TOWN OF GREENFIELD
PLANNING BOARD

September 13, 2016

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, John Bokus, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, Stan Weeks, and Robert Roeckle, Alternate. John Streit is absent. Charlie Baker, Town Engineer is present.

MINUTES – August 30, 2016

MOTION: S. Weeks
SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 30, 2016, with a minor correction

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Roeckle, Siragusa, Weeks, Yasenchak
Noes: None
Absent: Streit

PLANNING BOARD CASE

DARROW MANSFIELD – Minor Subdivision

Sand Hill Road

Dave Barrass, Surveyor, and Darrow Mansfield are present. The applicant is proposing to subdivide a 4 acre building lot with access from Sand Hill Road and this is being proposed as a keyhole lot because of the wetlands and 100' buffer. D. Barrass explains that there was a 1997 subdivision approved by the Town of a lot where the owner of Quiet Run Farm has a residence. It was subdivided off but never deeded off and has a separate tax map number. Access by that subdivision map was through an easement or right-of-way which basically comes through where the proposed keyhole lot will be. The owner is not physically using that access; she has always used the driveway that comes through the farm. This subdivision will maintain that easement as was put forth on that original subdivision for access if they ever want it. The utility line that serves the house does go up that easement so the current applicant is accommodating that. They have done sight distance measurements on Sand Hill Road and there is adequate sight distance in both directions. T. Yasenchak states that she still has a question about the lot in the back. D. Barrass explains on the map. He states that it says right-of-way; it was never deeded. There was a deed written for the lot the owner lives on now with a separate tax map number, but it did not mention a right of way, probably because it was all her property anyways and they never went to the trouble of creating an easement across her own property. D. Mansfield is honoring it and keeping it as an easement with this subdivision. T. Yasenchak states that G. McKenna stated that it looks ok and she is just concerned that that lot does not have any frontage. D. Barrass states that it does not; it was approved with the easement from Sand Hill Road. T. Yasenchak states that we are now adding another lot in between. D. Barrass states that the owner still owns the remainder of the property. B. Duffney questions what will happen if the owner sells that portion to someone else. D. Barrass states that the easement will stay in place as it was approved in 1997. Further discussion takes place regarding the map. He explains that the easement is not drivable, it is overgrown and reiterates that the owner accesses her property from the main driveway to the Quiet Run Farm. D. Barrass states that by property law, if a person owns 2 pieces of property and they have an easement over one piece to get to the other, once they buy both pieces the easements are extinguished anyway. If a lot is sold they have to be recreated anyway. Basically that is what they are doing here. R. Roeckle questions that if the Board

approved the subdivision of her house lot, when this was done, and it approved the easement, and the easement was never done. D. Barrass states that the only place it ever showed up was on the approved subdivision map. He states that the way he is understanding the Board's comments, he does not think the way they want to solve it would be legal – he does not believe that the owner can grant an easement to herself over her own property. D. Mansfield states that when the owner conveys the property, the easement already exists so an attorney would merely have to refer to the recorded survey to create the easement. It is not like it is not there. It is no different than if he didn't do anything, the same thing would happen – they would transfer the lot to a third party and refer to the easement that is recorded which is on the original survey that is approved. He is saying that when they acquire the 4 acres, Mansfield will immediately create as part of that acquisition the portion of the easement. T. Yasenchak states that the Board really needs to see some easement language since that lot right now does not access the lot from that easement, anyone who would buy lot 1, the new lot being proposed, wouldn't think that anyone would actually use their driveway because that other lot is already being accessed elsewhere. T. Yasenchak states that maybe what is confusing is the lines on the map and suggests maybe shading in the easement on the plans. C. Baker questions that D. Barrass has stated that the owner is not using the easement to access her house, and questions that she is coming off of Middle Grove Road. D. Barrass concurs. C. Baker states that then theoretically, she could in the future, if she wanted to subdivide that lot out, she could have access from Middle Grove Road and the only reason for that easement would be for the electrical lines. Copy of the easement language is requested. Public hearing is set for September 27, 2016 at 7:00 p.m.

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464 MAPLE AVENUE – Site Plan Review
Maple Avenue

Applicant requested postponement.

