

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**August 28, 2012**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:03 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Lorna Dupouy, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks and John Bokus, Alternate. Charlie Baker, Town Engineer, is absent.

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**MINUTES – August 14, 2012**

MOTION: T. Siragusa

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 14, 2012, with minor corrections.

Discussion takes place that Jay Ellsworth's approval should be for a garage apartment and not just an in-law apartment. The definition of a garage apartment is different than an in-law apartment, which would be part of and contained within a home. Discussion takes place that this will be corrected by a new, separate motion.

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

Noes: None

Abstain: Dupouy

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**PLANNING BOARD CASES**

**JAY ELLSWORTH – Site Plan Review**

Barney Road

Discussion takes place that J. Ellsworth's application indicates that the proposed use is that of an "in-law apartment added to garage". T. Yasenchak states that the motion to approve was made indicating that he was approved for an in-law apartment. As the definitions and requirements for in-law apartments and garage apartments are different, T. Yasenchak suggests that we should make a motion to include the definition of a garage apartment even though it appears that that is the applicant's intention.

**RESOLUTION – J. Ellsworth, Site Plan Review**

MOTION: L. Dupouy

SECOND: S. Weeks

RESOLVED, that the Planning Board moves to include the definition of Garage Apartment to the approval for a site plan review for Jay Ellsworth for property located at 114 Barney Road, TM#149.-1-47.2:

**GARAGE APARTMENT:** An independent dwelling unit within a private garage that is accessory to a one- or two-family dwelling. The garage apartment is restricted to 1,000 square feet for the apartment.  
[Amended 11-12-2009 by L.L. No. 2-2009]

August 28, 2012

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

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**CELLCO – Site Plan Review**

Ormsbee Road

Cellco has requested that their application be postponed to September 11, 2012.

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**STEPHEN DOTY – Site Plan Review**

Maple Avenue

No one is present for this application. T. Yasenchak states that no additional information has been received and no additional information regarding the septic system has been received. She states that per G. McKenna's notes, there is now a notice of violation posted on the site regarding abandoned/unregistered vehicles because apparently there were several. G. McKenna has also provided copies of photos for the buffer as the applicant is seeking a variance from the 50' buffer requirement. Because of the abandoned vehicles, there is at least one violation posted on the site now so the Board cannot take any action on this. T. Yasenchak states that we will adjourn this to the next meeting. J. Streit states that he drove down there and the only thing that he got a different impression on from what was presented at the last meeting, was that as the driveway goes into the parking area it doesn't really look 2 car widths wide. He thinks it is a little bit narrow and thinks that that is something that can be mitigated. B. Duffney states that if you had two full size pickups with full size mirrors you would have a problem. S. Weeks states that he drove over also and that he got the same impression but he does not think that that means that it cannot be approved for what they want to do, but it will be a challenge. J. Streit states that no matter what they do, the property is there and it is going to stay the way it is. Get rid of the old vehicles and what the applicant is doing inside the building has almost nothing to do with frontage, buffer or anything else. B. Duffney states that as to the narrow section, they have had many wedding receptions held there over the years and fireman's functions. It is not like it is a high-speed area where there is going to be crashes. There has been traffic going both ways at different points in time. T. Yasenchak states that we will have to wait for more information.

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**PETER BARBER**

Ure Way and Greene Road

Peter Barber states that he is here as he has applied for a variance for frontage on Greene Road. He went to the last Town Board meeting. He states that G. McKenna came across a law where they possibly need to get input from the Planning Board and the Town Board. T. Yasenchak asks if P. Barber will explain the project. P. Barber states that he and his wife live in Saratoga and purchased 52 acres in 2010 off of Ure Way, which is off of Greene Road. They would like to build a house on this property. They have a right-of-way, deeded easement on Ure Way. P. Barber states that Bill Ure just recently passed away and he owned the easement to the rear lot with his home on it. He has applied for a variance as they do not have physical road frontage on a Town Road. He states that he has called two of his neighbors as it was suggested that he purchase lots with frontage. He already has a considerable amount of money into the property itself and he is still waiting to hear from one neighbor. P. Barber describes the property and the location. T. Yasenchak explains that once an applicant has applied to the ZBA, the application is referred to the Planning Board for input or concerns. J. Streit states that the Planning Board could state that typically they do not see a planning issue in cases like this. R. Rowland explains that what the applicant is talking about is not the usual referral from the ZBA. She explains that G. McKenna has been made aware of a Law, 280-A, requiring a municipality to declare an open development area prior to granting of area variances for frontage. This has been referred to the Town Board who has had the Town Attorney look into it. The Town Attorney has stated

August 28, 2012

that before the Town Board acts on this, it should get input from the Planning Board. We have received nothing official from the Town Board. R. Rowland will get additional information to the Planning Board regarding 280-A. T. Yasenchak states that the Planning Board will have to wait to get something from the Town Board as typically, as J. Streit stated, the Planning Board will state whether or not there are planning issues. In the past we have welcomed people like that and we realize that there are a lot of non-conforming lots out there without frontage. Under the circumstances, we will have to wait for something from the Town Board and read that law.

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**STEPHEN DOTY – Site Plan Review**

Maple Avenue

S. Doty has arrived. T. Yasenchak asks if he has any additional information for the Board. S. Doty states that he has hired an engineer to take a look at the place and do an assessment on the size and what needs to be done. They are looking at what they need to do to make the sewer and the water conforming. They are waiting to meet with M. Ernst to negotiate terms of how to go about doing this. Whether M. Ernst will take care of it or S. Doty will take care of it and work out a reimbursement plan. They may be extending the sewer system to support the use and then when they backfill, they will make it gravel and not blacktop with no parking in that area. T. Yasenchak states that the Planning Board does need that information. S. Doty states that he just got some of it last night. T. Yasenchak states that as soon as he can get it all on a map and we know how big that system is and how it affects the parking lot, etc., that is something that needs to be reviewed by the Town Engineer. S. Thomas arrives at this time. S. Thomas states that he has provided some additional information and the situation is that he is not allowed to speak for the landlord. T. Yasenchak states that S. Doty has informed the Board that they have hired an engineer who has made recommendations and that the applicant has just received it. S. Thomas states that they are to meet with the property owner on 8/29; they have additional information and they have multiple plans of attack; they don't have precise calculations yet but they will give C. Baker a copy of that when they get it; they believe that they have all the concerns addressed and if they have to provide a larger leach field or more water capacity, there are ways of doing it, there is enough land to do it from the initial review, they just have to work out the arrangements. T. Yasenchak reiterates that the Planning Board needs to see that on the site plan and how it affects the site. She states that she mentioned this the last time. We need a site plan that shows where that new septic is going, how big it is, that it is meeting all the correct separation distances, if it is going to affect the parking, etc. S. Thomas states that we are on the same page. At this point it looks like part of the parking will be torn up and used as leach field. Black top will be removed. He states that they have parking for 70 to 80 cars. T. Yasenchak reiterates that that needs to be shown on the site plan. S. Thomas states that they have the ability to do that but they have to work with M. Ernst to get it all squared away. He feels that they are on the right track, they have heard the Planning Board and they are going to get the Board what they want. He states that they are here because the public hearing was left open. T. Yasenchak states that when they meet with the owner, as was mentioned at the last meeting, there are some violations with the vehicles. S. Thomas states that he spoke with G. McKenna about that and at the time of the conversation he states that G. McKenna had not looked into it yet. T. Yasenchak states that a violation has been issued, that it goes to the owner and it has been posted on the building. S. Thomas states that he does not have a copy of that. He states that the last he talked to G. McKenna about this, those vehicles are not on M. Ernst's property. So he does not know what that means. T. Yasenchak suggests he speak with G. McKenna because he has issued an official violation on the property and if the vehicles are not on the property that needs to be proven because we do not have a site plan that shows the back line, etc. On the aerial photo that the Board reviewed at the last meeting it appears that those are on his property. S. Thomas states that the aerial photo was a couple years old. He looked at it again and taped it off again, and those vehicles are actually sitting on the National Grid property. That was more of Mr. Jackson's problem, that they are parked in his way because he has an easement for his driveway to his parcel and they were in his way. T. Yasenchak states that is something that needs to be addressed before the Planning Board can do anything with the site plan. S. Thomas states that another thing that has come to his attention is that there is a 2-bedroom apartment in the basement. He states

August 28, 2012

that there are actually 4 half-baths but 2 of them are not hooked up, all the plumbing to the kitchen drains has been cut so there is plumbing to that part of the building but it is all cut off. The apartment has 2 bathrooms and 2 bedrooms. So the plumbing situation is a little different than they initially thought. T. Yasenchak asks if the apartment will remain. S. Doty states that it will. T. Yasenchak states that septic systems are designed based on number of bedrooms not bathrooms. She reiterates that the applicant should speak to G. McKenna about the violations. She states that we are doing a site plan review, not for just one tenant, but it is about the site. She appreciates getting the information about the apartment because that is something that we did not know. We knew about the parking of the trucks in the front and then the new educational use, now we have another use that is not approved. S. Thomas states that he does not know if it is approved. T. Yasenchak states that just because the applicant is just one tenant, the Planning Board has to look at the whole site. She asks where the access is for the apartment. S. Thomas states that there is a bulkhead in the rear. They will provide all the information to the Planning Board as long as M. Ernst gives the go ahead to move forward. He states that they have a clear understanding of what the Board is looking for and thinks that they can provide it for the Board. The question of how soon or when depends on powers other than himself. There is a vehicle that the tenant has that is broken down and he is repairing it. That is on the property, but that is not part of the vehicles that we were talking about earlier. He reiterates that he understands what the Board is saying, what they are looking for and he will get it together as quickly as he can. T. Yasenchak states that the public hearing will remain open. S. Thomas states that they are also before the ZBA on September 4, 2012 and he believes that he has supplied everything for that. He has added a front setback variance and a buffer variance to their request. He states that he cannot find in the regulations the required width of a driveway so he is not sure what to do about that. T. Yasenchak states that is something that we will look into a little more. S. Thomas states that he is asking if he needs a driveway variance. He believes he has provided everything else. J. Streit questions that if the vehicles are not on this site, but belong to the owner, that would not be a violation of that site. If it is not on this site, it does not affect this project, but it is still a violation. T. Yasenchak states that you would have to look at a survey and that is for G. McKenna to determine. If it is in a right-of-way, it could still be on the property. B. Duffney states that if National Grid only has a right-of-way, they do not own the property. S. Weeks states that the only thing that he can find on driveway standards is in Section 105-143 and it does not specify widths. T. Yasenchak states that there is also the section on parking. This is reviewed and Section 105-121 is found to specify driveway widths. Discussion takes place as to how long the driveway is and that is something that we would need to have shown on the site plan.

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Meeting adjourned 7:38 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary