

TOWN OF GREENFIELD
PLANNING BOARD

May 14, 2019

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Robert Roeckle at 7:00 p.m. On roll call, the following members are present: T. Yasenchak Karla Conway, Charlie Dake, B. Duffney, Mike Gyarmathy, R. Roeckle, and Nick Querques, Alternate. M. Waldron Code Enforcement Officer is present. C. Baker, Town Engineer is present.

MINUTES

Minutes- November 27, 2018

MOTION: R. Roeckle

SECOND: K. Conway

RESOLVED that the Planning Board waives the reading of and approves the minutes of the November 27, 2019 meeting with minor corrections.

VOTE: Ayes: Conway, Roeckle, and Yasenchak.

Noes: None

Absent: None

Abstain: Dake, Duffney, Gyarmathy, and Querques

Minutes- April 9, 2019

MOTION: M. Gyarmathy

SECOND: K. Conway

RESOLVED that the Planning Board waives the reading of and approves the minutes of the November 27, 2019 meeting with minor corrections.

VOTE: Ayes: Dake, Gyarmathy, Yasenchak and Qureues.

Noes: None

Absent: Conway, Duffney, and Roeckle

Abstain: None

Minutes- April 30, 2019

MOTION: M. Gyarmathy

SECOND: K. Conway

RESOLVED that the Planning Board waives the reading of and approves the minutes of the November 27, 2019 meeting with minor corrections.

VOTE: Ayes: Conway, Dake, Gyarmathy, Roeckle, and Qureues.

Noes: None

Absent: None

Abstain: Duffney, and Yasenchak

OLD BUSINESS & PUBLIC HEARING**Kirkwood, E.
TM# 153.-1-13****Case #623
45 Daniels Road**

T. Yasenchak states that this project was noticed. Tthe Board needs to open the public hearing and table it. R. Roeckle asks if the Board has to open the public hearing. T. Yasenchak opens the public hearing at 7:10 p.m. and tables it until the applicant provides the Board with the requested information. T. Yasenchak adjourns the public hearing at 7:11 p.m.

**Fossil Stone Vineyards
TM# 151.-2-59.1****Case #620
331 Grange Road**

Mike Spiak and Justin Gonyo are present. M. Spiak states that back in 2007 he was told he was in a residential area. His farm has been a farm for 200 years. It is an historical farm. It has been around since 1802. He had to go in front of the Board and get a Special Use Permit to operate as a farm. He and his wife wanted to have horses and grow grapes and make wine. The Board gave him permission to have the winery to make the wine, but not the tasting room. That is what they are now proposing. They really want to preserve the farm. In fact there is an agricultural easement on the property that was put on by the previous owner, Martha Carver. They are trying to preserve a piece of history in Greenfield. They chose to grow grapes and have horses. Greenfield has adopted a Comprehensive Plan that was adopted in 2005. When he reads through it, it talks mostly about residential. The reason everyone is moving here is because it is a rural character. That is what they are trying to do preserve the property. They just have been careful how they develop it. If they erase the history it is gone forever. They already have the existing barn. They did get permission to have the barn in 2007. All they are trying to do is extend the barn an additional 10' to add a little tasting room with a little store to sell their products. He feels this structure fits in. It is not a bar. It is just a tasting room. They also plan on selling some other local products there as well. They have sap taken from their property and Kathy Monica makes syrup and they will be selling that as well. They will be helping another business out. There are no cocktails being served it is just a wine tasting room. This will be a seasonal operation and they will be open from May to October 11 a.m. through 7:00 p.m. T. Yasenchak opens the public hearing at 7:17 p.m. Doreen Emery states that she has known M. Spiak all his life and has lived in the community for many years. Mike and Kelly Spiak have taken over the farm and have made vast improvements. They are constantly working to improve the buildings. They have put their whole heart into it and they are wonderful neighbors. They are trying to do something for themselves and the community. She is in total support for them. They have worked to make improvements on the home, the property, and they are constantly working. Lynn Baker states she supports the projects 100%. They are wonderful neighbors. They work very hard. You can see the improvements as you drive down Grange Road. He is always busy and he is building everywhere. It is 100% improvement from what it was. Even in the winter it would be nice because they could have horse drawn sleigh rides there. Erin Harris states their property also has an easement with Saratoga Plan. She