GALARNEAU BUILDERS – Site Plan Review
Copperfield Road

Dave Barrass is present for the applicant and explains that this is a site plan review for a garage apartment, which is a permitted use, on a pre-existing 3 acre lot and they have received a lot size area variance. C. Baker states that the proposed septic system looks like it is right on the wetlands. D. Barrass states that he did not prepare the site plan and he spoke to Lou Galarneau about it; it says Corps of Engineers. In the original subdivision there were a lot of protected lands and an agreement on what could and could not be disturbed, and there is some confusion about whether this is protected or not. As L. Galarneau pointed out, he has to submit plans for the septic system and get them approved. L. Galarneau is hoping that if there is a problem with the setback, they certainly could find a spot that works and is hoping for site plan approval contingent upon an approved septic plan. C. Baker states that he does not see a spot where it could work if they have to be 100' and it is DEC wetlands. D. Barrass states that they are ACOE wetlands. C. Baker states that they are asking the Board to approve something without knowing it could work. T. Yasenchak states that if they had to put this to the south of the driveway, that would mean additional clearing and in her mind that really affects SEQRA, the environment, the visual, the community character by opening it up more than what it is now. That is important for the Board to understand. B. Duffney states that he was down through this area not too long ago and he noticed that all the houses are tucked back up in the woods and you don't even see them. This garage/apartment is going to be in the clearing to the left and will be seen from the road. T. Yasenchak questions the lighting on the garage. Dennis Perpetua, the owner, states that the lighting will be LED down lights and that this is being designed with the entry away from the road; they will be coach lights and he explains the design of the garage. B. Duffney states that regarding putting the septic system on the other side of the driveway, the ledge is down just inches in some places. It may need to be a raised system. D. Barrass states that the house system is a raised system. There were test borings done for the original subdivision and he reads those. D. Barrass questions that the Board would like to see the septic designed for this project. T. Yasenchak states because it would show what the footprint would be and the

limits of clearing. The Board would then know that it will fit. Public hearing is discussed and is set for September 27, 2016 at 7:00 p.m. contingent upon receiving the additional information being requested a week before that meeting.

Board discusses that with the new meeting schedule, anyone who is already in the application process we would work those out and then any new projects that come in would fall under the workshop configuration. Board concurs.

G. DAVID EVANS – Subdivision Amendment
Plank Road

G. David Evans is present. T. Yasenchak states that the Board had previously discussed the easements and lot 5. There has been discussion between D. Engel and M. Hill regarding the deed language and covenants. D. Evans states that they have reached an agreement and revised the language. T. Yasenchak reads from M. Hill's memo of today stating that the Board can take action, if they feel they are ready to do so, and he is suggesting that his comments be included in the deeds and covenants; and the revised language be filed in the County Clerk's office before the lots are sold, this is could be a contingency of approval. Regarding SEQRA, the Board could do an abbreviated review or go through the long form. SEQRA would be required before making a decision on the application. B. Duffney asks for clarification as to which lots are being referred to as being responsible for maintenance, etc. D. Evans states that there are about 3 pages that describe the terms of the easements and who is responsible for what happens. It is the responsibility of the lot owner who is using the driveway. T. Yasenchak states that this language will go in each of the deeds to which it pertains. Discussion takes place regarding the SEQRA review and whether or not the Board would like to review the entire long form. If they feel that it will not change the original negative declaration, a reaffirmation may be made. T. Yasenchak states that the Board could say that in understanding that the Planning Board has issued a negative declaration for the previous versions of these subdivisions and at this point rather than going through all the questions in part 2 we can "consider whether the changes to the subdivision, making them into non-"Keyhole" lots, are likely to not result in any significant adverse environmental impacts and that we feel that we can reaffirm our previous SEQRA negative declaration and state that the reason for reaffirmation is because the proposed changes in the subdivision will not result in any significant adverse environmental impacts." T. Siragusa states that there is language there about the Comprehensive Plan in the Part 2. The Board should be aware of that in making their decision. C. Baker states that it is #17 of part 2. T. Yasenchak reads the question. She states that there was discussion about whether the inclusion of lot 5 into the deeded easement and having that go across would fall under that Comprehensive Plan statement about discouraging shared driveways and easements over properties. She asks how the Board feels about whether this is a small impact or moderate to large impact. S. Weeks states that in his mind that is a concern. We do say in the Comprehensive Plan that "*The practice of approving subdivisions that do not provide direct access to a public road or right of way have led to numerous conflicts between neighbors*." He states that he is trying to balance the wishes of the land owner/developer with that of residents who are going to be located in that area and his concern about their future and the future concerns they will have with this new plan. We went through a lot to develop the plan that was approved in January 2015, we were ok with it, the owner was ok with it and now he, S. Weeks, has a major concern with the change. T. Siragusa asks if it is an all or nothing proposal. In other words make a motion that we carry forward our previous declaration and we don't have to review the entire SEQRA or can we review one portion of it. C. Baker states that if the Board decides not to do the abbreviated version, then they are required to do the whole thing. You are basically reopening SEQRA. Board consensus is to review the SEQRA. D. Evans states that there was a question about lot 5 and why the driveways are the way they are. He states that he explained that at the last meeting and he has a map that shows it better. T. Yasenchak states that with lot 5, on the original subdivision the lot was not bounded by any easements, it wasn't included in the shared driveways. So the question was that lot 5 was not involved in all that easement language, why now should that be included when that seems to make the whole situation kind of muddied.

Lot 5 does not reap any benefit from that driveway whatsoever, all we are doing is just giving the easement to the people behind it but yet lot 5 is responsible, tax wise, for it and it just does not make any sense why it would be more complicated to make the driveway on lot 5. That was not part of the original subdivision. D. Evans states that the prospective owner of lot 5 wanted a bigger lot and more frontage. It was that desire that prompted the change. The location of the utility line was another reason for putting the border in that area. There is a steep hill between the home site for lot 5 and the home site for lot 1, which is too steep to be of any use so rather than to give all of the hill to one or the other; it was desirable to put the division for the two lots in the middle of that hill. T. Yasenchak states that what she is saying is that lot 5 does not reap any benefit from that easement area. Everyone in the back does, so why can't lot 4 own that strip, which makes it so much cleaner because lot 4, or lot 2 - which ever he would want to give it to, would have a leg, but lot 4 uses that driveway, everyone back there uses that driveway and lot 5 does not. That way there is one less home owner who is involved in the shared easement language. T. Yasenchak states that in her mind that would be more consistent with not only the original approved subdivision, which when the applicant went to the Town Board he asked for no frontage, but nothing else was going to be changed. This was changed and lumped this other lot into the easement and it doesn't seem like there is any reason to. D. Evans states that then if he understands, lot 4 would be a keyhole lot with a shared driveway extending down to the road. What would the width of the stem portion be? T. Yasenchak states whatever that easement is now, because they have a lot of frontage. Obviously, the easement that the applicant has across here is wide enough to meet the needs of the driveway because that is the way he has written it and because he already has the easement language, that easement should be fine if that was just a little leg to lot 4. Instead of having 5 property owners always dealing with this easement it really makes 4 and only the 4 that are actually benefiting from it. She feels that it muddies the water, this person owning an easement that they are never going to use. D. Evans states that if the Board is going to rule on this tonight, he can give an answer. If the Board is not going to rule on it tonight, he would give more consideration to that. T. Yasenchak states that in her opinion, because the Comprehensive Plan talks about reducing the number of shared driveways and also easement language, she just does not see a reason for lot 5 to be bounded by this. All the lots in the back reap that benefit and she thinks that they should be responsible for that. D. Evans states that regarding taxes, the assessment for various lots depends on more than just the acreage so assessments are adjusted according to things like that that affect your use or not. T. Yasenchak states that that does not sway her. She knows that the applicant has deeded easement language, etc. She reiterates her concerns for lot 5, states that bringing that driveway through lot 5 is in her mind a substantial change to the original subdivision and she does not see a need for that easement to be on lot 5. In her opinion, she tonight would vote against this because she feels that this was not the original intent of the subdivision that the Planning Board approved, she thinks that it is a significant change in the original approval, she does not think it is minor and it is not consistent with the Comprehensive Plan or the character of the neighborhood. Years down the road it just has more opportunities for neighbors to get mad at each other. Board consensus is that they agree with the Chair. T. Yasenchak states that it is up to the applicant, he has heard the Board and they have been telling him all along how they felt about this. If we proceeded with taking action, when we open SEQRA to do the Part 2, the options are a negative or positive declaration dependent on how significant we feel the impacts are. The applicant has heard what the Board has said, so he can weigh what he believes the Board may or may not say. After that we would be looking at taking action on the subdivision as we have it in front of us. If the applicant asks the Board to continue, to re-review the SEQRA and take action, once we take action, we have taken action. Once an application, any application, is denied, the process starts again. It is not that the applicant can make changes and bring it back. If it is denied an applicant has to start from scratch. If the applicant may be worried about how the Board may possibly rule and would like to take a little bit more time to discuss with that future owner or maybe look at other options, the applicant has the ability to say to the Board that he would like to review the options. D. Evans states that he is thinking that it will not hurt to delay two weeks to have time to review it himself with his attorney. T. Siragusa states that if the applicant wants to take the time to review and possibly revise the plan, the Board has no problem with that. D. Evans states that he will come back in two weeks. T. Yasenchak states that just like with anything else, we need to have the information a week ahead of time to be able to have the opportunity to distribute it to the Board members. She states that there is a note on the drawings about the turn arounds. She asks if the turnarounds were shown on the original plan. That is something that she feels should be on the plans. D. Evans states

that there was some question as to whether this should be called by one subdivision name or the original two. T. Yasenchak states that M. Hill addresses this in the memo of 8/30/16. T. Yasenchak states that it does not matter as long as the deeds are consistent.

ZBA REFERRAL

PAUL & DIANE HLADIK – Area Variance – The applicants are seeking a front setback variance. It was found that the house was built 12' too close to the front setback when the final survey was done for the bank. No Planning Board issues.

DAVID KWIAT – Area Variance – The applicant is seeking a 2 lot subdivision and an area variance for frontage for one of the lots. They are proposing 2 separate driveways. Both lots are over the acreage requirement. R. Roeckle questions that wetlands are shown on the frontage of the one lot and questions if these are DEC or ACOE wetlands as that may make a difference on the driveway location. S. Weeks states that we discussed the subdivision and felt that it looked like a reasonable solution to access that back lot. C. Baker states that this appears straightforward. Sight distance is discussed and T. Yasenchak suggests that the ZBA could make that a contingency as it would be a safety concern because if it is necessary to move the driveway, it could affect the area variance being requested. K. Veitch is present and states that they certainly can make sure that that is addressed. Comment – Planning Board is concerned for the possible or potential public safety issues surrounding the locations of the proposed driveways and should the ZBA take action on this the Planning Board asks that this be addressed most possibly in a contingency that the driveways both meet the AASHTO standards for sight distance because that sight distance may or may not change the variance that is required. R. Roeckle asks that the applicant be made aware of that. R. Rowland states that she will take care of that.

ERIK RODRIGUEZ – Area Variance – The applicant is requesting a lot line adjustment and an area variance to provide driveway access to a vacant parcel that was land locked by previous ownerships. M. Gyarmathy states that the Planning Board saw this applicant. B. Duffney states that we discussed lot line adjustment or easement with the applicant. R. Rowland states that G. McKenna did suggest to the applicant that he could do an easement and that if the Boards did not feel it was feasible to do an easement, in the same location, a keyhole lot. M. Gyarmathy states that he would rather see a keyhole. R. Roeckle asks if since these are pre-existing lots, are they going to need area variances for size. S. Weeks states that is in G. McKenna's notes. T. Yasenchak states that under additional comments the applicant states that there is an immediate need for an in-law residence on a buildable lot with possible occupation by the applicant in the future. This is not an in-law apartment. R. Rowland states that G. McKenna had suggested an in-law apartment to the applicant; however E. Rodriguez would like to do a separate single family residence.

ANDREW SHANNON – Area Variance – The applicant is seeking an area variance for an addition to enlarge a back porch on an existing mobile home on a pre-existing lot. No Planning Board issues.

Meeting adjourned 8:37 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary