

**TOWN OF GREENFIELD**  
**Planning Board**

**February 23, 2021**

**REGULAR MEETING**

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

**Minutes**

December 29, 2020

MOTION: J. Sabanos

SECOND: B. Duffney

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the December 29, 2020 Minutes.

VOTE: Ayes: Karla Conway, Charlie Dake, Butch Duffney, Robert Roeckle, J. Sabanos, and Nick Querques.

Noes: None

Abstain: C. Dake

Absent: M. Gyarmathy and T. Yasenchak are absent.

**ZBA REFERRAL**

Farfan, M. & E. Case #1025  
TM# 137.6-1-3

Area Variance  
19 Medbury Rd.

B. Duffney asks M. Waldron to give the Board some back ground on this case. M. Waldron states that this is a half-acre lot the Applicants need setback variances for all of the setbacks front, rear, left, and right. It appears that the property was broken up before March 22, 2007. It is only a half-acre lot and he feels it will be very difficult to achieve. It will require Area Variances because of the Zoning District and it is the most restrictive district in Town. He also had to look at what setbacks would be appropriate relief. He feels it is going to be difficult to get well and septic. He sent it to the ZBA for

Area Variances for relief. The ZBA sent to the Planning Board for relief. N. Querques asks about the clear cutting. M Waldron states that the clearing was done prior to the Applicant are pursuing this themselves and it was stopped before applying to the ZBA. The Farfan's left their Authorization of Agent and is pursuing the Variances on their own. He thinks that the clear cutting was done I hopes of obtaining a Building Permit. B. Duffney states this subdivision is old. When this subdivision was done the setbacks were different then. He does not think it pertains to this case and he does not feel it has anything to do with the Planning Board. The lots should never have been approved and the ZBA should know exactly where the wells and septic systems are for the Applicant's property and the next door neighbor's property. He feels that the clearing has nothing to do with the Planning Board. K. Conway agrees with B. Duffney and asks if there is a vacant lot next to the Applicant's property? M. Waldron states at 17 Medbury (next door and to the right of the Applicant's property) he feels the Applicants are going to have to know exactly where the well and septic are. The neighbor's property has an existing home, well, and septic system is according to Appendix 75-a and is located to the left side of the Applicant's property. That lot is a corner lot he believes is less concerning where the well and septic system according to NYS Appendix 75-a and Appendix 5 for potable water. That lot appears to be a much larger lot. The lot to the left of the Applicant's property is vacant and the lot to the right is occupied. K. Conway asks with the Variances is this possible to achieve? M. Waldron states the Applicant's proposed map has it as 111' to their adjacent neighbor they cannot verify exactly where the septic system is. There is a large quartertone field of area that is shown on that septic system. He does not believe the Town knows exactly where the septic leach field is. The Ton does not have any proof of record to indicate where that field is. The only way to verify is to dig holes. K. Conway asks isn't it imperative that the Board knows. M. Waldron states that he reserves that comment to the Town Engineer's concern as well and from the Building Department perspective yes. K. Conway states that is her biggest concern. M. Waldron states it is his as well. R. Roeckle states this subdivision was done in 1992 and a dewatering plan on Karen Lane which would require the septic systems to be to the front of those lots and the wells to the rear. That would need to be verified. He asks M. Waldron if the well is currently installed on this property. M. Waldron states that at 19 Medbury Road currently there is not a well or septic system on the property. At 17 Medbury there is a is installed as well as the septic system. That he knows based on a FOIL Request that was obtained by the Applicant's. R. Roeckle states that if they needed to the well at 19 Medbury Road could be moved to the other side of the driveway to achieve the 100' separation distance between the well and the septic system. As long as it maintains the 100' separation distance to its own septic system. M. Waldron states that he would be agreeable to that is he saw it on a map. He would also like to consider the rate of perk test for the septic system area. Only in the event that the septic system perk test that's completed to see if it is too fast or too slow. It may require a mount system and it would have to be 10' from the boundary line. As it shows on the proposed map right now the lateral field is 10' from the property line. If that system has to raised for any reason it may have to go forward and then it may not have the 100' separation. R. Roeckle asks M. Waldron that the engineering of this system would be paramount to the actual construction of the home regardless of whether or not the Variances are granted or not. M. Waldron agrees. B. Duffney asks M. Waldron the well and septic for Medbury Road is in the front yard is it to the right or the left of the property. M. Waldron states if you are facing the house the well is on the right front corner and the septic system is quarantined to be in the back left portion of the property at 17 Medbury Road. What the Applicants have proposed is that the well in the front right just as it is at 17 Medbury Road and the septic in the rear left. Which would have them clear the entire

property to 100' separation for the well and septic? B. Duffney states that you would need that for any building lot anyway. M. Waldron states that personally a half acre is the minimum to maintain separation and distance for the Applicant's and the neighbors properties. Anything less on he asked than that would require municipal water and septic. B. Duffney agrees and states that the reason he asked about the wells and septic because they wouldn't want to pollute the neighbors wells. He would suggest it to be reversed so the septic would contaminate each other. M. Waldron states the map that was provided shows the existing well is in the front left and septic is in the rear center of the property at 17 Medbury Road. To move the septic at 19 Medbury Road to the right might infringe on their well. B. Duffney states so the wells wouldn't be close to each other and the septic systems would be apart. He states that 99% of this case is engineering and zoning. R. Roeckle asks the Board members if they want to make a positive or negative referral to the ZBA. B. Duffney states that they can let the ZBA know what was discussed at this meeting. The Planning Board has been in positions in the past where they do not have to make a positive or a negative referral back to the ZBA and leave it up to them to make a determination. It's pure ZB, its all setbacks. We can let them know their concerns and what they have discussed. He does not see positive or a negative referral is necessary but he will go along with the majority of the Board. C. Dake states that it is ZBA's call, yes they are asking for their opinion, but he does not see any planning reason to hold this up. So he would consider that to be a positive declaration. N. Querques agrees with C. Dake with the positive declaration. K. Conway's advice is good advice, and that the order of operations is important and he feels there is no reason to hold this up. They can get all the Variances they want, but if the engineering does not work out that are on the Applicant's. J. Sabanos concurs with N. Querques and agrees with K. Conway. K. Conway states that she totally agrees with that. R. Roeckle states that he agrees with the Board and the Planning Board should let the ZBA know that their biggest concern is engineering with regards to the well and septic system on the property and if they can meet the requirements of the Town. This was a major subdivision from 1992 and zoning has subsequently changed and chances are the every single lot in that subdivision will probably require a Variance at some point with regards to setbacks. The Planning Board may want to have the Town Board address that. To look back at what the setbacks were on the subdivision map from 1992 to possibly allowing those lots to continue and again engineering would always have to be done on each project. B. Duffney asks if the subdivision have issues. R. Roeckle states that, that subdivision had an issue with high ground water and there was a dewatering plan that was supposed to be instituted along Karen Lane. He is not sure if that was done. That is something that needs to look into to make sure that was done properly. B. Duffney states a few years ago that subdivision was going to be re-upped and it couldn't because it was in front of the Planning Board about 10 years ago. R. Roeckle states that he is unaware of that, but he does know that the subdivision was filed with the County. So the original subdivision was approved and filed zoning has changed since then. The subdivision was not substantial so the existing zoning is not considered what the current zoning is. K. Conway asks if there is a grandfather clause. R. Roeckle states that it is a pre-existing non-conforming based on the current Zoning Law. If the subdivision had been substantially completed State Law the older Zoning Laws are in affect. Apparently this was not substantially completed to the point where those old laws would apply. B. Duffney states that it is a high ground water issue. R. Roeckle states that is an engineering issue that the property owners will need to take care of in order to get their Building Permit. B. Duffney agrees he feels in is Zoning and engineering and it is out of the Planning Boards hands. R. Roeckle asks K. McMahon if she has everything she needs to send to the ZBA regarding their discussion. K.

McMahon states yes, but does have one question. She asks if the Board would like to use the Minutes from tonight's meeting as the referral to the ZBA. R. Roeckle states that they can use the Minutes, but if she wants him to come in and they can pull up a bullet point letter together. K. McMahon states that she does not think that is necessary because the ZBA didn't do that for the Planning Board. R. Roeckle state fine then we will just use the Minutes.

Meeting adjourned at 7:37 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
ZBA Administrative Assistant

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