-2).

The conversion of the existing building use to a funeral home does not require submission of a Stormwater Pollution Prevention Plan ("SWPPP") under Chapter 85 of the Town Code. In accordance with Section 85-4, a "SWPPP" must be submitted only when there will be a "land development activity" associated with a project. As defined in Chapter 85, "land development activity" occurs when one or more acres of land is disturbed in connection with a project. There would not be any land disturbance associated with the Applicant's proposed conversion of the existing building to a funeral home.

With respect to parking, the former bank had 16 marked regular parking spaces and two marked spaces for handicapped access. Under Section 105-121(A)(1)(a) and related Table 3 in the Town Code, the funeral home would be required to have 1 parking space per each 400 square feet of floor area, or 7.18 parking spaces for the 2,873 square feet of building area. The Zoning Administrator rounded this figure to 8 required parking spaces. Consistent with Section 105-121(A)(1)(e), parking for a building cannot exceed the required number of spaces by more than 20%. In this case, 20% of 8 spaces would be 1.6 spaces. The Zoning Administrator rounded this to 2 spaces. So, the funeral home could have a maximum of $8 + 2 = 10$ marked parking spaces, including space(s) for handicapped access. The Applicant has consulted with the Zoning Administrator on a plan to eliminate 6 of the marked parking spaces on the Property in order to bring the parking on the Property into compliance for use as a funeral home. The Applicant is agreeable to the reduction in parking spaces and will re-mark the parking lot areas accordingly, subject to approval by the Zoning Administrator.

On April 12, 2011 this Board opened a properly-noticed Public Hearing for the purpose of hearing and taking the spoken and/or written comments of anyone wishing to offer comment on the Applicant's Site Plan application. A number of people offered spoken and written comments and materials for the Board's consideration. The Public Hearing was continued to April 26, 2011 and continued again until May 10, 2011, and was closed on May 10, 2011.

The Planning Board has reviewed, considered and deliberated about the Applicant's Site Plan application, the recommendation of the Saratoga County Planning Board, and all written and spoken comment received in connection with the application through the close of the Public Hearing. In accordance with Section 105-96 of the Code, which establishes criteria for Site Plan application review, the Board has considered the items specified in Sections 105-54(B) through 105-54(Q) of the Code. The Board finds as follows:

- 1) B. The community infrastructure and services are of adequate capacity to accommodate the proposed use of the Property as a funeral home. The funeral home would not impose any demand on schools and no significantly different demand on police, fire, highway, trash collection or sewer services than the previous commercial use. Water will be supplied by private well, not by the Town. Demands on the community infrastructure and services from the proposed funeral home would not be materially different from those imposed by the previous approved use as a bank.

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C. The building proposed to be used as a funeral home is already in existence. It was built in 2000. The Planning Board at that time conducted a Site Plan review to determine that the soil capacity and natural features of the site were adequate to support the then-proposed building. The soil capacity and natural features would be unchanged for use of the Property as a funeral home. No new structures or site improvements are proposed except for one Code-Compliant freestanding sign.

D. The proposed use, the design of the existing building and the existing site layout comply with the intent of the Town's Comprehensive Plan and meet the provisions of the Town's Zoning Law and other regulations and ordinances and comply with applicable NYS standards.

E. Vehicular and pedestrian traffic patterns associated with the proposed use will be appropriate and satisfactorily established and managed, subject to compliance with the conditions imposed below. Among other factors, the Board has considered traffic flow and volumes (both in normal operations and at peak times for large funeral events), turning movements, sight distances, site access; location and access of off-street parking and arrangement and staging of vehicles; off-street vehicle circulation; and minimizing interference with use of the shared driveway by neighboring properties.

F. The proposed use and existing design and site layout will be in harmony with the appropriate and orderly further development of the surrounding area in the Town of Greenfield, which is likely to continue to be commercial in nature, in keeping with the Town of Greenfield's Comprehensive Plan and Zoning Code.

G. The location and height of the existing building and the existing layout of the site with respect to parking, loading, landscaping and other features will not interfere with or discourage appropriate development of land adjacent to the proposed site or unreasonably affect its value. The surrounding area is built-out, with few if any vacant undeveloped parcels in the vicinity. Property uses in the area are almost entirely commercial in nature in the Town of Greenfield. Development and re-development are likely to continue to be commercial in nature, consistent with existing uses.

H. The scale, design and material of the existing structure are compatible with existing structures within 500 feet built prior to it.

I. No changes are proposed to screening, landscaping or exterior lighting (except removal of the light at the former ATM area). The only change to signage would be to the lettering on the front door and installation of one Code-compliant freestanding sign as allowed by the Town of Greenfield's regulations. Thus, in these respects there will be no adverse impacts from the change in use of the former bank to the proposed funeral home to properties within 500 feet.

J. Considerations about organization and layout of the site are not applicable because the existing building and site layout will remain unchanged, and therefore there will be no new impacts on slopes or other natural features.

K. No trees are proposed to be removed, and the existing landscaping is adequate and will be unchanged.

L. Provision of recreational areas and open spaces is not applicable or required for this application for Site Plan review.

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M. The Saratoga County Planning Board has issued its recommendation with regard to the Site Plan for the proposed change in use, finding that it will not have any significant County-wide or inter-community impacts. The NYS Department of Health has issued its approval for the proposed funeral home to operate.

N. (No design guidelines for Site Plan review have been adopted by the Planning Board. This item is thus not applicable.)

O. The proposed use is a "Type II" action under SEQRA and is therefore exempt from SEQRA review. Because it is an exempt "Type II" action under SEQRA, it is also exempt from environmental review under Chapter 49 of the Town Code.

P. The proposed change in use of the Property does not constitute a "land development activity" under Chapter 85 of the Town Code ("Stormwater Management and Erosion and Sediment Control") because the change in use will not cause a disturbance of one or more acres of soil. In fact, no site improvements or development or layout changes are proposed at all, and no site disturbance is proposed or anticipated. For these reasons no Stormwater Pollution Prevention Plan or other stormwater control plan or review are required under Chapter 85 or under Section 90-23 of the Town's Subdivision regulations.

Q. There are no outstanding Town Code violations pending against the Property or against the Applicant. Except for the pending Site Plan application, and subject to modifications required in conjunction with the Site Plan application to make on-site parking meet the Town's parking requirements and limitations, the Property is in compliance with all sections of the Town's Zoning Law.

- 2) Unless preventive measures are taken, large funerals or wakes that are heavily-attended have the potential to occasionally cause unusual peak traffic that might temporarily interfere with vehicles going to and from the properties which share the common driveway with the proposed funeral home. To prevent such potential interference, the following conditions shall apply to this Site Plan approval:

A. The Applicant shall immediately make a good-faith attempt to obtain a parking easement or otherwise arrange for the use of the Elks' parking lot to accommodate overflow parking for large funerals and wakes, consistent with the Elks' apparent desire to enter into a reciprocal agreement with the Applicant for use of their respective parking areas.

B. Whenever the Applicant has reason to believe that a funeral or wake will result in a greater number of vehicles than can be accommodated in the marked parking spaces on the Applicant's property, the Applicant shall have at least one parking attendant on duty outside to direct and arrange vehicles on its Property and to prevent vehicles from blocking the shared driveway or obstructing access to and egress from the Elks' Club and the adjacent residential property.

C. Whenever the Applicant has reason to believe that a funeral or wake will result in a greater number of vehicles than can be accommodated in the marked spaces on the Applicant's property, the Applicant shall notify the Elks Club and the owners / occupants of the adjacent residential property at least 24 hours in advance about the timing of the funeral or wake. The Applicant shall direct his parking attendants to minimize any potential interference from cars carrying attendees to and from the funeral or wake.

D. Whenever the Applicant has reason to believe that a funeral or wake will result in a greater number of vehicles than can be accommodated in the marked parking spaces on the Applicant's

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property, the Applicant shall place temporary signage in appropriate locations on the shoulders of the shared driveway informing funeral and wake attendees not to park their cars in the shared driveway or to block the entry to the private driveway on the neighboring residential property. Such signage shall be professionally done, shall be tasteful in appearance, and shall be mounted securely on posts or stands that will not topple or blow over easily. The temporary signs shall be placed in such a manner that the signs themselves will not cause an obstruction to the owners / occupants of the neighboring residential property.

Upon review and with the imposition of the conditions set forth above, this Board finds that the Site Plan application of Rolland Hoag for the proposed use of the building and Property at 402 Maple Avenue / Route 9 meets the requirements of the Town's Site Plan regulations and will be in harmony with surrounding uses, without adversely impacting neighboring parcels, property values, public facilities, infrastructure or the natural environment. The Board therefore approves the Site Plan application of Rolland Hoag subject to the conditions set forth in Paragraphs 2(A) through 2(D) above and subject to the re-marking of parking spaces to a maximum of 10 spaces, including handicapped access space(s), as reviewed and approved by the Town Zoning Administrator.

Duly adopted this 10th day of May, 2011, by the following vote:

AYES: Bokus, Duffney, Dupouy, Gyarmathy, Streit, Yasenchak
NOES: None
ABSENT: Siragusa

G. Kendsersky asks that the applicant is only to put 10 cars in the parking lot. T. Yasenchak states that the applicant has shown the Board that in a critical condition he can park more cars on his site. As far as our Zoning Law is concerned, we had to require that he had 10, however, we have addressed possible overflow several times in our motion and also in reviewing the site, that he can fit more on his site should he have need to do so. If there is an issue with parking where he should not be, that is off site or blocking the driveway, that is the Code Enforcement Official's job to regulate that.

JEFF COLLURA – Major Subdivision

Locust Grove Road

Jeff Collura is present. T. Yasenchak explains that we have not seen this applicant in a while and he has not submitted anything recently. J. Collura states that he has a proposal, which he is not 100% sold on the idea himself, and would like some input from the Board. T. Yasenchak states that she and L. Dupouy were on the Board for the previous application and took a site walk on this property. T. Yasenchak states, for the record, that we do not have an application and the applicant has not submitted any information for review. She states that the Board can look at it and offer suggestions but none of the suggestions or opinions of the Board are going to be binding on any decision that the Board makes. J. Streit asks what the minimum acreage is of the smallest lots. J. Collura states that this is a 68-acre parcel, he is trying to subdivide it into 11 lots, they all meet the minimum acreage requirement and should meet all setbacks. There is power along both roads. There is good draining soil along Griffen. The lots drop off towards the back/middle of the property so it is not really feasible to put in a cul-de-sac. There is one ACOE wetland in the back corner. L. Dupouy states that she understands about the cul-de-sac, but is there any other way to mitigate all the curb cuts. J. Collura states that they could use shared driveways if the Town allows that. C. Baker states that the Planning Board has approved shared driveways when there are sight distance issues or other limiting conditions. J. Collura discusses the possibility of sight distance issues and that a traffic engineer may have to check that out. T. Yasenchak states that if the applicant goes forward with the application the Board would ask for a traffic engineer's report. B. Duffney states that the plan meets all the requirements for acreage and frontage. L. Dupouy states that on the other side there was a concern for drainage on a neighboring property and asks if there are any of those issues on this side. J. Collura states no, that the property slopes down away

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from the road towards the center on this property. J. Streit asks the length of the lot to the farthest west. J. Collura states that it is approximately 1700-feet +/- . J. Streit states that if all the houses were located near Griffen or Locust Grove Road, there wouldn't be any fire truck issues. The Town plows Griffen so they have a way of turning around at the end of the road and he would assume that a fire truck would have the same ability. J. Streit comments on the previous plan that the applicant presented with a "U" shaped road. J. Collura states that is not feasible to make this profitable. He states that most people want to keep their driveway short. T. Yasenchak reiterates that the Board cannot really get into this too much because the burden is on the applicant to bring the Board something that is useable. We can look at this and state that you meet all of the requirements of size. Later, after looking at all the details, it may affect the layout substantially. When we don't have a formal application, we can give you comments about meeting requirements, but as far as the Board giving design ideas, the burden is on the applicant.

DISCUSSION

T. Yasenchak comments on the information sent to the Board members regarding upcoming trainings and reminds the Board that they need 4 hours of training per year.

T. Yasenchak states that she has a copy of the Code of Ethics for the Town, which she is going to ask R. Rowland to copy and distribute to the Board members.

T. Yasenchak thanks Mike Hill for his help and being present for the Hoag application. We appreciate all his time and efforts in helping with the motion and draft. M. Hill states that the Board ended up with a good, solid decision and he commends the Board members for their time and effort.

Meeting adjourned, 8:47 p.m.

Respectfully submitted,

Rosamaria Rowland
Secretary