

TOWN OF GREENFIELD
Planning Board

June 29, 2021

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by T. Yasenchak, at 7:01 p.m. On roll call the following members are present: Karla Conway, Charlie Dake, Butch Duffney, Mike Gyarmathy, and Robert Roeckle. Nick Querques and Joe Sabanos are absent. Charlie Baker Town Engineer is present. M. Waldron, Zoning Administrator/Code Enforcement Officer is present.

Minutes

May 11, 2021

Minutes to be reviewed at the next meeting.

May 25, 2021

Minutes to be reviewed at the next meeting.

June 8, 2021

Minutes to be reviewed at the next meeting.

Peerless Groves, LLC Case # 649
TM# 125.-2-40.1 & 40.12

535 & 540 Locust Grove Road
Major Subdivision

T. Yasenchak recuses herself. R. Roeckle Vice- Chair chairs this project. Scott Miller, Peter Loyola, Mike Scoula and Jeff Rizzo are present. S. Miller states this property is a 87.93 acre lot and they are looking to subdivide the lots into a 6 lot subdivision. 2 of the lots have existing homes on them. They are adding 4 new residences to the lots and 2 won't be visible to the road. The smallest lot is a 6 acres lot and the largest lot is 41.2 acres. They meet all the Town laws and requirements for the emergency vehicles. They are every 300' with 30'x30' aprins at the homes to maintain the rural character and they are preserving the green space. R. Roeckle asks C. Baker to give an over view of his report. C. Baker states the sight distance analysis in general he is in agreement with the concept. R. Roeckle opens the public hearing at 7:06 p.m. Chris Everhart of 686 Locust Grove Road states that he recommends that the Planning Board ask the applicant to provide a stabilization map. It was recommended for them for their driveway when they built their house. The applicant should put swails on the property for the storm water drainage. Christine Everhart of 686 Locust Grove Road asks if the lots will be mixed use. S. Miller states that they want to maintain the equine. M. Scuola states that Jeff Rizzo is present and he is looking to purchase the equine lot. J. Rizzo states that he works for NYRA and he has horses wife and kids all ride horses and they really appreciate the

property. R. Roeckle asks the Board how they feel about closing the public hearing. The Board agrees to close the public hearing. R. Roeckle closes the public hearing at 7:11 p.m. B. Duffney asks how wide are the curb cuts on lots 3 and 6. S. Miller states they are they 60'. They will talk with the Fire Chief. P. Loyola states that they did meet with Justin Burwell the Highway Superintendent regarding the driveways and at that time he did say that he was the Fire Chief. B. Duffney states that he can't stress it enough the importance of the turnarounds, it for the safety of the home owner and the fire fighters. Will trees be moved in front of the fence and nothing replaced there. P. Loyola states their intentions are to remove all and not replace them. B. Duffney states Mrs. Everhart the Town has Zoning Laws and the residence have to go in front of the Planning and Zoning Boards when they want to do certain things in Town such as subdivision. K. Conway asks when they chose this layout why did they decide to do 2 keyhole lots. M. Scuola states they chose to keep it the rural character and the Town's Zoning Laws states they are allowed. P. Loyola states they want to keep this project green. They did not want to make a road for the Town to take over. This has been approved in the past. We have 60' of right of way and they can do that with 40' keyhole lots. This subdivision meets the Town's Code. They also didn't want to propose a shared driveway. K. Conway asks if any of the houses are in view of each other. P. Loyola states no, maybe the roof top. M. Gyarmathy states he is concerned about the ground cover and is asking to see a plan to stop the growth. Can they show mediation for the home owners for the growth of ground covering for years to come? P. Loyola states they can put it in the deeds and possibly plant wildflowers there. R. Roeckle states that the Board will want to see the language of the deeds. S. Miller states that they can provide the deed restrictions to the Board. R. Roeckle asks if they can increase the setbacks and put it in the deeds. S. Miller states that they can do that. R. Roeckle asks can lot 5A and 5B are 1 lot and can that be put in the deed as well. P. Loyola states that they can do that.

Malatesta, S. Case #651
TM# 124.-1-14

41 Plank Road
Minor Subdivision

T. Yasenchak re-joins the Board. Sean and Lisa Malatesta are present. S. Malatesta states that they are looking to do a 2 lot subdivision. L. Malatesta states that they are looking to downsize. T. Yasenchak states they have done test pits and have the sight distance at the driveway. She states this looks self-explanatory. She asks if the applicant plans on clearing anymore. S. Malatesta states no. T. Yasenchak states that the 100' flood plain is also on the plan. R. Roeckle asks what is the metal building on the plan. S. Malatesta states that it is a pole barn. R. Roeckle asks when do they plan on building. L. Malatesta states within 3 years. R. Roeckle states that they can't have an accessory structure without a principle primary use. S. Malatesta states M. Waldron did tell them that and they will work with him to figure it out. T. Yasenchak states yes, maybe a Special Use Permit. N. Querques states that he is an adjacent land owner and he does not have any problems with this project. B. Duffney states he does not have any problems with the pole barn or the project. M. Gyarmathy states he lives across the street from this project and agrees with B. Duffney and he feels that the Town Board needs to look into the Zoning Law soon regarding this. B. Duffney agrees. T. Yasenchak explains the principal primary use and the accessory structure use and she agrees with her colleagues regarding this. K. Conway agrees with the Board. C. Baker states this a very complete application and lot 2 shows the parking turnarounds. Sight distance looks fine too T. Yasenchak states that a Minor Subdivision does not requires a public hearing and asks the Board how they feel about this? This is a 25 acre parcel in LDR District and taking making a 10 acre lot and a 25 acre lot to make the 2 lot Minor Subdivision. C. Dake feels the Board should have a public hearing. N. Querques states B. Duffney does not feel it is necessary to have a

public hearing. S. Malatesta asks how long is the process of a public hearing. T. Yasenchak explains the process of a public hearing process. The Board sets a public hearing for July 13, 2021.

Roeckle, R. Case #652
TM# 150.-1-46

445 North Creek Road
SUP

R. Roeckle recuses himself. Robert Roeckle is present. He states that he is looking to have a garage apartment a variance was granted. T. Yasenchak states this is an allowable use in this district. She asks will he be using his existing well. R. Roeckle states yes, he will be using the existing well and a new proposed septic system and the garage will be on the bottom level. T. Yasenchak states the drainage is shown is that for the garage or not and is there any lighting. R. Roeckle states there will be no windows toward the neighbors. T. Yasenchak asks about the trash removal. R. Roeckle the renters will use whatever trash removal he uses. J. Sabanos asks if there will be separate electrical box other than his for the house. R. Roeckle states yes. K. Conway asks how many bedrooms will there be? R. Roeckle states 2. C. Baker states this is pretty straight forward. T. Yasenchak states the Board is required to set a public hearing for a Special Use Permit. J. Sabanos asks if the garage apartment will have a separate address. R. Roeckle states that he assumes that it would have a separate address. The Board sets a public hearing for July 13, 2021.

Menter, D. Case #653
TM# 152.-1-33.2 & 93

41/41A Locust Grove Road
SUP/SPR

John Lapper and David Menter are present. J. Lapper states they are not proposing any changes they are just adding a massage therapist. The Menter's own several commercial properties in Lake George. They will be taking one of the rooms of the Bed and Breakfast for the massage room. T. Yasenchak states that there is a Special Use Permit there currently. J. Lapper states yes. T. Yasenchak asks if there will be any different signage. D. Menter states no, they are going to keep it in the same character as it currently is. T. Yasenchak asks if the sign will be advertising the massage therapy. D. Menter states no. T. Yasenchak reviews the Code regarding Special Use Permit. She asks about handicapped assessable entrance. Mariana Ditoro (the current owner) states no. T. Yasenchak asks if they will be doing anything with the barns? D. Menter states no, their daughter will be running the Bed and Breakfast. J. Sabanos asks if there will be patrons coming for massage therapy only. D. Menter states yes one at a time. C. Baker states with the change of ownership he recommends a septic report and a determination from the Code Enforcement Officer. T. Yasenchak states NYS Code is different from our Town Code. The applicant should check with M. Waldron about the handicapped assessable ramps. The Board set a public hearing for July 13, 2021.

Kodiak Construction Case #654
TM# 150.-2-36.12

15 King Road
Minor Subdivision

Jesse Boucher is present. J. Boucher states that he is proposing a 3 lot subdivision on 24 acres of land. His client is looking to give his daughter and son 7.9 acres each and keeping 8.2 acres for himself. The setbacks are easy to maintain. The daughter is looking to do a 2 story farm house and the son is looking to do a 1 story ranch on a slab. Ryan Riper did the soil testing pits. T. Yasenchak states that the septic systems and wells are on the plans. She does

not see the limit of clearing. B. Duffney states this is pretty straight forward. T. Yasenchak states yes, but she wants to see the amount of clearing. C. Baker agrees with B. Duffney. T. Yasenchak states they don't want to set a public hearing and not have everything submitted. They did that last month and the applicant didn't have anything submitted in time and they Board had to adjourn the public hearing. R. Roeckle states that the Board could set a public hearing for our last meeting in July. C. Baker states that the typical notes that the Board asks for need to be added to the plans. The Board sets a public hearing for July 27, 2021 pending the submittal is at the Building Department by July 20, 2021.

Cartier, C. Case #655
TM# 123.-1-23

355 Plank Road
SUP/KROD

Cohen Cartier is present. C. Cartier states that this project is lot 7 on Sky Rach in KROD District. This lot cannot be seen from anywhere. The roof will be black shingles, the porch is going to be a black metal (not shiny) all the lighting will be facing downwards. The glazing will be less than 50% and that is on pages 6 and 7. T. Yasenchak asks what is the height of the building? C. Cartier states 27' to the peak. T. Yasenchak asks what is the limit of clearing. C. Cartier states they will be clearing only to maintain the home about 35'. T. Yasenchak states that the buffer is 25' for the rear and side yard setbacks, but this is larger 100' and 50'. There is a pond on the neighboring property lot 8. C. Cartier states the glazing shows 98 square feet and they are the correct calculations. He met with M. Waldron prior to submitting. He will show the limits of clearing. B. Duffney states that he is a bit confused about Bucket Pond. C. Baker and M. Gyarmathy agree. T. Yasenchak asks if there are emergency turnarounds. C. Cartier states that he will confirm them. That should be with the original subdivision. T. Yasenchak states that the driveway is very long and the turnarounds need to be on the map. B. Duffney states 12'x60' drivable turnarounds. J. Sabonos asks if they were going to be having National Grid or off the grid there. C. Cartier states National Grid yes. N. Querques asks if the home owners will have cable or satellite. C. Cartier states that he does not know. C. Baker states that he is glad someone is doing something on that property. The Board agrees. T. Yasenchak asks the Board how they feel about waiving the public hearing it is not a requirement for a Site Plan Review. The Board agrees to waive the public hearing for this project.

355 Grange Road, LLC Case #658
TM# 151.-2-58.1

Area Variance
355 Grange Road

Gerry McKenna is present. G. McKenna states that he is proposing a 32 units, 4 building apartments. He will need to get a 1.4 acre Variance per building. T. Yasenchak reads the letter from the ZBA. She asks where is the parking going to be. G. McKenna explains where the parking is. T. Yasenchak states this is hard for the Board to give an advisory opinion this. M. Gyarmathy states that it is not this Boards job to do their job. C Baker asks if there is a Special Use Permit? G. McKenna states yes. C. Baker states that it will be in front of the Planning Board if the Variance is granted. R. Roeckle states this is 4 units times 8. This is well beyond the scope of Zoning. G. McKenna states this is not unprecent. R. Roeckle states that is not the point. He would like more information. T. Yasenchak asks how does SEQRA play into this? C. Baker states the Board is not at that point yet. N. Querques states 32 units seems like it is too intense of a use for this property. G. McKenna states these are 1 bedroom apartments. B. Duffney states this is a big project and he compares it to the Bump Hill Road case. J. Sabanos states he feels that this is a serious challenges for this project. This is a significant

ask. M. Gyarmathy agrees with J. Sabanos and states this is well over what the current Zoning Code allows, but there are mobile homes next door. He feels that the Zoning issue is not for the Planning Board to decide. C. Dake agrees and there are a lot of hurdles. K. Conway agrees with the Board it is a dense lot. C. Baker states this is a significant ask. T. Yasenchak states this project is very dense. T. Yasenchak states the ZBA has specific questions that they ask. C. Dake states this is dense. M. Gyarmathy states this is all on the ZBA. R. Roeckle states that the ZBA will not approve this. M. Gyarmathy states this is a Zoning issue it is way to premature to be in front of the Planning Board. B. Duffney states the ZBA should not be put it on the Planning Board. M. Gyarmathy agrees. T. Yasenchak states that the ZBA is allowed to send it front of them as an advisory opinion. R. Roeckle asks if there would be public hearing. C. Baker states that it would have to be it's more than 25 units based on the number (more than 25 units). R. Roeckle states the septic has to be 200' from the well due to the density of the property. He is concerned about the amount of ask. Why would the ZBA ever approve this. G. McKenna states the Planning Board has spent 10 times longer on this than the ZBA did. This is not even close to any engineering. M. Gyarmathy asks if there is rock there? B. Duffney states yes. G. McKenna states yes, in the front if you go back 300' it drops off. C. Baker feels the density will be an issue. K. Conway states this is 8 times what is allowed in this district, the applicant is not at any way ready for engineering, there are wetlands on the property, the future on the DOH water is a concern, and need a site plan. This is all unknown based on the potential limiting factors.

Gyarmathy, M. Case #659
TM# 124.-1-23

Minor Subdivision
16 Plank Road

Michael Gyarmathy and Stephanie Feradino are present. S. Feradino states there is a long history with this property. This was created in the 1970's before Zoning was in effect. The creation of 31 lots. Lot 27 in the mobile home was subdivide out in 1974. Lot A is duplex and it was created in 1976. In 1986 M. Gyarmathy's family tried to get this approved in 1986 and have it finalized, but it was never filed with the county. Anna Stanko would not accept it. T. Yasenchak states she knows that the map wasn't filed, but the minutes that were found signed the old map and the County won't accept any map over 90 days. C. Baker asks what is existing, what does the map look like? S. Feradino states that he is looking to keep the lots on North Creek Road and separate the park from the other 4 lots. M. Gyarmathy states that he is doing this so he can sell the park. R. Roeckle states that it it should have been filed. With a half acre lot it is hard to put a septic and a well on it. M. Gyarmathy states this property is in Town Center District and there are a number of parcels in this district that are a lot smaller. He is just trying to correct a problem. B. Duffney states that there was a letter (with the old minutes) that was signed by Pauline Levo stating that this was done it just needs to be updated. J. Sabanos feels this is plain and simple. C. Dake and K. Conway agree that it is straight forward. T. Yasenchak states that the Board can waive a public hearing for this project. R. Roeckle agrees that because of the minutes from July 8, 1986. The Board waives the public hearing due to the minutes from the past Planning Board meeting's.

MOTION: R. Roeckle
SECOND: B. Duffney

RESOLVED, the Planning Board hereby grants approval for Michael Gyarmathy for a Minor Subdivision at 16 Plank Road, TM# 124.-1-23:

Ayes: K. Conway, C. Dake, B. Duffney, M. Gyaramthy, T. Yasenchak, R. Roeckle, and N. Querques

Noes: None

Abstain: None

Absent: None

DISCUSSION

T. Yasenchak states the Board has other public hearings coming up and an adjourned public hearing when the Board has the applicant in front of them they Board can determine if they open the public hearing. She knows that some members of this Board have been contacted individually by the community asking very specific questions about the process or about the application. It is important that the Board members not have those conversations specifically about certain projects for several reasons, such as giving the resident false reason that you may have given them or determine in a certain fashion. It could show the members of the community and the applicant that the Board member already has a preconceived idea about a project. Stay away from doing that. If someone has a question about the process they can call the Planning Department and speak with M. Waldron. They want to make sur they are doing everything in very open and public way. They do have individuals asking the Board and the staff to do their private secretarial work of submitting and sending out information and reporting back to them asking staff to report back to them who has received it. We are not doing that. If someone gives a member a letter to bring to the Planning Board there is a specific process of doing this. Please do not accept those letters. Have the resident submit anything to the Planning Department. If someone sends an email to a Board member individually forward that back to the Planning Department or send it back to the resident and let them know the process. It should not be submitted outside this forum. R. Roeckle states that the public can't move our venue. That was something they wanted to do. They had it all arranged. It was COID-19 restrictions at the time which is no longer in affect. T. Yasenchak states that it has been determined that going forward even though there might not be enough physical chairs in here currently. We can make accommodations here. There was a public comment to the Town Board saying that the Planning Board was not allowing the public in the same room as the applicant. There seemed to be some concern that the Planning Board where not allowing them to be part of the process. The Planning Board went above and beyond at their last meeting to allow the public present. They provided a separate venue for them both publicly and online. Going forward the Board can still do that if they chose to because of Open Meetings Law and the State of Emergency being cleared the Boards have to have all of their meetings in person. If they do anything they will have to broadcast it. It would not be for anyone to make the aplication's or for public comment it has t be in person now. The change of venue and te reason they didn't was because they had other items on the agenda for applicant's on for a public hearing. It was already noticed it would be on Town property. As R. Roeckle stated that it is up to the Board not the residents. K. McMahan asks if the Board happens to change the venue can the Board please make it so that he venue is wifi capable so that it can be recorded. T. Yasenchak states yes. K. McMahan thanks her. T. Yasenchak states that she does not foresee that in the future. After talking to the Deputy Supervisor we want to make sure that the Board is having meetings that are on Town property. There is a liability. R. Roeckle states that since US Light Energy is on the agenda for the next agenda plus 3 other public hearings. One of the Deputy Supervisor has noted was that because of the residents complaining that they had to wait all night. The agenda The Board can states that US Light Energy will be approximately at 7:30 p.m. M. Gyaramthy states that he does no ever remember doing that and he disagrees

with it. C. Baker asks if he Board has considered having Town Council at the meeting with US Light Energy. He works with 3 other Boards and 2 of them are in the process of reviewing Solar Farm application and 1 of them is very close to litigation. He recommends that the Planning Board request Town Council's presence at all their meetings with US Light Energy. The Board agrees to request Town Council's presence. T. Yasenchak asks K. McMahon to contact Town Council.

Meeting adjourned at 9:22 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
Planning Board
Administrative Assistant

DRAFT