

TOWN OF GREENFIELD

PLANNING BOARD

August 31, 2010

REGULAR MEETING

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

MINUTES – August 10, 2010

MOTION: T. Siragusa

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 10, 2010.

VOTE: Ayes: Dake, Duffney, Dupouy, Siragusa, Yasenchak, Gyarmathy

Absent: Streit, Thraikill

Noes: None

PLANNING BOARD CASES

ELIZABETH HUNTLEY – Site Plan Review

Route 9N

No one is present for this application.

MULHOLLAND ENTERPRISES – Special Use Permit/Site Plan Review

NY Route 9N

Quinn Mulholland is present for this application. Public hearing is opened at 7:00 p.m. Q. Mulholland explains that he would like to add a propane filling station to the property, which he has placed next to the building where it will eventually be hooked up so that people can see it. He would also like to expand a stove shop along with stove accessories. They would also like to add landscaping supplies. He states that they have been renting equipment since they initially took over the business but it was never brought up under the 105-22-C-3 application so he would like to see that included here. G. Dake reads a letter from Mr. & Mrs. Richard Lyman, Anna Crest Drive, stating that Mulholland Enterprises has been a good neighbor and that they are in favor of this application. Mr. & Mrs. Barney, Anna Crest Drive, state that they concur with the letter and state that the applicants have been cooperative, reliable, good neighbors and they are doing a good thing for Greenfield by cleaning up a property that was badly in need of cleaning up. There being no further public comments, this public hearing is closed at 7:04 p.m.

C. Baker states that we did receive an update to the SWPPP that was requested. He states that a storm water basin, which is required, has not been installed and normally that goes in before grading. He asks what their schedule is. Q. Mulholland states that they actually started on that this week. They have to rent a long reach excavator for that and it should be done by the end of the year. They are almost to grade

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now and just have to add stone and a couple of culvert pipes. He states that the reason it is not done is that they are using that driveway and they will have to take that out of use and make the transfer. G. Dake reads from G. McKenna's notes. L. Dupouy states that she would caution the applicant to listen to all the technical stuff and finish this in good standing, get things done sooner rather than later. M. Gyarmathy states that he thinks this is great, he is excited that the applicant is expanding and this is a much needed service in Greenfield. T. Yasenchak comments that the parking area is right in front of the bulk bins and asks if that will cut them off from the back. Q. Mulholland explains on the map. T. Siragusa states that it looks good and continues to look better. B. Duffney states that he is glad to see a young person get ahead and build a business. He states that everything looks good. It is a positive thing and good for the Town. G. Dake states that the applicant has provided everything asked for. The applicant is bound by the SWPPP. C. Baker states that the general feeling is that the applicant has done a lot of good things and hasn't given any indication that he will not follow through.

RESOLUTION – Mulholland Enterprises

MOTION: B. Duffney

SECOND: T. Yasenchak

RESOLVED, that the Town of Greenfield Planning Board grants the request of Mulholland Enterprises for property located at 2084 Route 9N, TM#138.-1-22, for Expansion of his Special Use Permit and grants Site Plan approval.

VOTE: Ayes: Dake, Duffney, Dupouy, Siragusa, Yasenchak, Gyarmathy

Absent: Streit, Thraikill

Noes: None

SAMUEL CHANDLER – Special Use Permit

Chandler Lane

Samuel Chandler and Kevin Chandler are present. G. Dake reads from G. McKenna's notes that this is the LDR district, the applicant would like to place a mobile home on a vacant lot and the applicant is before the ZBA for a frontage variance. T. Yasenchak states that she has never driven down this road, the applicant has 4 acres and it looks good. T. Siragusa states that it is a reasonable request. B. Duffney states that he is familiar with this property. Don Chandler subdivided this property some years ago with the intention of giving parcels to his grandchildren when the time came. There is no ledge, perk tests should be done and it is a private road. He sees no problems. G. Dake comments that because it is a private road that is why the applicant needs a variance. L. Dupouy asks if this is S. Chandler's first home. M. Gyarmathy states that it looks good. C. Baker states that with the application for a building permit the applicant will be required to do a septic design, well location, etc. G. Dake states that he has no problems with this. This is exactly what they envisioned when they made the changes to the Zoning allowing mobile homes anywhere in Town. T. Yasenchak asks the age of the mobile home. K. Chandler states that it is a brand new 2008 model. Discussion takes place regarding a public hearing and the fact that the ZBA is required to hold one, and that the Code was to be changed to allow this type of action to go through the Building Department only. The Planning Board has requested this change from the Town Board. G. Dake asks if there are any immediate neighbors who are not family members. K. Chandler states there are not.

