

TOWN OF GREENFIELD
PLANNING BOARD

November 28, 2023

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak Chair at 7:00 p.m. On roll call the following members are present. Tonya Yasenchak, Charlie Dake, Butch Duffney, Steve Licciardi, Beth Podhajecki, Joe Sabanos, Robert Roeckle, and Clyde Ronk, alternate. Charlie Baker is present. Justin Reckner is present.

Minutes

November 14, 2023

The minutes will be reviewed at the next meeting.

Old Business

Kwalik, K. Case #713
TM# 164.6-1-27

Advisory Opinion
28 Old Stone Ridge Road

Ken Kwalik is present. T. Yasenchak states that this is an Advisory Opinion for the Zoning Board of Appeals. K. Kwalik states that there were a few items that were required by the Planning Board. He states that he supplied the Homeowners Association unanimous vote in favor of this. He recused himself from the vote. The HOA is a Governing body that is an Architectural Board. He also submitted the septic plan and the survey. This project was supposed to be done when the house was built. He provided pictures from Lester Park Road. He states that it is in the best interest of everyone on the road to have privacy. T. Yasenchak states that they are in front of the ZBA for the size of the apartment. They are requesting a 1,300 square foot garage apartment, but Code states that a garage apartment can be either 1,000 square feet or 40% of the Primary Principal Use whichever is less and must have 3 acres. Currently he has 2.13 acres and she is not sure if the recently acquired land can be included can be used for the build. She states that for a garage apartment in the MDR-2 zone needs 3 acres. When the Lot Line Adjustment was done the Board specifically stated that they cannot use that new land that was meant for conservation part of the original subdivision, for development and that includes a part of his acreage. He can't double dip and use for their own development purposes. The Board will have to look at the original size lot. She believes that his original lot size is 1.3 acres. K. Kwalik states that 1.4 acres. It should be on the survey map. J. Reckner states 1.58 acres. K. Kwalik states to be clear this was the original envelope. T. Yasenchak states that she is not talking about setbacks. She states that you need to have 3 acres in that district to have a garage apartment and he does not have 3 acres. That would be an additional Variance. Since that there is additional acreage and that can't be used. Originally that was used for the conservation easement and it can't be used for your own development purposes. The Board will have to look at the original lot size which was 1.7 acres. K. Kwalik states 1.3 acres. It should be on the original survey. To be clear this sits within the original building plans. That is a 200% Variance. The plans only show 1 septic system. A

garage apartment will need its own septic system. K. Kwalik states that the plans show 2 septic systems. T. Yasenchak states no, the site plan only shows 1 septic system. K. Kwalik states that he will get the Board updated plans. T. Yasenchak states that the plans don't show the neighbor's well. The new septic system must meet the 100' separation. The Board is looking at this as a 200% acreage Area Variance, apartment, and a 33+% for the size of the garage Area Variance. In MDR-1 District for a garage apartment you need 3 acres and you don't have it, so you will need an additional Area Variance. Since the original land is 1.5 acres you will be looking at a 200% Area Variance for what he is proposing now. R. Roeckle asks if this was always the plan? K. Kwalik states yes. R. Roeckle states that the purchased area (Lot Line Adjustment) and asks if he can use that land in the build. T. Yasenchak states that when the Board approved the Lot Line Adjustment the Board stated that they could not use that to build. It has to stay green space. R. Roeckle states as long as the language is there. T. Yasenchak states that they that would require they will find that language. B. Podhajecki asks if they have haven't considered to change the size of the garage apartment? K. Kwalik states no, that would require new plans. J. Sabanos states on the new drawings show the back portion is that counted or not. He feels that the ZBA is going to have a hard time approving a 1,300 square foot garage apartment. He feels this is excessive. He would not recommend to the ZBA approving the Variance for square footage. 200% is massive. He understands K. Kwalik's needs, he feels this is too excessive. T. Yasenchak states that the Code has not changed it was this district when the house was built and, in this district, it is a 3-acre minimum no matter the size of the garage apartment. That would have been required when they built the house. In 2019 it would have been required the lot size has not changed. The Zoning Laws have not changed. It does not matter what the builder said to him regardless it has not changed. B. Duffney asks if the HOA has any issues with this? T. Yasenchak reads a letter from the neighbor in favor of this project. B. Duffney states that if the neighbor's come in and are not in favor of the project it could be a problem. T. Yasenchak states that if this project goes through the ZBA process a public hearing will be required. B. Duffney states that he does not want to set a precedent. This requested is 1/3 over 1,000 square feet. He would like to see the neighbor's wells. 3 acres are the minimum requirement for the MDR-1 District. T. Yasenchak states the Planning Board was asked to give an Advisory Opinion and then it will come back in front of the Planning Board. She states that right now the Planning Board is not reviewing this for a Special Use Permit at this time. The Board can let the ZBA know their feelings and make an Advisory Opinion. It is 1/3 over what is required. We will need to know the placement of the septic will need to be handled. As it stands now the ZBA the applicant is looking for 3 Variance. It is excessive. B. Duffney asks if this is a 3-car garage? T. Yasenchak states yes, and they can reduce the number of Variances by doing an in-law apartment. C. Dake states that if this was in front of them for just a Special Use Permit he would be fine with it. The lot size would require a Variance. The square foot doesn't help them. T. Yasenchak states that the issue is the separate dwelling unit. Once this comes into play there are extra rules. An in-law apartment has different requirements and may not need a Variance at all. K. Kwalik states that will rip up his driveway and he understand the rules. He feels that there is room for interpretation. He states that this fits in with the neighborhood. It won't stick out like a sore thumb. S. Licciardi states that he agrees with the use. He is struggling with size of the square footage. He is onboard with the Advisory Opinion and feels that the path of least resistance. He feels that the size is excessive. There are other options with less the size. C. Baker states that he agrees with the Board about adding the wells and the new septic to be on the plan. B. Duffney asks if the stair case is included? T. Yasenchak states that within the walls. R. Roeckle states the second floor will be 1,260 square feet. B. Duffney states that the stair case is not living space. T. Yasenchak states that the Code states floor plan. R. Roeckle states that will the garage apartment porch be open to the air. T. Yasenchak states that the Board is they are giving an Advisory Opinion to the ZBA and need to be T. Yasenchak states that K. Kwalik has a couple of

options. She states to K. Kwalik that the Board can give their Advisory Opinion with what is in front of them now or they he can make modifications to the size of the garage apartment and add the neighbor's well and the septic system on the plans. K. Kwalik asks to pause and come back in front of the Planning Board. T. Yasenchak states yes, and be concise and get everything on the plans for the Board to review this is not going to be back and forth with you architect. Give the Board what he wants them to review. K. Kwalik states that they would like to pause and come back in front of the Planning Board. R. Roeckle states that we are having a meeting on December 12, 2023. T. Yasenchak states that if they can get the requested information within a week they can be on the next meeting.

Discussion

MOTION: C. Dake
SECOND: S. Licciardi

RESOLVED, The Planning Board, to cancel the meeting on December 26, 2023.

VOTE: Ayes: C. Dake, B. Duffney, S. Licciardi, B. Podhajecki, J. Sabanos, R. Roeckle, and T. Yasenchak
Noes: None
Abstain: None
Absent: None

Scuola, M. Case #714
TM# 125.-2-32.111

Advisory Opinion
656 Locust Grove Road

T. Yasenchak recuses herself she has business dealings with Mr. Scuola. Mike Scuola and Bill Sparkman are present. R. Roeckle states this project is also an Advisory Opinion to the ZBA. They are requesting a front and side yard setbacks relief on one of the parcels that he is trying to subdivide. The ZBA is looking for lead agency on the SEQRA review. B. Sparkman states that they are looking for a Variance for the existing dwelling, the side yard setback, and the frontage. They are looking for 3 Variances. R. Roeckle states that the Variances are for the west side keyhole lots. He is not sure why they need to do SEQRA for this project. He reads the State Law and states this area variance is a type 2 Action and no SEQRA is required. The Board can do SEQRA review when this project comes back in front of them. The ZBA do cannot SEQRA, since type 2 actions are exempt from SEQRA, that is why it is not needed. C. Baker states that is exactly what he was saying at the last meeting. R. Roeckle states that he spoke to Town Council and they don't have t do it now, it can wait until it comes back in front of the Planning Board.

MOTION: C. Dake
SECOND: B. Duffney

RESOLVED, that the Planning Board will not do SEQRA because the Zoning Board of Appeals is not required to do SEQRA this for a Variance. This is a Type 2 Action and it is not required.

VOTE: Ayes: C. Dake, B. Duffney, S. Licciardi, B. Podhajecki, J. Sabanos, C. Ronk, and R. Roeckle

Noes: None
 Abstain: None
 Absent: T. Yasenchak

R. Roeckle states that we can make an Advisory Opinion on the Variances. B. Podhajecki states that she does not have a problem with this. The house has been there since the 1700's. J. Sabanos does not have any problems with this. B. Duffney states that this is a perfect example to why to use a keyhole lot. B. Podhajecki agrees. B. Duffney states that he is in favor of this. C. Dake states he feels that it is not creating any issues, he does not have a problem with it. He states that he has drafted up a sentence that the Board could or couldn't use. B. Sparkman states that when they come back in front of the Planning board they will have a cleaner map and make it a 3-lot subdivision. They will have the lot that is a natural subdivision and then 2 new lots. B. Duffney states that he feels that the Board is giving the ZBA their Advisory Opinion. S. Licciardi agrees. J. Sabanos asks if they will end up with 3 lot subdivision. B. Sparkman states yes. B. Duffney states there are the same rules for a major or a minor subdivision.

MOTION: B. Duffney
 SECOND: S. Licciardi

RESOLVED, that the Planning Board advises the Zoning Board of Appeals that the area variances requested are acceptable to the Planning Board and would be needed for the proposed subdivision.

VOTE: Ayes: C. Dake, B. Duffney, S. Licciardi, B. Podhajecki, J. Sabanos, C. Ronk, and R. Roeckle
 Noes: None
 Abstain: None
 Absent: T. Yasenchak

New Business

55 Wilton Road, LLC
 TM# 138.-2-96

SPR
 55-59 Wilton Road

Frank Palumbo and Paul Young are present. F. Palumbo states that the entire boundary line is just shy of 56 acres. They are in front of the Board for a new maintenance barn or a replacement of a maintenance barn. They are looking to remove, replace, and relocate the old maintenance barn. The new barn will have the same features of a bathroom, an office, and a wash bay. No lingering structures. He states that he believes that they are within the setbacks. R. Roeckle asks if they are in front of the Board for a new structure on the property. F. Palumbo states yes. R. Roeckle asks how far from the property are the setbacks. F. Palumbo states the PUD language states that the setbacks are 5' and they are putting it 7' from the property line. He states that he would like to see a map of the entire parcel. Even if it is a reduced version of the map. F. Palumbo states that it is not part of the project that is why it was not included. R. Roeckle states that he understands that and is asking to have a map with everything on 1 map. F. Palumbo states that it won't be to scale. R. Roeckle states that is fine the Board is looking for an over-all site plan and make sure that 7' is acceptable for the setbacks. F. Palumbo states they will review it. R. Roeckle states that is up to J. Reckner to determine. B. Duffney agrees and states that he would like to see everything on 1 map as well. He asks where and what is

being torn down. He states that he logged this parcel in 1980. J. Sabanos states that he is looking this parcel up on google maps and asks if the electrical service for the maintenance barn is underground. P. Young states yes, they are re-doing the lights in the riding arena. He states that they are putting all new lighting fixtures, that are more energy efficient. C. Ronk states that they need to verify the setbacks. S. Licciardi asks why the re-location? F. Palumbo states that they are moving it from the center of the parcel to the side of the property, it is more for aesthetics. S. Licciardi asks if there will be any noise concerns. F. Palumbo states that the typical farm noises. J. Sabanos states that he is concerned about the lighting to the north. He would like to see lighting on the plan. C. Baker states that the wash bay in the new building for the animals and equipment should have a water separator in there. He asks if it is going to be paved or gravel. F. Palumbo states gravel. C. Baker would like to see the setbacks and the drainage to the neighboring properties. P. Young states that the previous building is 5'. F. Palumbo asks put everything on a single map, and add a lighting plan, and the water separator. R. Roeckle states that he Board sets a public hearing for December 12, 2023 and check the setbacks. F. Palumbo asks short or long form SEQRA. C. Baker states either one should be fine.

Meeting adjourned at 8:32 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
Planning Board Executive Secretary