

TOWN OF GREENFIELD

PLANNING BOARD

August 14, 2012

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:02 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks and John Bokus, Alternate. Lorna Dupouy is absent. Charlie Baker, Town Engineer, is present.

MINUTES – July 31, 2012

MOTION: M. Gyarmathy

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of July 31, 2012, with the following correction:

- David Evans, correct sentence to read: In terms of the requirements of New York State.....going **underground**.....cost of going overhead.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Weeks, Yasenchak

Noes: None

Absent: Dupouy

Abstain: Streit

PLANNING BOARD CASES

DAVID CORSON – Site Plan Review

Ridge Road

David Corson is present. T. Yasenchak states that since the last time the applicant was before the Planning Board, he has been to the ZBA and received an area variance. D. Corson states that he would like to construct a pole barn and that he falls in the Kayaderosseras Ridge Overlay district, which requires a site plan review for construction over 1200 square feet. He states that he had also applied for a side yard setback variance and that was granted. T. Yasenchak states that the SEQRA was reviewed and a public hearing was waived since he would be having one at the Zoning Board. She states that in reviewing the ZBA minutes there were no public comments. D. Corson states that there was one letter from his neighbor with who was in favor. T. Yasenchak states that at the previous meeting the site plan was reviewed for the requirements such as the visibility, the colors, the structure design, etc. C. Baker has no comments.

RESOLUTION – D. Corson, Site Plan Review

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of David Corson for a Site Plan Review for a pole barn in the KROD for property located at 461 Ridge Road, TM#123.-2-38 as submitted.

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VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Streit, Weeks, Yasenchak
Noes: None
Absent: Dupouy

JAY ELLSWORTH – Site Plan Review

Barney Road

Jay Ellsworth is present. T. Yasenchak reviews that the applicant would like to add an in-law apartment to an existing garage. The applicant did receive an approval from the ZBA for an area variance for acreage. The Planning Board waived a public hearing as one would be held at the ZBA and there were no comments. SEQRA was reviewed when the application previously appeared before the Planning Board. C. Baker asks if there will be a new septic system for the apartment. J. Ellsworth states that there will be.

RESOLUTION – J. Ellsworth, Site Plan Review

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board approves the application of Jay Ellsworth for a Site Plan Review for an in-law apartment attached to an existing garage for property located at 114 Barney Road, TM#149.-1-47.2, as submitted.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Streit, Weeks, Yasenchak
Noes: None
Absent: Dupouy

STEPHEN DOTY – Site Plan Review

Maple Avenue

Stephen Doty and Stuart Thomas are present. T. Yasenchak states S. Thomas dropped off an updated site plan at the beginning of tonight's meeting. S. Thomas states that what is being distributed is an updated site plan and they had submitted one previously. He has additional photos of signage and some additional information. He states that they are not the property owners; they are just the proposed co-tenants. The information he has is based on what information he can get from the property owner. They do have a letter from M & J Construction regarding the septic tank. S. Thomas states that in talking with G. McKenna it has been determined that they need two more variances. They are amending their ZBA application to include a variance for the 50' vegetative buffer and they do not have the 45' front setback. They are asking for relief of 25' on the front setback. S. Thomas states that G. McKenna asked him to get a photo showing the existing buffer. He states that the photo shows that they have an actual buffer there and it has been there for several years. He states that there should be no problem for the residence in terms of noise or traffic because this is a part time business. He has provided an aerial photo showing that there are 12 structures within 200' of the subject property and a list of all property owners within 500' of the property. T. Yasenchak asks S. Doty to explain to the audience what he is proposing. S. Doty states that he is proposing to open a martial arts school in the rear of the building at 472 Maple Avenue. They are not proposing to do anything to the outside of the structure whatsoever. He is also certified from the Board of Education to be an education facility, he has his doctorate, he is Board Certified and does on-line teaching in the realm of leadership. His plan is to do that in addition to the school of martial arts as part of the whole martial arts leadership academy. A public hearing is opened at 7:16 p.m. John Jackson, property owner directly east, states that they have several on-going issues with the property as it is, such as the junkyard. He states that specifically he has no problem with S. Doty's martial arts school. He is a black belt himself. He has several questions about whether there will be evening classes, tournaments, cage fighting, what are we talking about exactly with the use of the building time wise. He states that there are residences that are very close.

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T. Yasenchak states that there is also going to be a public hearing with the ZBA. She states that we did mention at the last meeting that we needed all of the different items on the listed presented to the Planning Board no later than a week before so that if people needed to comment or look at the site plan could do so. She asks the Board if they feel that what was given to the Board before tonight was adequate, if they feel that if someone came in to review the file that was adequate to be considered a complete site plan or if the Board feels we need to keep this open. S. Weeks states that he is always concerned when information is given to the Board as we sit at the table here. He is always concerned that he does not have enough time to think about it or react to it. He thinks that the Board took a fairly strong stand that they would like to have that information ahead of time so that we all could look at it and be able to react to it, rather than momentarily glance at it and come to a conclusion. B. Duffney states that he agrees with S. Weeks. We have been in these situations before and will it hold the applicant up at all for any length of time. T. Yasenchak states that we still have some outstanding things that need to be addressed, so we will have to come back to the next meeting. Also, C. Baker will have some comments for us, which we will get to in a minute. Obviously we just got some information tonight and we can't make a motion tonight on it, so they will be coming back for the next meeting anyway. S. Thomas states that they will be having the public hearing with the ZBA. Most of the information that he provided today, wasn't necessarily new information, just maybe in a better format. T. Yasenchak states that is the key. If you look at our regs, which she stated at the last meeting we need to see in a presentable format that was sent to the Board and Town so that if someone had a question, they could come and look at it. She states that presenting some of this, there are things that need to be on the site plan and that was discussed at the last meeting. S. Thomas states that most of the stuff was on there and the site plan he turned in a week ago did actually have the septic detail and that information on there. He states that there is really no difference in the information on the map that he presented today and the one he presented last week. T. Yasenchak states that she is just asking because this is an intense use and the Board has the ability to render this complete or not and it is just obviously not in as detailed a format as typical site plans are submitted. This information is shown on a site plan so that the Board can get an overall view of how it all relates, so getting some of this in piece-meal, this Board does have to look at that to see how it relates. S. Thomas states that he is saying that the information he provided a week ago is basically the same information and that the reason that the Board has the other information is not that it is not available on the site plan, but according to the regulations this is not a special permit it is a site plan review, and as a site plan review he can do a sketch plan. The level of detail, although he followed the special permit application, is not written in stone. He states that he does not have to have an engineer for a site plan review. He understands what the Board is saying and he did try to make something better today. He does not think that what he provided today is much different than what he provided a week ago. T. Yasenchak states that the regs state that the "application shall consist of the following... a preliminary site plan as required under this application for Special Use". She states that she agrees that the applicant does not need the special permit, however, the zoning codes reads so that we don't have to write that same thing over and over again, it is only as a reference. She states that the Board listed several times in the minutes that the Board wanted all that information submitted. She states that right now we are talking to the Board about whether they feel they have enough information. Whether the applicant agrees or not, she is asking the Board if they have enough information to make a decision. T. Siragusa asks if part of the question was whether the public had had enough information and whether we want to keep the public hearing open. T. Yasenchak states that it was for both. We had stated at the last meeting that if there was not enough information, we would keep the public hearing open. T. Siragusa states that his biggest concern would be whether the public had had enough information. The public doesn't get to even look at it if we get it 15 minutes before. If the public were receiving new information, he would definitely say to keep the public hearing open. J. Streit has no issues with the site plan but would like to address the concerns of the neighbors. T. Yasenchak asks C. Baker, from the information that has been presented, what his thoughts are about the engineering review of the site plan. C. Baker states that he has two concerns. The first is the water system. He asks how many students they intend to have in the facility. S. Doty states that he does not see anymore than 25 at a time. C. Baker states that it sounds to him like the applicant is going to fall under what DOH calls a non-transient water system. Which means that the water system is going to have to be treated with chlorine or ultra violet and is going to have to be approved by DOH. He also has a concern about the septic system. It will have to be determined

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whether it is adequate or not. S. Thomas states that he is not working with the owner so he is just getting what he can. C. Baker states that we need a little more information on that as well. If it is going to have to be evaluated by somebody, they are going to have to go out there and do a forensic study to determine how big it is and the capacity. S. Thomas states that they know the capacity but they don't know the calculations for the use. C. Baker states that someone is going to have to put that together. He asks if there are other uses in the building. S. Thomas states that there is. C. Baker states that the septic system and the well have to be capable of supporting the entire building and all the uses. What he would like to see is a report from an engineer that identifies all the uses, the projected water use, the projected sewer use and actually determines whether or not the system is capable of handling it. S. Thomas states that he talked to G. McKenna about that a little bit and he said that because it is commercial they are going to have to go under the ADA regs for a handicap bathroom, and G. McKenna is going to require those calculations under that process. T. Yasenchak states, to clarify, that the Planning Board has the right to ask for those things beyond what the Building Department is asking. We want to see how those items affect the site plan. So if the applicant needs to change those, we need to see how that is going to change the site plan. C. Baker states that he has a question about access to the rear of the building. He has not had a chance to look at this closely enough. S. Thomas states that water will most likely need to be treated. C. Baker states it will require DOH approval. Usually with a non-transient water system, it would require that an operator was on contract to be able to test the water on whatever time frame is agreed to, but you have to have a licensed operator. C. Baker states that he is concerned with the width for access to the rear of the building. He has not had a chance to look at the site plan in detail. He asks if in the applicant's opinion two cars can pass each other. S. Thomas states yes, easily and they are going to put up a 5 mph sign. Forest Traver, Maple Avenue, states that he thought that S. Doty was going to address the other neighbor's concerns. T. Yasenchak states that we will get to that. F. Traver questions if they are going to have tournaments in there. S. Doty states that they will not. F. Traver states that then he does not have a problem with the parking. He states that something was said about out front and they cannot park out there in front of the fire house as someone will get run over by a tow truck. S. Doty states that parking will be in the back. F. Traver states that it was stated that it was considered parking lot in the front too. It is certainly not a parking lot. S. Thomas states that you can park a couple of cars out front, but they can't do that and there is a lease agreement between the current owner and S. Doty. F. Traver states that there are used cars out there too. S. Thomas states that is not something that he can speak to. F. Traver states that he would be very happy if they get rid of the truck. He has to listen to them warming it up in the wintertime for 15 or 20 minutes and it is a straight exhaust pipe. It is waking up the whole neighborhood. S. Thomas states that he cannot talk about anything that has to do with Matt Ernst because he does not represent him. He states that the parking of the owner's equipment on the site is not what this application is about, they are just a tenant. He states that he does appreciate the concerns, but it is not something that the applicant can do anything about. F. Traver states that he has no problem with them teaching at this site. What bothers him is that if there were to be a lot of people coming in for competition. There will be a lot of cars and there is not that much parking. S. Doty states that this is something part time, he has been doing this for 25 years. F. Traver states that another thing that has nothing to do with the applicant and he asks if the Board has ever considered the tower down there. It has been hit with lightning at least 8 or 10 times. Three weeks ago it was hit. He states it is dangerous. T. Yasenchak asks if he is talking about the old siren tower. F. Traver states he is. T. Yasenchak asks if the Board would like to keep the public hearing open. J. Jackson states that this is on the NiMo power line so they are concerned as to whether access will only be off of Maple Avenue or if it will be from the rear. S. Thomas states it will be from Maple. M. Gyarmathy asks if in the past we have kept public hearings open until after the ZBA public hearing. T. Yasenchak states that we can in case there is additional information that comes up. B. Duffney states that it is not like it is going to prolong this at all. T. Yasenchak states that then we will adjourn the public hearing at 7:36 p.m. and it will be open at the next meeting, August 28th. J. Streit states that he would like S. Doty to have the opportunity to address the three issues that J. Jackson brought up such as the junk yard in the back. S. Doty states that M. Ernst has a bunch of older trucks back there – part of a school bus, part of a delivery truck, older vehicles just sitting back there all the way at the back of the property. J. Streit asks if that is a code issue. T. Yasenchak states that this will need to be addressed with G. McKenna because we do have a code about storing junk vehicles on property. S. Thomas indicates the vehicles on a photo.

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T. Yasenchak states that there are at least six vehicles and if there is a violation on the property that also limits the way that we can move on this project. J. Streit states that it is not an issue that involves the present application but it is one that we should refer to the Code Officer. T. Yasenchak states that it actually does. One of the things in our Zoning regs is that if there is a violation on the property, then the Board cannot even accept an application. If there is a violation that is something that has to be addressed before we can approve this project. J. Streit states that hours of operation were a concern. S. Doty states that his intentions are to start at 4:15/4:30 p.m. to 9 p.m., Monday thru Friday. Potentially, if there is an interest in it and class size is right, maybe 10:00 to 11:00 on Saturday. J. Streit asks if he has windows on the side of the building facing J. Jackson's property. S. Doty states that there are windows on the North and South sides of the building. S. Thomas indicates where J. Jackson's property is located. There is a piece of property owned by National Grid between the two properties. J. Streit states that there was the question of cage fighting, which he believes to be illegal in New York State and asks if there is a way to mitigate sound. S. Doty states that there is, there are sound deadening boards and there will be no cage fighting. He states that with the size of the school he is not looking to have 150 students at a time. He states that he does not believe in cage fighting, he wrestled in the Military, but that is not his forte. S. Thomas states that there are two basic classrooms. He explains on the plans. The one room has 10 ½' ceilings. In the middle there is a kitchen that would become more of the office area. The other room is approximately 1600 square feet, which has the handicap ramp on it. S. Weeks is concerned about the narrow driveway but as long as they are slowing people down to 5 mph, it is probably ok. He states that he does not know if we can insist to know the location of the septic. S. Thomas states that was submitted. He did find out that the well is actually in the basement. M. Gyarmathy states that when the Board asked for details on the septic system, they were looking for the size of the tank, in gallons. S. Thomas refers to the letter from M & J Construction. T. Yasenchak states that the letter wasn't provided until today and it doesn't say if there is any leach field. T. Yasenchak asks if where it indicates leach tank under blacktop, is that the drywell. S. Thomas states it is. T. Yasenchak states that why we are asking about that is because it is really close to the parking and the handicap ramp, and how is that going to be accessed so that no one is driving over it. That is why C. Baker needs to see it. If it needs to be increased, where is it going to go? Is it going to affect where the parking is? S. Thomas states that he understands, he is not an engineer. T. Yasenchak states that at some point someone needs to give us that information. S. Thomas states that he is not representing the landlord so he has to go back to him. T. Yasenchak states that it doesn't matter how he gets it to us, as long as he gets it to us. She states that we need this because it is a public safety thing; we are looking at where other people's wells are. If this needs to be changed we want to make sure that it is done in a safe way, and because this is educational, we are also looking at the well being of the people who are coming to the classes. However the applicant obtains the information is their business, but it is something that the Board needs to have. S. Thomas states that he is limited in what is given to him and it is up to him to give that to the Board. If the Board does not think it is adequate he can go further with that, but that's all he's got. T. Yasenchak states that it might not get them that far. They have to get us the information. C. Baker states that it is going to be required by DOH. When they make the submission for the water system, they are going to want to know the details of the septic system, how far away it is, how many lines are in it, etc. The applicant is really going to have to do quite a bit more detail. S. Thomas states that under their lease it is the owner's responsibility and the Board is giving the applicant a clear message that he can take back to the landlord. T. Yasenchak states that it sounds like a lot, but it is also protection for the applicant because she knows that they are waiting for this approval for the lease, but the Board wants to make sure that all of a sudden the owner is not saying that he has to pay thousands of dollars and then the applicant is out a place, but the Board has approved the applicant and put them in an awkward position. It is really to benefit everyone. J. Bokus states that he does not think that access to the parking the rear will be a problem. It was a polling place for years and the fire company did hold a lot of banquets there. S. Thomas asks that the issue is that the Board does not have a problem with the school concept in terms of its permitted use seems to be ok and it would be something nice for the community to have this leadership school. The issue really is a question of, can this location have the water and septic calculations figured out and be appropriate. These are not necessarily big issues but they need to be addressed and he can bring this back to the landlord and say that. In order to move forward, these are things that to move forward in any capacity these things would need to be addressed. T. Yasenchak states that on the map that was submitted, there are

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two lines that are noted as property lines and she needs to know which one is the right one. S. Thomas states that the one with the fence is the property line; the other one is the blacktop line. S. Doty states that the second line is the property line and the other is the grass line. T. Yasenchak states that the Board needs to ask the Code Enforcement Official about the trucks, because if he finds that there is a violation, then that will have to be cleared up from the landlord before we can make a decision and before the ZBA can make a decision. S. Thomas states that the applicant has no knowledge of the landlord's business. T. Yasenchak states that they should probably make it their business because it may hold up the application on both sides. T. Yasenchak asks C. Baker if anything needs to be done about a SWPPP as it is an existing parking lot. She asks C. Baker that there is a trash removal location indicated and the applicant indicates that they will be bringing the trash home. S. Thomas states that the lease says that they are to bring the trash to his Saratoga Springs location. T. Yasenchak states that when a motion is made it would be noted that there is no trash disposal location on the site. S. Thomas asks if the Board would like him to talk to the landlord about a proposed location in case they decide to do that. T. Yasenchak states that is up to the applicant. B. Duffney suggests putting a line down the center of the driveway to keep people on their own side. S. Doty states that is an easy thing to do. He states that when he sits down and signs a contract with someone to take classes there is going to be an emphasis that that is a pre-requisite and if they fly in and out, they will be done. S. Thomas states that he does not know if he can have an engineer's report by the next meeting. He will provide the Board with whatever he can by the 28th and will provide it as soon as he can. He states that September 4th is the ZBA public hearing and he has to put up a sign for that. He asks if he needs a new public hearing sign for the Planning Board. T. Yasenchak states that we have adjourned the public hearing and the public has been noticed. She states that it wouldn't hurt to keep it up and just note the new date on it. S. Thomas asks if they can get the SEQRA approved on August 28th. T. Yasenchak and C. Baker state that it may not be necessary as there is not change to the site. C. Baker explains that the DOH approval of the water system could take up to a month and that the Planning Board's approval could be contingent upon DOH approval. S. Thomas questions the approval and contingency process. T. Yasenchak states that typically what the Board does if we don't have the DOH approval and that is the only thing we are waiting for, we can grant an approval contingent upon receiving that permit and approval from DOH. We want to make sure that before we give an applicant a site plan approval for a use, that it can be occupied. She states that it is listed in the Code for Site Plan Review. S. Thomas states that we are dealing with terminology for something that is new versus something existing. T. Yasenchak states that the applicant does not have an existing educational use so that is why the applicant is here and that is why DOH is going to require approval for potable water. She will not sign an approval and C. Baker will not sign off on this until they see the approval from the DOH. The same with the septic. J. Streit comments that hypothetically, the Board might approve of the use and site plan pending receipt of the DOH approvals, but that the Chair is not going to sign anything until she is satisfied with those documents. C. Baker states that the only problem is that if the DOH requires a drastic change for the septic system and that could change the site plan. J. Streit states that then the contingency would not be fulfilled. S. Thomas states that he will provide as much information as quickly as he can and he will have a conversation with the landlord that this is important. If there are delays beyond his control, he will give the Board what he can get. If he worked for the owner he could push things a little differently. J. Streit states that S. Thomas may not represent the owner, but he does represent his interests if he does in fact want to rent the building. T. Yasenchak reiterates that the Board needs the information and that it cannot be submitted too close to a meeting as there will not be time to review it. However long it takes the applicant, the onus of the approval is on the applicant. S. Doty asks if well water is not adequate, can they use bottled water to meet the requirement, is that an alternative option. C. Baker states that they would have to discuss that with DOH.

DISCUSSION

T. Yasenchak states that there was discussion at the last meeting about the continuing education courses and if we could actually have someone come in and do something that is more specific to our Board. Town Council said that if we do know of someone who would do that we just need to recommend them and

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if payment is required T. Yasenchak needs to ask the Town Board for that. If anyone has any suggests let her know.

T. Yasenchak states that she did find out that the Boards can ask G. McKenna to come to any meeting when there are Zoning Code issues. If we know that something is coming up, we can ask him to come to the meeting. The same applies for the Town Attorney.

C. Baker states that he will not be here for the August 28th meeting. He will try to go over concerns with T. Yasenchak before that.

Meeting adjourned 8:12 p.m., all members in favor.

Respectfully submitted,

Lorraine Fiorino