wants to state how important it is having a value added product and to be able to sell your own product from your farm. She was trying to farm vegetables from her garden for a few years. It didn't last very long. It was very difficult to make a living and (if he can grow grapes in upstate NY). He has been working with Cornell Cooperative Extension to grow a sustainable crop of grapes that are hearty enough to grow here. He needs to have a place to sell it and charge whatever he wants to make a living. It is hard to be a farmer in Saratoga County now. She is in favor of the project. Jon Foster states that he is in total agreement with this project. He is also Chair for the Night of the Museum for the Saratoga Lions Club. Fossil Stone has been a great addition to their event and gives back to the community. Keeping the winery historical and having a tasting room is similar to the Ledge Rock Hill Winery in Luzerne. It would be a great addition to the Town of Greenfield and he is in favor of any business in Greenfield. Casey Hollsworth states that this is not a business district and if they don't make it viable for farmers to sell their product and keep their business alive the farms are all going to go. He really commends M. Spiak for what he is doing. He feels that it should be a case by case basis and in this case they should allow a simple operation to help keep that farm viable. Chris Baker states that looking at the history of this property since M. and K. Spiak took over. At one time the house jacked up and they put a whole new foundation and completely rebuilt the house. They fixed the barns and the property. They have worked so hard. The garage is finally standing straight. M. Spiak has been on this farm almost his entire life. They can see what he is capable of. He approves of the project. James Spiak states that he supports the project. T. Yasenchak closes the public hearing at 7:25 p.m.

MOTION: C. Dake
 SEDOND: B. Duffney

RESOLVED, that the Town of Greenfield Planning Board closes the public hearing, for Fossil Stone Vineyards, TM# 151.-2-59.1 at 7:25 p.m.

VOTE Ayes: Conway, Dake, Duffney, Gyarmathy, Roeckle, Yasenchak, and Querques

Noes: None

Absent: None

Abstain: None

T. Yasenchak states the Board is in favor of keeping Greenfield green. It is in their Town Comprehensive Plan as well as for something that has been used for agriculture and they would like to keep it as agriculture, it is part of the Town's master plan. Anything that they ask the applicant is the same thing that they would be asking anyone else to make sure that the future owner of this property for many years to come. They have a guideline to help preserve it for the existing owner as well as the future owners. She asks M. Waldron, this was a Special Use Permit that was received in 2007 for agriculture. They have a copy of those minutes. Right now the Board is looking at Site Plan Review because of agricultural processing, it now an agricultural use they are allowed to have a farm stand. Do they need to amend the Special Use Permit? M. Waldron states that Saratoga Plan also issued one under liability and public use of property. He is not sure if it needs to be amended. T. Yasenchak states that her concern was that all the documents are in place for the process. If there was a Special Use Permit in place that if there is a change in how that; is being used, that they may have to amend the Special Use Permit. It is just asking the applicant to update the application with the hours, which he has stated. If it is just Site Plan Review that isn't looking at hours. M. Waldron states that there is also a maximum occupancy is 30. If they want to hold an event there they may need a Mass Gathering Permit. R. Roeckle asks if the bathroom going to be a portable. Waldron states it will not. R. Roeckle asks how many horses do they board. M. Spiak states currently they have 4.

That is in the minutes from 2007. He believes he came back in 2009 for a building permit. R. Roeckle asks if he has approval for agricultural use. M. Spiak states yes. N. Querques asks the retail space is going to be 10' deep. M. Spiak states correct. N. Querques states he knows that M. Spiak has done a lot of research looking at other wineries. N. Querques thinks it is narrow. M. Spiak states that was looked at during the Site Plan Review and it is 36' long it's plenty long enough. The barn is actually made up in increments. It is a repetitive structure. They are just adding a 10' section. There will be a double door on the front so there is plenty of room for egress for the small amount of people that are already permitted. J. Gonyo states the amount of occupancy for that portion of the structure has enough egress that really is allowed. N. Querques states that once he gets some tables and displays of local products it could get crowded. He is not saying it is wrong. M. Spiak states that on the last plan that he submitted they put the furniture and retail on it. He has the plans if N. Querques would like to see them. It does show the area of the bar and an area where they are using barrels as standing tables. There is no sitting. It's just a tasting room. Generally when you go to winery rooms like this there aren't seats. They did put all that in the second set of plans. It has the retail area and also where the barrels and the bar will be located. N. Querques asks if that was submitted to the Board. M. Spiak states yes that was resubmitted on May 2, 2019. B. Duffney states that the applicant states that he might have a few special events. M. Spiak states that currently they don't have any intention of having any events with the space they have. With the exception of their harvest party which has become pretty popular with the local community. That is just a time for people to come out. It is no different than picking apples except its grapes. There is an educational process that goes along with that too. People get to learn about vineyards and agriculture. They also get to learn about the wine making process. So far they have had no complaints about it. It's been relatively quiet. B. Duffney states that the neighbors are in complete support of the project and so is he. He supports any kind of farming in town. The Town has had several different farms. If they can get some young people there and educate them on farming he thinks that is great. M. Spiak states that he has 2 young daughters learning the process and the government process. K. Conway asks how many parking spaces they will have. J. Gonyo states that they have 11. On their application they noted 10 or less. She commends them on their efforts and the support from the community. C. Dake asks when it will be open. M. Spiak states hopefully in the fall. C. Dake states that he thinks he did a great job putting this together and wishes him the best. C. Baker states that this looks great and the only comment he has is they are not proposing any kind of public water supply. He asks if they will be buying bottled water. M. Spiak states there will be a water supply going to the bathroom. And they will probably have a 5 gallon bubbler in the tasting room. Only because they are not putting piping out to the tasting room. They would probably have a water cooler in there to purchase water. C. Baker states correct. T. Yasenchak states of their license actually states that he will have to provide some type of water for people that are coming for the tasting. M. Spiak states that they will have to provide water to wash their hands with for the bathroom, which will happen. To be honest with you, as far as the winery license he has never seen anything that states they have to supply water. T. Yasenchak states that she wasn't sure. It is very broad what you can do where and so forth. If they can modify his attachment that would be part of his Special Use Permit to have his hours of operation. What are the actual hours? M. Spiak states they put them in the prints. T. Yasenchak states their hours will be 11:00 a.m. to 7:00 p.m. May through October Thursday through Sunday. T. Yasenchak asks what is happening with the pergola. Is there any seating in that structure? M. Spiak states that the pergola is something they want to do within the next 5 years. What they would like to do on the nicer days is be able to have some outdoor tastings and also a place for people to gather during the harvest party. They have been approached by different buses on wine tours and that would be a great way to accommodate them. T. Yasenchak asks if that would happen within the same hours. M. Spiak states correct. T. Yasenchak asks if they would be doing wine tasting inside

and outside at the same times. M. Spiak states no, if it was a nice day they would do it outside. The Board likes the idea, the neighbors like the idea and unfortunately sometimes the public is not always kind when they come to places. Unfortunately they may not be respectful when coming to your property. With the Board doing this it gives them a way to have the Code Enforcement Official to tell those people (that are not respecting his property). It helps to guard you and your neighbors. They want him to be successful. Sometimes when there is a large gathering they walk wherever they want to walk. They just want to make sure they get everything. As far as the existing Special Use Permit it doesn't include gatherings, events, parties, or tours. It's simply wine tasting. They do understand that it is a 1 ounce pour. They do have regulations that the Code Enforcement addressed and if there is an event over 150 people he will have to get a Mass Gathering Permit. It may ease the application process for a Mass Gathering permit by having the Special Use Permit in place with these details. She asks M. Waldron if he is OK with that. M. Waldron states yes. There is lesser traffic if they are looking at this as a tasting room. As far as the retailing and the licensing she knows that it allows for selling of other products that are NYS products but that are an accessory to his wine and the wine tasting and the agricultural processing. He is not opening a retail store and people will be coming in and out from the retail. This is retail to accessory use to his wine tasting and the farm stand. M. Spiak states correct. He did also state that there is no sitting area in the building. M. Waldron states that on the plan drawing there is a notation that there will be a septic engineered stamped building structure for the bathroom.

MOTION: K. Conway
 SEDOND: C. Dake

RESOLVED, that the Town of Greenfield Planning Board amends the existing Special Use Permit/Site Plan approval, for Fossil Stone Vineyards, TM# 151.-2-59. To include wine:

- Wine tasting
- Free standing pergola addition
- 36'x10' addition to the building with exterior structure for a handicap accessible bathroom
- Hours of operation will be May through October; 11:00 a.m. through 7:00 p.m.; Thursday through Sunday
- This is seasonal use
- There will be no structure within the pergola except for possibly seating for wine tasting
- For any large gathering, events, parties, tours, etc. applicant would need to apply for a Mass Gathering Permit
- The retail sales are an accessory use to the wine tasting and agricultural process
- Attachment #1 and the Site Plan as they have been presented and reviewed
- Compliance with the NYS Liquor Authority license that the applicant has been granted

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

NEW BUSINESS

Santabar, G. & Karen J. Brown
TM# 136.-1-33.1

Case #629
Coy Road

Gregory Santabar and Karen Brown are present. G. Santabar states that this property has been in the family for years, his aunt moved away and decided to move back. He and his wife want to subdivide and put a house on the other half of the property. R. Roeckle states that he noticed on the plan he has 2 sheds and a concrete foundation on the new line or very close to it. What will happen with those? They will need something on the plan noting how far the items are from the property line to make sure they are zoning compliant. G. Santabar states they have been eliminated. There is a horse shed and paddock. They will have to check and see how far away that is from the property line. That would be the only one. R. Roeckle asks about the concrete foundation? G. Santabar states that it is gone. R. Roeckle states that he mentioned the paddock, the zone requires 250' of frontage for a regular structure. For a stable the frontage must be 300'. He questions the frontage on the lot that has the paddock and stable. G. Santabar states that they were going to ask for a variance because it has 286'. So they have 2 usable lots instead of 1 usable and 1 non-usable lot. R. Roeckle states that he would be going for an 18' variance in order to keep the horses on that lot. G. Santabar states yes. If they have to shift it they can. R. Roeckle states that if they do shift it they are basically is that the reason for a variance. T. Yasenchak asks if there are any horses there now. G. Santabar states 1. R. Roeckle asks if there are any wetlands they are aware of on the property. G. Santabar states just the pond area in the back of the property. N. Querques asks if the wetlands are protected, are they DEC or other wetlands? G. Santabar states not to his knowledge. He does not see why they would be. T. Yasenchak asks if there is a stream that goes to it or is the topography such that it causes the pond. G. Santabar states that it is like a seasonal thing, not a continuous thing. K. Brown states that it has always been a residential property. G. Santabar states that would also be on the existing property. The new property is basically a hill that is sand. B. Duffney asks if the new property will be towards C. Emigh. G. Santabar states the other side. B. Duffney asks if on lot 2 the house is still going to be used. G. Santabar states yes. B. Duffney asks if the sheds and slab are gone. G. Santabar states there are still remnants of a small shed that had a concrete foundation. The shed are gone. B. Duffney states that he has done work in that area and he knows that the wetlands are way down back. He sees no issues at this time. As far as having 1 horse on his property he does not see an issue with the frontage or anything. Absolutely none. T. Yasenchak states that she knows but that is what their area table says. M. Gyarmathy asks if this was something that was not rectified when they redid the 6 acre zoning. B. Duffney states he thinks that this needs to be addressed when they start going through for having domestic animals and farm animals. Something like this that has 1 or 2 horses he does not personally care. As long as they meet their frontage who cares if they have 2 horses on 6 acres. T. Yasenchak states that the Planning Board does not make the rules. R. Roeckle states that the code does need to be revised. K. Conway asks if the intention is to build a residential structure on lot 1? G. Santabar states yes, in the clearing at the peak of the hill there is a nice level, dry spot there. B. Duffney asks how long will the driveway be? G. Santabar states 300-400'. There are existing skidder trails. B. Duffney states the reason he is asking is if it is over 500' there needs to be pull-off for emergency vehicles. G. Santabar states that they already have existing road way all the way through. You can drive the hole back of the property. G. Santabar states that there is a perfect spot for that on the main hill from the other clearing. A firetruck could easily turn around there. B. Duffney states that it does not have to be paved but it does have to have stone. C. Dake asks if both the applicants jointly own the lot at the moment. K. Brown and G. Santabar state yes. M. Gyarmathy states he does not have any questions at this time. He is familiar with the property. It looks straight forward to him. C. Baker asks if there is an easement for the power

lines. G. Santabar states that he does not know. C. Baker states that they may want their surveyor to check into that to make sure and if there is, that it should be shown. He thinks that there should be topography shown. That is standard request for a subdivision. He provides the applicants with the Town's typical notes. The only other question he has is site distance. He is not familiar with this stretch of Coy Road. B. Duffney and M. Gyarmathy state that it is straight and clear. T. Yasenchak states that as part of the application there is a list of items the Board needs to see on the maps so they can look back on the application. The first one is the location of the proposed buildings. They have the location of the existing. They would need to show even if they do not know exactly what the building envelope would be; where the setbacks are on the property and where a proposed house would go. Even if they change it later. That is something the Board needs to have. Also, where the proposed driveway will be. They have been asking for site distance. As far as the topography, just do an overlay of that. Also, list the easement of public roads. G. Santabar states that he is almost positive that there isn't but does not want to say for certain. T. Yasenchak states because they will need 300' for the horse, is that something they should ask the applicant to get first? M. Waldron asks if the paddock already exists and there is a horse. T. Yasenchak states that there is a horse. M. Waldron it would be appropriate to a variance first. T. Yasenchak states that they can go and speak to the Code Official during business hours. They have a list of items the Board has requested on the subdivision map for the Board to continue their review and approval. With the map that they have now they can use it to get their variance. K. Brown states that she wants to make sure that they have everything. The location of the proposed house, the driveway. T. Yasenchak states also where the proposed septic system would be or the well. The surveyor should know this. The Board asks for the setbacks to be shown on the map. The driveway goes along with the parking area. They have the water bodies there. They are over 250' from the clearing area to the pond, they should be fine. N. Querques adds the site distance. R. Roeckle states that the setbacks are 75' front, 50' side yard, and 75'. With the small stable, when going for the variance for 300' frontage they might want to get a variance for the side yard setback for the existing stable area and paddock. B. Duffney states that he does not consider 1 horse a stable. G. Santabar states that his architect is working on plans site plans and house plans, would his drawing of the site be enough? T. Yasenchak states that what the surveyor would be showing on here for right now he does not have to have the exact house layout. It would just be in general format. G. Santabar asks that they would have to wait for the variance. T. Yasenchak states that the Board cannot approve a subdivision if it does not meet the area requirements for the frontage that is required in the zoning code. Before the Board could act on the subdivision they would need to know that he has a variance. K. McMahon explains the ZBA process to the applicants. R. Roeckle states that most likely they would get their ZBA approval on July 2, 2019. K. McMahon states correct. R. Roeckle states that if the Board has all the information by June 25, 2019 could they set a public hearing for July 9, 2019 to keep them moving forward. If they don't get their variance they won't act on it. T. Yasenchak states that the Board could go a step different with a minor subdivision. Public hearings are not required and knowing that a public hearing is required for ZBA they have often looked at that. G. Santabar asks what if the paddock wasn't there. M. Gyarmathy states that he thinks it is a little too late. B. Duffney and K. Conway ask what if he got rid of the horse. M. Gyarmathy states then they wouldn't need a variance. K. Conway states that it would be a quicker process. G. Santabar states if he got rid of the horse for now and ask for the variance later. B. Duffney states that he hates to see people go through this. M. Gyarmathy states that it should have been changed. R. Roeckle states that if they have the surveyor redo the map and remove the paddock he would not need a variance. T. Yasenchak states to be on the Planning Board agenda it is 7 business days before the meeting that they would need the modified information. Their next meeting is May 28, 2019 and they would need the new plans by May 17, 2019.

DISCUSSION-OTHER BUSINESS

B. Duffney states that there is something that he noticed in the Planning Boards by-laws that the start time is 7:30. How do they go about changing it? C. Dake and T. Yasenchak state that the Board has talked about that. T. Yasenchak states that not just the hours but there were some other revisions to change. R. Roeckle states yes, there were some other minor revisions. T. Yasenchak states at their next meeting they can discuss those items. They can put it on the agenda for the next meeting. R. Roeckle states that he does not believe that they need a public hearing for it. T. Yasenchak states no they do not. She believes that the Town Board will need to have one when they change the Code. B. Duffney states that the reason he is bringing this up is because of the big case that was just approved that he was not a part of. Residents can come in and say something if they miss a public hearing because he feels that they could get into trouble if it isn't changed. T. Yasenchak states that when they post an agenda on line it does say what time it starts, but it's better to have it all consistent. B. Duffney states that some people want to find a problem and can nit-pick with this. Why didn't they start the meeting at 7:30 because that is what their by-laws says? T. Yasenchak states certainly having it consistent would be fine. When the Board has a public hearing that has been noticed and the public has been addressed, it states that it starts at a certain time, it has been noticed correctly, they have discussed this with the Town attorney regarding this public noticing process. R. Roeckle states that in other towns they start at 7:30 and schedule their public hearings for 5 minutes before the meeting actually starts. They actually put a time for their public hearing. T. Yasenchak states that on May 28, 2019 they will put it on the agenda to review the by-laws and make suggestions to the Town Board. M. Gyarmathy asks if the Board is moving that meeting to the Community Center. T. Yasenchak states that for the May 28, 2019 meeting they will be relocated to the Community Center because it is the same night as Board of Assessment Review Grievance. Perhaps on light meeting nights they could talk about small items like some of the code items that they can suggest to the Town Board and to the ZBA to review. It might be able to lighten the process. Rather than have another committee get together to review it, if they just start looking at one thing at time and make suggestions. M. Gyarmathy states that it is a good idea. B. Duffney feels it would be better if they just bring it to T. Yasenchak and that way everyone is on the same page. T. Yasenchak states that there is so much to change and no one has the time to get together. C. Dake asks if it goes to the Town Board. R. Roeckle states that it goes to the ZBA Committee. M. Gyarmathy states that they should make a suggestion to the Town Board that they start it before winter, in the fall when things slow down. T. Yasenchak agrees. R. Roeckle states if nothing else keep a running list of things they want to change. M. Gyarmathy states that he has a list. R. Roeckle states that usually when they get together for the Zoning Committee meetings they are making it up as they go. M. Gyarmathy states that they have to hand it to them on a silver platter. R. Roeckle states that it is easier for the Town Board to take one section and make all the changes they need to that one section. T. Yasenchak reiterates that at next meeting they will discuss what the process would be to do that about opening that committee up again.

Meeting adjourned at 8:23p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon
Planning Board Secretary

DRAFT