

**TOWN OF GREENFIELD**  
**PLANNING BOARD**

**August 27, 2019**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Karla Conway, Charlie Dake, Mike Gyarmathy, Robert Roeckle and Joe Sabanos, alternate. Butch Duffney and Nick Querques are absent. Mike Waldron, Code Enforcement Officer, and Charlie Baker, Town Engineer, are present. T. Yasenchak states that Joe Sabanos is the new alternate member and welcomes him. T. Yasenchak states that J. Sabanos has full voting privileges for the entirety of the meeting.

**MINUTES**

Minutes- August 13, 2019

MOTION: K. Conway  
SECOND: R. Roeckle

RESOLVED that the Planning Board waives the reading of and approves the minutes of the August 13, 2019 meeting with minor corrections.

**VOTE:** Ayes: Conway, Dake, Gyarmathy, and Roeckle  
Noes: None  
Absent: Duffney and Querques  
Abstain: Yasenchak and Sabanos

**NEW BUSINESS**

**Jenks, D. Case #631**  
**TM# 150.-1-2.3**

**15 Wilsey Road**  
**Lot Line Adjustment**

Dale and Diane Jenks are present. T. Yasenchak states that this project is a lot line adjustment and those are usually done administratively, but the project was more complicated. D. Jenks states that he is getting some of his father's property back from his brother. D. Jenks states that they want to join it with the rest of their property. Also, join a strip to his sister's property. D. Jenks states that they are not going to do anything with the property. They are not subdividing or building on the property. It is just vacant land. T. Yasenchak states when looking at the map there is lot A and lot B. Lot A used to be the applicant's brother's lot. Lot B used to be a land locked parcel that the applicant owned. D. Jenks states yes. T. Yasenchak states that the applicant went to the Building Department and wanted to annex lot A to lot B and the portion that is labeled lot C was coming all the way down to where it states original map deed line. However, the way the code reads as far as pre-existing, non-conforming lots and improvements to the lots and is an adjacent property owner then they have to make the property more compliant. That lot would have been still land locked, which would not have been developed unless they went through Open Development for a land locked parcel. D. Jenks

states that unless he had a deeded right of way. T. Yasenchak states the Board has technical definitions the Board has to work with if a lot doesn't have an actual lot line that goes to a road whether they have a right of way or not. That is why this had to be done. The applicant decided to join the lot, which is marked lot E. The land locked parcel will no longer be land locked. It is part of the lot E parcel that has frontage along Wilsey Road. Klemintowski has 2 parcels. D. Jenks states that they really can't speak for them, but they are in the process of doing a lot line adjustment too. T. Yasenchak states that is something that will have to be shown on a map. The way it is shown now is that it is non-conforming. D. Jenks asks what lot his or Klemintowski lot? T. Yasenchak states their lot. D. Jenks states that as far as he knows they are joining them. R. Roeckle states that what the chairwomen is trying to explain is that small lot that belongs to Klemintowski only has 88' of frontage and that is not allowed in Town. D. Jenks states that he should not speak for them, but will they are in the process of doing that right now. C. Baker asks about the 2 land locked parcels and what are they going to do with that. D. Jenks states that they have had them for 20 years (and are) the applicant's will not be doing anything with the property they want to give it to their children. It is vacant. C. Baker states that if the applicants are creating the 60' easement now, would it make sense to make it wider so that there would be the potential so the land locked parcel would have frontage. D. Jenks states that he understands that 60' is the actual requirement. He does not believe his sister and brother-in-law will give them anymore. They are actually giving them the property. C. Baker states he is thinking for the future. D. Jenks states there are not any utilities there. T. Yasenchak states that she thinks that they need to find a way to document that the other parcel is going to be part of the Klemintowski's parcel. (The Board can't create a lot by a decision that they Board made even if they do it in the future.) The Board needs to know indeed that is happening. D. Jenks asks what the Board needs from the Klemintowski's. T. Yasenchak states the Board would need to see the lot line come into the Building Department. So that the Board is not making a determination regarding that lot. It could be something that gets done simultaneously. R. Roeckle states if the Klemintowski's provide the documentation to the Jenks they could give it to the surveyor and that would solve the condition, correct. M. Gyarmathy states he feels it would be beneficial to wait and do it simultaneously. K. Conway states that it would not be binding then. T. Yasenchak agrees and states that it could all be done simultaneously. D. Jenks asks if the Klemintowski's surveyor should put it on their map, only that they are combining the parcels. R. Roeckle states that the Board will want it on both maps. T. Yasenchak will sign your map to say that the lot line adjustment will include combining the Klemintowski's property. D. Jenks states this was supposed to be a very simple project that has turned out to cost them quite a bit of money. T. Yasenchak states that this is not simple. The way that it was presented originally there is no way that the Board could approve it. It would have gone against the Town's Zoning Law. What the Board needs is the applicant's map to show the small lot that is owned by the Klemintowski's. R. Roeckle states the lot with 88' of frontage. He asks if the Klemintowski's are going to file their deed soon. D. Jenks states that he does not know where they are with it. R. Roeckle states that if they did that first then you could just show it on your map. Is there a rush to get this completed? D. Jenks states that they have spent a lot of money and want to get it done. They have until the end of the year. T. Yasenchak states that if they approve this as is the Board will be creating a lot that is non-compliant by means of the applicant's subdivision. The easiest way to do this is the surveyor to show that it is part of their property. D. Jenks asks if they will need another map. J. Sabanos asks if the Klemintowski's lot line adjustment would be a simple process. T. Yasenchak states perhaps it could be shown on the applicant's map. D. Jenks asks if they have the lines all correct is that acceptable. T. Yasenchak states if it has all of the right boundaries and dimensions. K. Conway states that is not binding. T. Yasenchak states that it could be. M. Gyarmathy asks if it is all about the surveyor. The applicant will need a surveyed map to show that it is combined with their existing property. R. Roeckle states that technically it will happen at the same time. The Board cannot approve this lot line adjustment

showing this lot with the 88' of frontage. T. Yasenchak states as long as all the meets and bounds are shown appropriately. T. Yasenchak states that when the Board does take action on this it is a lot line adjustment, it's not saying or precluding this Board from approving any other subdivision on your property. If there is any kind of wetlands impact this Board is not referring to it for future roads or rights of way. D. Jenks states that this was his father's property and all he wants to do is pass it on to his children. T. Yasenchak states that, she understands that she has to say it for the record.

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**Dake, K. Case #632**  
**TM# 138.-2-86**

**516 Locust Grove Road**  
**Minor Subdivision**

Karen Dake is present. C. Dake recuses himself. K. Dake states that she has 26 acres and is looking to do a 3 lot subdivision. She wants to sell the lot with the house and 10 acres. She is looking to do a keyhole lot and the other one is where she has a barn on the property. She wants to keep the parcel with the barn on it. T. Yasenchak states the Board is going to look at this as a sketch plan. There may be some variances required. The barn is now at 46.8 feet from boundary line (with this subdivision) so the applicant will need a 3.4' variance. The main house may be closer than 50' to the side property line. M. Gyarmathy states that the Board would need the property line dimension there. T. Yasenchak states that if they do need variances she would have to do that prior to the Board approval of the subdivision. Proposed lot 2 has some wetlands, but does look like the front is buildable. The proposed lot 3 would be the keyhole lot and the Board would be looking for where the driveway would be and the site distance. K. Dake states that she has pretty good site distance. T. Yasenchak states that will need to be shown on the map. K. Dake asks because it is so narrow will that need a variance to? T. Yasenchak states no if the Board treated that as a keyhole and reads the keyhole lot code. T. Yasenchak states that the septic system and well location will need on be shown on the map. R. Roeckle asks because the barn is currently considered an accessory structure to the single family residence and that is not going to become a principal structure, what is the Zoning classification of the barn and how will that impact? He does not see anything that it would fit into. M. Waldron states that it would be difficult to put anything on it. R. Roeckle states that if the barn is the only structure on the property it is considered the principal use on the property so what is the Board classifying it as. T. Yasenchak asks if there is finished space in the barn. K. Dake states that no, there is storage upstairs and pottery on one side and the other side is garage. If she decides to sell it down the road someone could use it as garage. It has water and electricity. T. Yasenchak asks if it has a septic system. K. Dake states that it has a leach field. M. Gyarmathy asks why the Board has to call it a principal structure. R. Roeckle states that the applicant can't have an accessory structure on a property if there is no principal use. He is curious if this will become the only structure on the property. M. Gyarmathy states the applicant might want to build her house on that property. R. Roeckle states until she builds her house the barn is still the principal use on that property. K. Dake asks if it would be better for her to build out. R. Roeckle states he does not know. M. Gyarmathy asks what if the applicant came to the Board and showed the Board the house on the parcel that the barn is on. C. Baker states it's a relatively small building envelope and he thinks she needs to show a house on that lot. It can't be put in the back because of the wetlands. M. Gyarmathy agrees. He feels that the applicant needs to show the Board a house location with the septic system and the well to make sure that they all fit. M. Waldron states also the building envelope and topography. The Board agrees. R. Roeckle states even if the applicant did something to the barn. M. Gyarmathy states that it is it's a storage building. R. Roeckle states the Town does not allow just storage buildings on property. M. Gyarmathy states that he does not believe that is correct. M. Waldron states that it would be personal use. T. Yasenchak states that a studio

is allowed under Special Use Permit. R. Roeckle states that if there is a building on a property it has to have a use. What use does it fall under and what setbacks does the applicant have to follow? M. Waldron states that he feels that if the barn is in the building envelope and meets the 250' frontage for Low Density Residential (that is the district the applicant is in) then that would be the proposed principal use. M. Gyarmathy agrees. R. Roeckle is concerned that if the principal use is shown on the map is never built and asks if there will be a problem in the future with the barn that does not have a proper zoning classification. M. Gyarmathy states it's a barn that has been there for 20 years. R. Roeckle states that has been on a larger piece of property. If the applicant wanted to put a small living space in the barn then that becomes a single family residence. T. Yasenchak reads the code and states that it does not state occupying is living. K. Dake asks if she will need variances for the other 2 lots because she does not have enough frontages for LDR District. M. Waldron states that in LDR 250' frontage is required. T. Yasenchak states 250' frontage without sewer and if with sewer it is 300' of frontage. M. Gyarmathy states yes, a variance will be needed. J. Sabanos asks if lot 1 would be considered a keyhole lot as well. T. Yasenchak states that it is hard to say. The house is already there. K. Conway states that all 3 lots are keyhole lots. T. Yasenchak suggests having surveyor try to work with the setbacks. M. Gyarmathy asks if the applicant has 20' before the driveway on lot 1. K. Dake states that she is not sure. C. Baker states that he wants to see topography particularly on lot 3 and showing the proposed houses on lots 2 and 3. T. Yasenchak states that maybe the surveyor can help her reduced the number of variances that she may need. Also, if the surveyor could show the setbacks and the proposed houses, septic systems, and wells on lots 2 and 3. T. Yasenchak states K. Dake should talk to M. Waldron about coming up with a principal use for the barn. T. Yasenchak states show where the driveway would be for lot 3 and site distance. Maybe have the surveyor do it now. The applicant's next step is to talk with M. Waldron and go in front of the ZBA. M. Waldron states the topography too. T. Yasenchak asks C. Baker if he wants topography on both lots and just lot 3. C. Baker states that lot 2 is pretty flat, more concerned with lot 3. C. Baker states have the surveyor use USGS and 10' is fine. T. Yasenchak asks the applicant if she understands what C. Baker said. There are databases that the surveyor can pull that information from. Mostly the Board is concerned because of the wetlands in the back. M. Waldron asks if the wetlands on the map are delineated. T. Yasenchak states that it does say approximate. C. Baker states that if the applicant shows a proposed house lot then the Board will know whether or not, they should be concerned with the distance. M. Gyarmathy agrees.

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**Baker, C. Case #633**  
**TM# 100.-2-1**

**29 Cohen Road**  
**Site Plan Review**

Charles Baker is present. He states that he is planning a 2 car garage with a 1 bedroom apartment on top with a 10' workshop. It will be 32'x24' structure. The ZBA granted variances for the frontage, side yard, lot size, and for the building area. The reason for that is he was restricted to 40% of the principal dwelling and he has a small house. He has shown a proposed septic plan. He would be running the water from his existing well. The ZBA did have a public hearing and 1 person spoke in favor of the project. C. Dake states that he is the neighbor that spoke in favor of the project and he does not feel a bias to his opinion. C. Baker states that he is unsure if he wants to build the apartment, but the ZBA convinced him to go for it and have it in place. If he doesn't it will just be a 2 car garage. T. Yasenchak states that she was surprised about the extra variance for the square footage. It is not something that happens every day. C. Baker states that it is unusual. T. Yasenchak agrees. C. Baker feels that is something that needs to be changed in the code. M. Waldron states that is on his list of items to change. T. Yasenchak states that it was discussed when they had the zoning review committee. M.

Waldron feels that the 40% should not pertain to the garage apartment. An in-law apartment he feels it is fine for. T. Yasenchak states that they need to work on the definitions. M. Gyarmathy asks the 40% pertains to a garage apartment only. M. Waldron states both in-law apartment and garage apartment. There should be separate definitions. R. Roeckle reads the code for garage apartment. T. Yasenchak states that typically an in-law apartment is 30% and defined as attached and within the same entrance. Typically you don't see a garage apartment being limited. R. Roeckle states that they are treated the same and they are not. C. Baker states that Cohen Road is a dead end road. He believes there are a half a dozen houses on that road. R. Roeckle asks if he would be pulling off his existing well for the garage apartment or would he be putting in a new pump. C. Baker states yes. K. Conway asks if it will be a commercial rental. C. Baker states no. He has 2 sons that moved out of the area and his house is very small. Eventually they will have families and he thought it would be a nice place to hang out with their families and still be close. K. Conway states she thinks that is great. C. Baker states that is his sole intent. T. Yasenchak states with Site Plan Review it is a may, not a shall and asks the Board how they feel regarding a public hearing. The ZBA already had a public hearing. The Board members agree that it is not necessary to have a public hearing. T. Yasenchak states that this property is under 4000 square feet and they don't have to do SEQRA. She does not feel it is necessary that the Board needs to review SEQRA. The Board agrees.

MOTION: R. Roeckle

SECOND: K. Conway

RESOLVED, The Town of Greenfield Planning Board, at their August 27, 2019 meeting, granted Site Plan Review approval to Charles Baker for a garage with an apartment for property located at 29 Cohen Road, TM# 100.-2-1.

VOTE: Ayes: Conway, Dake, Gyarmathy, Roeckle, Yasenchak, and Sabanos

Noes: None

Abstain: None

Absent: Duffney and Querques

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## **DISCUSSION**

T. Yasenchak states that the revisions of the bylaws are still out. T. Yasenchak states just to let J. Sabanos know, the Board has been working on revising the bylaws and explains why.

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M. Waldron states that there is a situation off the record on Lake Desolation Road with Tom Merrills Jr. T. Yasenchak states this can be on the record because of the Code Enforcement Zoning Administrator can update the Board or bring questions to them. Projects that may not necessarily be in front of the Board but, they may be situations that are occurring in the Town. M. Waldron states that the Assessor's Office was made aware that there was an illegal subdivision filed with the County. They would need Area Variances and they are making 1 lot more unsubstantial. That may be in front of the Board in the coming months. T. Yasenchak states that the Board does not have a plan to see what is being referred to. Property that was sold on Lake Desolation actually had a private road that ran through it. The owner of the property sold the portion of the property on side of the property and added it to

theirs. Technically it is a subdivision and not a lot line adjustment. The original owner ended up with a significantly smaller parcel. It did not meet a Zoning. It has a house on it as it exists. There has always been the road there. They would do it as a subdivision process when there is a road that runs through it. It is just kind of by default. The Board still goes through that process. This was not done through that process. Who knows what would have happened because the lot is so small. This was all filed with the County without the Town's knowledge. It came to the Town's knowledge when it got back to the Assessor's Office from the County that this was done. They would have to go through the ZBA. What M. Waldron is asking if the Planning Board would need to see this before the Zoning Board does? K. Conway asks who owns the road now. T. Yasenchak states that it is a separate owner. M. Waldron states that it is a private road and it is owned by a family member. R. Roeckle states that (the ZBA) would hope that they would review before granting any variances. There would have to be variances for the pre-existing lot. They need to make sure that the lot can support the well and septic system. T. Yasenchak states that is the biggest question she would have, if the ZBA reviews it and it is determined that the well and septic are adequate and meets the setbacks. T. Yasenchak states that process in the past has been come in front of the Planning Board first with an idea then the ZBA it has helped the ZBA process. R. Roeckle states that if the Planning Board reviews it the week before the ZBA meets, they (the Planning Board) could give the ZBA their opinion. M. Waldron asks if the applicant will need to submit an application for the minor subdivision. T. Yasenchak states that he will need one, so yes have the applicant submit it and the applicant can come in front of the Board for sketch plan review. R. Roeckle states that the County only follows the law when a map is filed. When a deed is filed there is no way to tell whether it is a subdivision and the clerks that are filing it are not going to check it.

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M. Waldron states that he wants to give the Board an update: D. Jenks was here this evening; Brittany Chase is on hold until the Board receives the engineers report; J. Mahay is still working on his project; T. Makkay is continuing to work with M. Waldron and the Building Department along with the Highway Department; J. Keyzer has a lot more work to do and is in the process of getting all the information to the Building Department. T. Yasenchak states after much research they found a passage in the code that allows reduced frontage in the cul-de-sac's. C. Baker states that is something that needs to be looked at as well because that is based on the old cul-de-sac from years ago. The Board would like to have more discussion regarding the setbacks in cul-de-sacs and the frontages.

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Meeting adjourned at 8:12 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon  
Planning Board Secretary