RESOLUTION – Samuel Chandler, Special Use Permit

MOTION: B. Duffney

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the public hearing and grants the request of Samuel Chandler for a Special Use Permit to install a mobile home on property located at 67 Chandler Lane, TM#111.-2-21.15, contingent upon:

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- **Receipt of variance from the Zoning Board of Appeals**

VOTE: Ayes: Dake, Duffney, Dupouy, Siragusa, Yasenchak, Gyarmathy
Absent: Streit, Thraikill
Noes: None

CORRESPONDENCE

G. Dake states that he received some correspondence for the Board which is very bad news. He reads an e-mail and letter from Michael Thraikill resigning his position from the Planning Board due to traveling for his job. G. Dake states that, with the agreement of the Planning Board, he will respond accepting M. Thraikill's resignation with regret.

ROCKY DANIELS

R. Daniels is present and states that he thought he was to be on tonight's agenda. R. Rowland states that G. McKenna did not put R. Daniels on the agenda because he has not submitted the requested additional information nor has he paid the application fee. G. Dake asks the nature of the application. R. Daniels states that he is being required to apply for an expansion of his business, which he has never moved. He states that he was here in 2007 and was granted permission to move over 50 to 75 feet, and he hasn't moved there yet, and now they are still trying to say he expanded his business, which he hasn't. G. Dake states that R. Daniels was a 105-22-C-3 application on the Mabb property, which was approved. R. Daniels states that he cleaned the property up, made a nice lawn, cleaned the place up so that it is a better view. He spent a lot of money there and all he is trying to do is get his money back out of the place. G. Dake states that he understands that there has been back and forth between lawyers and judges, while he does not know a lot about it. One of the things that the Planning Board is going to need before they can do anything is find out what the status of all that is. G. Dake states that one of the problems that he can foresee is that when the application was approved, it was approved under the 105-22-C-3 statute which was grandfathering in businesses that were in existence before the Zoning changed. A lot of home occupations and small businesses got in under that regulation, which was good. But, that went away and what G. Dake does not know from whatever decisions were made between attorneys, and under 105-22-C-3 there were easier application standards than there are without that regulation. G. Dake states that he does not know if the applicant will fall under the old rules or under the new rules. That is not for G. Dake to decide. That is going to be a matter of law and we will have to ask that question. He states that it is possible that there will be a different set of rules and that the Board will be asking for more information. R. Daniels states that he feels that he should not have to come back because he has not moved his business. G. Dake states that it is neither R. Daniels decision nor the Board's if the legal minds have made a decision on it. G. Dake states that he has not spoken specifically with G. McKenna and if the courts have said this is the right way to go back, whether the applicant likes it or not, it is the way to go back. R. Daniels reiterates that he has not expanded the business. G. Dake states that it has changed a little, but he would have to pull out the applications. The first application involved two mobile homes also and they are not there, so it has changed. R. Daniels states that is because G. McKenna sent back the applications. He questions that then they were approved to put back there. G. Dake states that, as he remembers, they were approved. R. Daniels states that is what he was trying to do, he put in the slab and was stopped. Once that one was in, he was going to put the other in. He has the blue prints for that. G. Dake states that we need to get the application complete and the fees; we are going to need to get the information from G. McKenna and perhaps the Town Attorney on exactly what rules we have to follow; get a timeline of what happened and why. He states that he has heard lots of stories and he does not need to guess which ones are right. We will go back and try to recreate the record of what was approved, what was done, what was stopped when and why, and what decisions were made from there. He states that he would also recommend that the applicant, and take a little bit of lesson from young Mr. Mulholland who did an

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excellent job of staying in touch with his neighbors and communicating with the town. A lot of R. Daniels issues, as G. Dake understands them, have involved communication with other people, people not hearing what they wanted when they wanted to hear it, etc. G. Dake is not saying that the applicant did not do what he said he was going to do or not. More communication can only further his cause. R. Daniels states that he only did what he asked for. G. Dake states that the next meeting is September 14, 2010.

Meeting adjourned 7:23 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland