

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**APRIL 14, 2009**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Gary Dake at 7:00 p.m. On roll call, the following members are present: Gary Dake, Lorna Dupouy, Michael Ginley, John Streit, Michael Thrailkill, Tonya Yasenchak and Nathan Duffney, Alternate. Thomas Siragusa is absent. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

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**MARCH 31, 2009 MINUTES**

MOTION: T. Yasenchak

SECOND: J. Streit

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of March 31, 2009, as submitted.

VOTE: Ayes: Dake, Duffney, Dupouy, Ginley, Streit, Thrailkill, Yasenchak

Noes: None

Absent: Siragusa

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**PLANNING BOARD CASES**

**ANTHONY VACCARIELLI – Minor Subdivision**

Route 9N (Triple J Way)

G. Dake states that Anthony Vaccarielli and his engineer are not here tonight. C. Baker states that this is a subdivision, Triple J Way, located on Route 9N, and we have been working for a number of years on that subdivision. The applicant was delayed because the zoning changed and he needed a number of variances. He was able to secure those variances from the Zoning Board so now we are back to looking at the detailed engineered drawings. C. Baker has been working with Paul Male on that and they are getting real close to solving most of the engineering issues. The critical issue that C. Baker sees is to make sure that we have a real good road bond in place. C. Baker states that he understands that G. McKenna had a number of comments related to some notes and some setback issues that needed to be corrected on the plans, and the applicant is apparently working on those as well. G. Dake explains that while the applicant is not present, we will open the public hearing, take any comments, adjourn it and reopen it at the next meeting.

A public hearing is opened at 7:04 p.m. There being no public comments, this public hearing is adjourned to be reopened on April 28<sup>th</sup> at 7:00 p.m.

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**ROBERT RICKARD – Special Use Permit**

Braim Road

Robert Rickard is present. G. Dake reviews that a Special Use Permit was granted on March 25, 2008 for the property at 165 Braim Road. G. Dake reads the restrictions placed on R. Rickard's permit and

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states that it was done as a renewable permit. He states that this was done because there was a lot of discussion as to whether the applicant would live up to the restrictions. One of the most important things that the Board would like to know is whether or not R. Rickard has met those conditions. G. Dake reminds the public that they are asked to direct all comments to the Board and not to each other or to the applicant.

A public hearing is opened at 7:07 p.m. G. Dake asks R. Rickard to comment on anything that has changed in the last year. R. Rickard states that nothing has changed and that everything is as it was a year ago – the same activity, the same situation, and he believes that he complied with all the rules and regulations of what was set forth. Theresa Ellsworth, Braim Road, states that she is an adjacent neighbor of R. Rickard. She states that when the Planning Board gave R. Rickard the temporary special use permit a year ago she thought that they would be in trouble because R. Rickard is a very smart man and was going to cease all activity, anything that could be construed as being in violation of any of the requirements that the Board had attached to the special use permit. So she didn't think that there would be any problem with that and that R. Rickard would get the permanent special use permit and then they would be really in trouble if things went back to what they were before. The day after the Board approved the temporary special use permit, from her understanding, if the large, long dump trucks were on the site, they were supposed to be inside. She states that her understanding of that might be incorrect, but she thought that was what the requirement meant. On that day and through the next day, two of his large dump trucks were sitting in front of the garage and although she did not stand there and watch them for days, she knows that they were there for 2 days, at least 2 days each time she went by. She states that she has seen those 2 trucks, or at least ones that look like them, on site at least one other time. She retired and has children who live out of town so she is away from Greenfield for probably a total of at least 4 to 5 months out of the year, but while she was here she did see 2 trucks on the site at least one other time and she has seen one of those trucks on the site maybe at least half a dozen times. It is not a matter of forgetting a tool and stopping in to get it; the garage is closed, no one is in sight. Only twice in this year has she seen people around the garage. T. Ellsworth states that she feels that that part of the requirement has been violated. She feels that R. Rickard knows what he wants to do on his site and that although it is not the intent of this special use permit that these things are going to be done no matter what the requirement is. She did not take pictures or videos and she did not call G. McKenna because she felt that all of that had been done for the 4 or 5 years previous to that. She felt that all the things that had been brought to the Board the last time really said that R. Rickard is not interested in Town zoning or regulations and that he is going to do what he wants to do, what is in his own best interest even though it may be contrary to the Town regulations. She didn't feel that it made a difference then so she didn't take the time to do anything like that. She states that the Board only has her word, and for those who know her you might think that that has some value, but she would ask the Board to revoke the special use permit and put an end to all the activity on that site. There has been less activity, much less activity, than in the years past, however, she does not feel that there was complete compliance and if there is not complete compliance now when it is only a temporary use permit, then what would happen if it becomes permanent? Archie Quarrier, Copperfield Road, states that personally he has not seen any extraneous activity that could cause concern, however, his concern is that everything is in line with the permit the applicant is allowed. If not, he thinks that needs to be brought to attention and addressed accordingly. The other concern is that if a permit is provided, if it is a permanent permit, as the property is for sale, that that permit is not part of that sale. The concern is that who ever takes over that property presumes business as such. He reiterates that he has not seen anything, personally, that has been in breach of the permit, but his concern is that if it is a permanent permit, it is then passed on to the buyer. Robert Catanzarita, Braim Road, thinks that the previous two speakers hit it very well in looking upon this as to how does this proceed after the sale, it is a non-conforming lot. As T. Ellsworth said they provided all the evidence the last time of these abuses and he thinks that personally the way it was repeated back to them after the public hearing that it was just friends having coffee was a pure case of misinformation with a clear intent of predisposition by the Board stating that they did what they were told to do, they had a large focus of people, they had numerous pieces of evidence and in his opinion there was a predisposition to give the applicant this variance. On the activity since the special use permit, going right down the bullets again: legal address – do we really know? We do know that he hasn't lived at that property in over two years; we know other things that might have important

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facts based on whether it is his permanent residence. The commercial equipment, again R. Catanzarita's dad was a construction worker so this is very hard for him. R. Rickard has worked hard to do non-impact against R. Catanzarita's rights as a resident on the street, but in fairness, the truth should be told, there are times and that is the life of construction, that is why construction yards and residential properties were separated in the past, you get busy. You have to make money and you come in, drop your equipment off and leave it, you tend to it later on. That has happened, not a lot, but it is a violation. On the loads of sand and so forth, R. Catanzarita states that never bothered him in the first place. The trucks, on very few occasions there are both trucks there. He states that he sent a letter to the Town, thru e-mail as usual, to the Town Clerk, G. McKenna and the new supervisor, he thinks this time frame, April/May, stating that there were some violations, nothing serious, but the photographs were not important the last time and he had asked for advisement how they wanted him to address these types of minor violations. Customer traffic – R. Rickard works with other contractors and they are in and out. Again, not to a point where it affects R. Catanzarita's rights as a resident, it hasn't been anything like the past, as T. Ellsworth stated. He appreciates R. Rickard putting out the extra effort to not have an impact on R. Catanzarita and his family. It is still a minor violation. Signs – there is no sign. On the activities, again very good but there are times when R. Catanzarita knows that R. Rickard was busy and trucks were in and out after the 7:00. Most recently was snow removal, bringing in snow from wherever he was doing work and dumping it on the lot on Copperfield. R. Catanzarita did take photos of those, that was going on all evening long. He states that he has a small problem with that based on T. Ellsworth's point, where they know there has been a recession and the construction industry has been very weak. He has a fear that once this thing starts to crank up again, especially with the new administration and this shovel into the ground and all the highway projects, that these aren't going to be 7:00 to 7:00 projects. They are going to be, along with the traffic for commuting into Albany and so forth, and these were the biggest violations in the past, where, and R. Catanzarita can't blame him – you want to make money, R. Catanzarita wants to make money. There were violations after 7:00. The fuel storage, other than the sight of it, R. Catanzarita never had a problem with that, and R. Rickard put up some block there. R. Catanzarita states that he thinks that the strongest position that he can take is that he strongly feels that there was predisposition the last time, the facts were overwhelming. This is a non-conforming lot. He felt that the rights of all the residents of Braim Road were just thrown to the side. During the zoning process where it could have been easily stated that every single resident of Braim Road asked not to have that Type 2 type of business or trucking business, which was not part of the zoning before, it was 100% not part of the zoning before we revisited the zoning laws and then pushed it down through certain sections of Town. It doesn't make much sense why some streets are and some streets aren't, but the fact is that they pay a lot more taxes than anyone else. R. Catanzarita states that his taxes on his land are 2 to 4 times as much as other people with the same size lots. With this type of activity, he couldn't sell his lot next to it and he had to combine them. He has concerns that if he wants to sell that piece of property and if there is a non-conforming business across the street, he is not going to get what he thinks it should be worth and he probably pays more taxes on it than what it should be. He states that he is sure that the Board is going to talk about driving by taking a look at the lot and it is very clean right now, but he has worked very hard in the last 3 weeks cleaning it up. There has been a lot of equipment – bulldozers and all kinds of other things have been loading up on trailers and moved out. Again, the speckle of equipment wasn't a problem for R. Catanzarita in the past, it was more of the activities that happened when he got home from work and it was the same time and the construction was winding down and he was trying to have a couple hours of quiet time and there are all these trucks coming through. With that said, he reads the minutes from the Town for years and an example of what concerns him is this last verdict with John Reome. There seems to be a double standard there. From R. Catanzarita's understanding, he had one truck and he just wanted to bring it in and out to make some money. R. Rickard has 6 – 7 trucks and he was given full range of in and out all day long and call it a repair. All day long with contractors coming in – it's just a cup of coffee. He thinks the Board has opened a can of worms because if he were a business person in this Town he would expand his business and whenever he had G. McKenna come up and say that he was violating, he would just say they are people stopping by for a cup of coffee. J. Streit questioned whether the bar was set high for J. Reome and R. Catanzarita states that it seems to him to be a predisposition based on favor and he is very uncomfortable with it. He thinks that we do have a fine town here and he thinks it was right when the zoning laws were

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rewritten, and he thinks that certain areas of town where the majority of the people asked for the rezoning to open it up for larger type construction operations, that was their right as a citizen, but when we had a situation of abuse on a daily basis for several years with photos, videos and every neighbor coming out, it was totally disregarded. It was spun that it was the Braim Road residents that were mean, it was just cups of coffee as you could see guys standing up on these trucks that weren't even R. Rickard's doing repairs. The point to all of this is that R. Catanzarita does not feel that if this opened up all over again that the Board is going to have the right to stop it. The Board will have no control over it and they are going to be in this position again being good residential citizens of Greenfield stuck either just taking this for what it is or fighting for our rights for a little bit of privacy, a little bit of quiet. R. Catanzarita asks that R. Rickard be given a month-to-month allowance to continue his business until the property is sold. He asks at that time that the Town looks at it as a non-conforming lot with a lot of dangerous turns and corners, and that they take that into consideration to say to the future owners that we had this problem before, it is a non-conforming lot and if you want to open a large business – because right now, again, it is as many trucks as he wants. If he wants to buy a few more trucks the Town can't stop him from bringing them in all day long, and that was not right, that was wrong. G. Dake reads a letter from John Bokus, Daniels Road, in favor of the special use permit as there have been no citations. There being no further public comment, this public hearing is closed at 7:28 p.m.

G. Dake asks G. McKenna if under Section 105-22-C-3, Special Use Permit, if R. Rickard sells his property does the permit travel with the property or is it attached to R. Rickard? G. McKenna states that Section 105-22-C-3 has expired, so it reverts back to the special use permit section and if there is a transfer it expires unless the Planning Board is notified, the Planning Board reviews it and things continue on the same. The new purchaser has to get the special use permit. G. Dake states that is one of the reasons for the condition that it remain R. Rickard's legal residence. T. Yasenchak states that she was not here the day that the motion was made and she was looking through the minutes. Her question, and she does not know if we can regulate it, is that the motion did say that there was to be no more than one truck stored on the property and shall be stored inside. She questions what the definition of that would be so that if there are 2 trucks there, which it seems like there were. There was a lot of discussion in the minutes on how to define that truck, whether or not they were just there for storage. She asks R. Rickard if there were times when he had more than one truck on the property. R. Rickard states that he has not had more than one truck at the permitted weight that the Planning Board gave him. He has a smaller dump truck and a pick-up truck. T. Yasenchak asks B. Duffney, as she does not know what a 26,000 lb. truck is. B. Duffney states that would be the size of a fuel truck or a Stewart's truck, something in that area. A small dump truck is about 12,000 lbs., a little bigger than a pick-up truck. G. Dake asks if 26,000 is where you would go from a single axle to a tandem axle. B. Duffney states that a single axle can go up to 32,000 lbs. At 26,000 it would be a light dump truck. The reason it is at 26,000 lbs. is because that is the point where you need a CDL license, under 26,000 lbs. you do not need a commercial license. T. Yasenchak states that defines that a little better for her. She asks R. Rickard about dumping snow. R. Rickard states that he did dump snow on the other property. T. Yasenchak states that the resolution that was made was that the maintenance activities other than car washing shall not be done outside and shall not commence prior to 7:00 a.m. nor terminate later than 7:00 p.m. She does not believe that this actually talks about when the applicant was coming or going. T. Yasenchak states that she is trying to refresh her memory and that the motion dealt with maintenance activities because there were previous comments about the power washing. B. Duffney states that regarding the snow dumping, there was never any restriction on dumping snow on the property just the stone, dirt, etc. He believes that the intent of Section 105-22-C-3, was to make pre-existing, non-conforming businesses legal. G. McKenna states that it was to give them a chance to become 'conforming'. B. Duffney states that he was here through a lot of these cases, he was not on the Board at the time, but he followed a lot of them and the only one that he could see that was to be renewed was R. Rickard's, everyone else was given permanent special use permits. Being as there have been no complaints or issues to date, that is all he has to say at this point. M. Ginley states that he has no comment. L. Dupouy states that there are a few things that come up that she has some issues with that she has heard tonight. She agrees with B. Duffney that she also noticed that R. Rickard is the only one that has been put in this position and has had a temporary permit put

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upon him and has had to come back before us, which she does not think is fair. He has had extra, more stringent hoops to jump through as far as covering the fuel tank or camouflaging it to make the neighbors happy. What bothered her about this in the beginning is when she asked the applicant if any neighbor had come to him personally in a neighborly way, knocked on his door and spoke to him about the concerns and not one person had ever come to him and done this. Yet we went and took these extra steps to make the community happy. Then tonight when we have people up here talking it was brought to our attention that R. Catanzarita talked about how people on Braim Road pay more taxes than other people and somehow the inference that she got from that is, what, that they think that they have more rights than other people in Greenfield who don't pay as many taxes as they do because she does not feel that is true at all. We are all residents of Greenfield and this Board, especially, in anything that we do, we are going to be fair to everyone in Greenfield, not people who pay more taxes and less fair to people who pay less taxes. When it was mentioned before about evidence brought forward and that this Board didn't care about the evidence that was brought forward, L. Dupouy states that we were concerned about the evidence that was brought to us about what was taking place during the time frame that we were talking about. We didn't care about anything that happened 5 years earlier, 3 years earlier or pictures from 2000. We were concerned with what occurred during the timeframe that we were talking about right in front of us. She states that she takes personal offense for herself and for her fellow Board members for someone to question their integrity or the intent of what this Board does that they do not care. She can assure everyone in this Town that the Board does care and their showing up twice a month, every month shows that they care. This Board is not predisposed to any thought of how they are going to handle any case at any time with anyone until it is right before us. Anyone that feels differently is wrong. As far as telling people what they can do or trying to say that you understand that contractor's need to make money too, this is America, everyone has the right to the pursuit of happiness, the pursuit to go after making an income and doing what it is that you need to do to make that income. L. Dupouy states that is a lovely piece of property that the Rickards have. She does not know them, she is not friends with them, she does not know R. Rickard any more than seeing him in this room, but every time she has driven past that house it is always a lovely, clean, well kept piece of property. J. Streit states that he has similar comments. He states that it seems to him that we have given R. Rickard the most stringent list of constraints of anyone since he has been on the Board. This was the only time we gave a probational year to conform with those constraints and we have three people who have come up to speak against him admitting that he hasn't done anything really bad in that period of time. It seems very odd that we have given someone a one year probation, there have been no complaints, three people are saying that he has been doing things in accordance with what he has been asked to do and therefore we should deny his request. To say that we should turn him down because he has been doing everything the right way because we can only worry about how sneaky and smart he is and what he is going to do in the future. J. Streit states that he also thinks that we cannot hold R. Rickard, blame him and punish him because of what President Obama's new programs may do over the next year. He does not see how we can blame R. Rickard for Mr. Obama. President Obama has a great deal of respect from him, as does T. Ellsworth. He states that T. Ellsworth's word does mean something to him, but he thinks that she has been a pawn in one of the most vindictive personal harassment things he has ever seen. J. Streit does not want to see this Board, whose ethics, and he has personally had his ethics being challenged, he does not want to see this Board being used as a pawn in a personal vendetta. He clarifies his name as being Dr. Streit and not Mr. Straight, although he (R. Catanzarita) has left. J. Streit does not know why he doesn't have the courage to sit here and listen to the comments, as the Board sat here very cordially and listened to his comments. He states that he is in receipt of a letter where R. Catanzarita has accused our Chairman of corruption, abuse of powers and unethical behavior, and he mentions J. Streit in the suit also. J. Streit states that he is outraged that his ethics have been challenged on the basis of how he has treated R. Rickard. He thinks that we have bent over backwards to make it more difficult for R. Rickard. He states that his own personal feeling is that we should give him permanent approval for what he has asked to do because he has done what we have asked him to do over the past year. To turn someone down because they have been observing the regulations that have been put on them and turn them down because of what they might do in the future, he thinks that you have to judge people on past behavior and not possible future behavior. He reiterates that he is outraged that this Planning Board has been used as a tool for R. Catanzarita to carry out his vindictive personal vendetta. M. Thraikill states that he agrees with what has been said. He

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states that he has gone past there and the house is very neat. G. McKenna mentioned that he has not had any complaints. The gentleman from Copperfield stated that he had not seen anything wrong in the past year that R. Rickard is doing. M. Thraikill thinks that the applicant has lived up to what he was asked to do and just by doing that he does not see an issue were the applicant is going to change his feelings towards what went on here if he is granted permanent status. The house is for sale and it has been noted that it does not carry over to the new owner unless they come back. G. McKenna states that the new owner has to request it, they have to come back and it has to be approved. M. Thraikill states that quite frankly the whole issue might drop when R. Rickard sells the house and quite frankly what owner is going to want to come back and deal with this to start up a business there? It would not seem like something that a new owner would want to do. T. Yasenchak states that she would not be in favor of a new property owner coming in and doing this. She asks if it is something that is allowed under the new zoning. G. McKenna states that someone would have to buy both lots then they could do it without even coming here. This is allowed as a principal permitted use with 6 acres. M. Thraikill states that they would have to start from day one as far as the special use permit. G. McKenna states that the criteria is considerably harsher. G. Dake asks G. McKenna for the record and the benefit of the public, if there were any complaints received. G. McKenna confirms that there were none. G. Dake states that he will say, and it is consistent with what we heard from all three residents who spoke this evening, is what he heard this fall. He did stop out and visit with A. Quarrier and his neighbors; T. Ellsworth was not at home; he stopped at C. Payer's house as well; he did not stop at R. Catanzarita's; and he stopped and saw R. Rickard that evening as well at his house to see how things had gone during the summer time. The sense that G. Dake got was similar to what it is this evening – we still wish you hadn't approved it, but he is pretty much living up to the spirit of what is going on. G. Dake states that he certainly does not expect R. Catanzarita to ever thank us for allowing R. Rickard to continue his business there. He thinks that the Planning Board's responsibility is to try to continue to have, if we are going to allow R. Rickard to continue his business on that site, how we make sure that we do maintain as low an impact on the neighbors as possible. He states that there are two levels of question here – first, do we renew the special use permit, and if we renew it, do we once again put a time limitation on it of any kind and if so, what is it. The crux of the question, and what the neighbors are concerned about or what they expressed their concern about is, was he only doing a good job, a relatively good job on site, because he was on probation or would he continue to do a good job if he were granted a permanent special use permit. R. Rickard asks if he can speak and address his neighbors, and he wishes R. Catanzarita were still present. He states that he did not lower his activities because of the one year permit. He lowered his activities well before that. He states that this thing has been going on for 10 years and this thing about him being in trucking – he is not a trucker, he is a general contractor and he owns trucks. He wants it understood that there is no truck traffic other than his going and coming back. A lot of the trucks that R. Catanzarita is talking about are all the construction workers going up and through, like he stated before when the lady behind him thought that it was his back up alarm and it ended up being G. Ellsworth's skid steer that was in the back yard. He wants T. Ellsworth to understand that there are other trucks there that are not to the weight limit and yes, there has been a truck outside and he may be washing it or working on it, but they have been inside. He has only had one truck there of the size that he is allowed to have. He wants to stress the fact that he has cut his operation down and not for the purpose of the one-year limit. He found alternate sites for some of the other equipment, he is selling some, he is getting ready for retirement and is going down hill. He wants his neighbors to understand that he is not going to start this massive activity up that R. Catanzarita was talking about. R. Rickard states that the thing that disturbs him the most is that he has people who come to see him, he has a lot of friends and a lot of those people are in the construction business. They have signs on their trucks, they come in for a cup of coffee – he has a lot of people who come to talk to him and more than not, he is not there during the day. The activity will not increase more than it is now and more than likely it is going to be lower. He states that he has taken into consideration everybody on that street. He has done everything that he can do and the activity will not be increased because his permit is granted. He doesn't make any noise and he really doesn't know what it is that some of them, if they are still complaining, and basically there is only one, and he thinks that everyone understands what that is all about. He states that he respects his neighbors, he does not bother them and they don't bother him. He wants it understood that the activity will not increase because he is granted the permit. J. Streit asks R. Rickard of all the different constraints that were enumerated tonight that have been placed on

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his special use permit, does the applicant take exception to any of those, are they all livable? R. Rickard states that they are all livable; the power washing, he gave up Sundays. Everybody owns a power washer and when is his down time, weekends, to do maintenance and cleaning of the vehicles. He gave up Sundays to power wash and he has set his power washer in front of the garage and walked in front of the house and you can't hear it. He states that the garage was built purposely the way it is so that it wouldn't affect the neighbors. His closest neighbor at that time, who wasn't even living there just left. The fuel tanks – he states the lady in front of him has a fuel tank visible from the road, it doesn't offend him and he doesn't think it offends anybody else. He was made to put blocks in front of his and he is getting ready to take it out anyway. There are a few things that are offensive to him but he will do what he can do to make things happy, he has given concessions over the years. It seems every time he is here he gives up stuff and he is just looking to make a living. He states that he started this 10 years ago, he came into this Town and asked if he could do this without the signs, without the traffic, and there is no traffic – he does not understand where that comes from, there are no people coming in other than those coming in for a cup of coffee. He states that he has a friend who lives in Corinth who has his construction name on the side of his truck, because he comes to visit R. Rickard he has to park his truck somewhere else? He states that it has been noted that he owns 10 trucks – he owns 3 in the weight class and 2 of them are for sale. B. Duffney states that they are pictured in the Want Ad Digest, he has seen them. R. Rickard reiterates that the activity is not going to increase. G. Dake asks if any of the Board members would advocate against some level of renewal, that we deny any renewal or are we all comfortable with renewal of the permit without conditions for some time frame? He then asks for a sense of the Board regarding the merits of a renewable vs. a permanent approval. J. Streit does not know R. Rickard and does not think that they have ever been in the same room together or outside anywhere to the best of his knowledge. He does not know R. Catanzarita either. He would like the minutes to show that the Board sat quietly and respectfully during all of R. Catanzarita's discourse/diatribes/rant, whatever you care to call it, and that he left as soon as the comments were deemed by him to be less than favorable. He thinks that this denotes a lack of any kind of manliness or respect for the public process and it should be noted.

**RESOLUTION – R. Rickard, Special Use Permit**

MOTION: J. Streit

SECOND: L. Dupouy

RESOLVED, that the Planning Board grants Robert Rickard a Permanent Special Use for property located at 165 Braim Road, TM# 152.-1-9.3, contingent on the following:

- **The permit is only valid as long as the site is Robert Rickard's legal address**
- **All commercial parts and equipment shall be stored inside**
- **No more than one load of sand, stone, or soil shall be stored on site at any time**
- **No more than one truck with a registered Gross Vehicle Weight of greater than 26,000 pounds shall be stored on the property and shall be stored inside**
- **There is to be no customer traffic at the site**
- **No signage shall be erected for the business activities, even if said sign meets Town sign requirements**
- **No maintenance activities other than power washing shall be done outside and shall not commence prior to 7:00 a.m. nor terminate later than 7:00 p.m., Monday thru Saturday, with none occurring on Sunday. This applies to commercial operations only and does not restrict maintenance or power washing of non-commercial equipment.**
- **A fuel storage tank shall be allowed outside but shall not exceed 1100 gallons capacity and shall be adequately screened from view**

Discussion: T. Yasenach states that, for the benefit of the public that is here, we have had special use permits that were granted on a permanent basis and then because they have not lived up to the approval, those special use permits have been revoked. There is one case pending right now which has been revoked.

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Even if the Board does approve something as permanent, that does not mean that the applicant can go forth and do whatever he would want to because we do still have a Code Enforcement Officer who does listen to neighbors and if there were complaints of anything that would not be in compliance with the approval, the Town does have the right to revoke that. Approval does not give any applicant carte blanche to do whatever they want to on their property with a permanent special use permit. L. Dupouy states that it is very wise to have discussion and she agrees with what T. Yasenchak stated, but she does want to point out here that we have said time and again that everything we have given this man to do, he has done. She thinks that he has had to prove himself more than any other resident in Greenfield from the time that she has sat on this Board. Granted she has not been on this Board as long as G. Dake or as long as R. Rowland or G. McKenna have worked here, etc., but she has not seen the Board put anyone through all the push that we have put R. Rickard through. She would also look to the behavior, R. Rickard's behavior and the behavior of R. Catanzarita, and she thinks that is a telling tale. G. Dake states that he will take some exception to that comment from the fact that the neighbor, R. Catanzarita, is not party to the application. If we disagree with what his tactic is, that is irrelevant to the case. He would caution the Board in all cases, not just this one, the Board really needs to take a look at the merits and that is one of the reasons he discourages the Board from engaging in conversation with the public during a public hearing, getting caught up in the emotion of a dialogue can frequently cloud us. What is important is the content and the question of whether to make this permanent or temporary really in his mind comes down to the other neighbors on Braim Road also do have rights. They are not based on their tax bills, but they have rights just like any other road and any other people on any other road. We need to balance R. Rickard's rights with their rights. R. Rickard did have more restrictions but we also had more comments from neighbors than on any other 105-22-C-3 as well. We were more restrictive. Now all of us as individuals have to decide if it is just the threat of the temporary basis that causes him to live up to those restrictions. That is the crux of this argument; if you think that R. Rickard will do the same thing with a one year approval as he will with a permanent approval then there is no reason not to grant him the permanent approval. If you think we need that sword hanging over his head, then you should be looking for a one-year approval. There is no wrong answer, that is your judgment and that is why there are 7 of us here to make that case. M. Ginley states that had there been any violations for the past year he would be leaning towards temporary, but the fact that the applicant has lived up to it, he does not see any reason why it shouldn't be permanent and then it goes to G. McKenna to enforce it. B. Duffney states that goes back to what T. Yasenchak just said that there has been a permit revoked. T. Yasenchak states that she was really just saying that, not in regard to the applicant or because of any emotion, but just to let the public be aware that a permanent special use permit does not mean that any applicant can just do what they want, the Town does have a say. M. Ginley states that this is the only one where the Planning Board had a say. Every other special use permit is up to G. McKenna. So now if R. Rickard gets approved he will be just like everyone else and have to live up to it with G. McKenna enforcing it. J. Streit calls for the question.

VOTE: Ayes: Dake, Duffney, Dupouy, Ginley, Streit, Thrailkill, Yasenchak  
Noes: None  
Absent: Siragusa

G. Dake states that one other thing that he would like on the record for the benefit for the neighbors here and to answer a question that R. Catanzarita raised so that he and the neighbors may understand the Reome situation had several differences. J. Reome was not filing under a 105-22-C-3, so it was not a pre-existing, he was also in a zone that did not allow a home occupation so as a new application, we could not consider him. This is truly an apples and oranges case in that what we ended up doing with R. Rickard a year ago and what we did with J. Reome 2 months ago could not be more dissimilar. J. Reome was, by the way, looking at 2 trucks and not one, which also was one of the things that made it a bigger deal. T. Yasenchak reiterates that any future property owners would have to conduct their business according to the Town of Greenfield Zoning regulations. B. Duffney states that he has known the Ellsworth family all his life. Gerry Ellsworth has passed away and he was a great man. He suggests that maybe if T. Ellsworth or one of the other neighbors, if R. Rickard has something going maybe just walk over and see R. Rickard. Be neighborly and wander over to see what is going on. He and his neighbors do it. A. Quarrier states that he agrees with the

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points that the Board has made and states that if there are any issues he would love to go over and talk with R. Rickard and discuss those. He thinks they are all good neighbors and that they can get along. J. Streit states that he would like the minutes to reflect that there has been a recent letter written to the Town Board attacking the ethics of this Board and he wants to say that in his observation this Board has always acted in an even-handed way, been extremely fair and if R. Catanzarita himself was to bring a project before the Board, he, J. Streit, and he assumes everybody else on this Board would hear his application as fairly as they have listened to everyone else. G. Dake states that it is his understanding from talking to G. McKenna and the Supervisor that R. Catanzarita may be bringing a project in front of the Board. He did discuss one with them. G. Dake thanks J. Streit for jumping into the frying pan with him, but he believes that the accusations are directed primarily at G. Dake and the Town Board has, as they should have, referred it to the Ethics Committee, which is the appropriate action for them to take. All accusations should be treated the same and should be reviewed completely and he does look forward to complete cooperation with the Ethics Committee on that.

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### **ZBA REFERRALS**

**Jill Cunningham** – G. Dake recuses himself as a neighbor. T. Yasenchak reviews that the applicant is seeking an area variance to subdivide her property. This applicant came before the Planning Board to present her proposal and was within the 5 year period and it was explained to her that the Board is not favorable to that. The zoning is 6 acre lots and she is seeking to subdivide into a 4 acre and a 6 acre lot. G. McKenna explains that the rear lot is to be a keyhole lot. No Planning Board issues.

**Barry & Jaime Gustafson** – G. McKenna explains that the applicant is seeking an area variance for a solar electric array, it is on posts and apparently to get the funding they need it to be a certain size. To get to that size they have to push it too close to the property line. C. Baker states that we might have a planning issue, as it may not be the most aesthetically pleasing structure for the neighbors. G. McKenna states that a public hearing is set for May. No significant Planning Board issues.

**Habitat for Humanity** – T. Yasenchak recuses herself. G. McKenna explains that this is for a new home on lots that were subdivided several years ago and they are all extraordinarily substandard – ½ acre lots in a 6-acre zone. G. Dake questions that engineering wise in looking at small lot sizes, septic, soils out there, etc. the only trap would be if G. McKenna and C. Baker are comfortable with this. G. McKenna states that each individual system is designed and this will be the third Habitat home. C. Baker states that these lots were tested when the original subdivision was done. No Planning Board implications. T. Yasenchak states that she is not being paid or receiving any recompense for this so she does not gain from the approval or disapproval.

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Meeting adjourned 8:10 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary