

TOWN OF GREENFIELD

PLANNING BOARD

August 9, 2011

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:00 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 present.

MINUTES – July 26, 2011

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of July 26, 2011, as submitted.

VOTE: Ayes: Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak

Noes: None

Abstain: Duffney, Weeks

BRUCE JONES – Special Use Permit

Lake Desolation Road

Bruce Jones is present. A public hearing is opened at 7:03 p.m. B. Jones explains that he would like to replace a 1952 mobile home with a new, 2011 mobile home. T. Yasenchak reads three letters in support of the application from Ernest Mann, Andrea Mann and Michael Baldwin.

L. Dupouy states that she has no issues as long as all the requirements are met for the septic. T. Yasenchak states that this would be addressed at the time of the building permit. S. Weeks asks if area variances are required. T. Yasenchak states that per G. McKenna's notes, area variances are not required. B. Duffney states that since the new home will be closer to M. Baldwin's property and M. Baldwin does not have any issues, he is fine with this.

RESOLUTION – B. Jones, Special Use Permit

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of Bruce Jones for a Special Use Permit to replace an existing mobile home with a new mobile home on property located at 8 Lake Desolation Road, TM# 162.12-1-16 per the application submitted.

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

Noes: None

CHRIS & LESLIE CLAIRMONT – Minor Subdivision

Dunham Pond Road

Chris and Leslie Clairmont are present along with Dave Barass, Surveyor. T. Yasenchak states that

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the Board had asked for wetlands delineation and notes that the applicants will need a wetland crossing permit. C. Baker states that he has not had the opportunity to review these plans, but that he had written down some notes of items that are needed such as topo, house location, septic, driveway, stormwater drainage erosion control plan, and details for the crossing. T. Yasenchak asks, procedurally, if it is typical for the Planning Board to approve a lot that requires an approval from a State agency in order for the applicants to build. She questions that we are backing DEC into a corner to give approval for the crossing. C. Baker states that what we have done in the past is to approve contingent upon the applicant receiving approval from DEC and then once that approval is received, the map can be signed. D. Barass asks if by erosion control, C. Baker is referring to silt fence. C. Baker states that is correct and that DEC is going to want to see that when they submit that plan. D. Barass questions the details for the wetland crossing. C. Baker states that will be up to DEC and that they will most likely be looking for a grading plan that shows how much fill is going to be placed in what locations. C. Clairmont states that he did submit a letter from DEC stating that they would not have a problem with the applicant getting a permit as long as they receive subdivision approval. T. Yasenchak reads from the 7/6/11 DEC letter. G. McKenna's notes indicate that the only thing we were waiting for was the DEC information. T. Yasenchak states that we will need additional details in order for the Board to continue, and have the Town Engineer look at it for any additional comments. T. Siragusa questions that there are ACOE wetlands. C. Baker states that these are State wetlands so the applicants have to meet their requirements. S. Weeks states that this length of driveway is going to require a substantial turn around. C. Baker states that if it is less than 500' it is not required under the keyhole regulations. T. Siragusa states that a turn around is a good idea even if it is not required. C. Clairmont states that this will be a modular so there will have to be a pretty wide area to get a crane in. B. Duffney states that it needs to be wide enough for a fire truck. T. Yasenchak asks about test pits. They are on the plans. T. Yasenchak states that it is a good idea to give C. Baker the opportunity to review this more closely. If we did approve this we would have to do it based on a conditional approval. C. Clairmont states that DEC wants a plot plan before giving the permit and they want the property in the applicant's name. T. Yasenchak states that procedurally, as a Town Board, we cannot make a decision that precludes a decision by the State. She states that we cannot make a decision for the State. We could be making an inaccessible lot. The Planning Board can give a conditional approval. D. Barass states that everything can proceed, the applicant can come back and the Board can give the conditional approval and then it is just a matter of getting the permit and getting the Mylar signed. T. Yasenchak states that what we would do tonight is put this on hold until C. Baker has had the opportunity to look at it and give us an official letter on any details that we would need. When those details are presented, we can vote on that and if everything is met, then the Board can give the applicant a conditional approval. C. Baker suggests getting started on preparing the grading details and getting an application submitted to DEC. He states that he most likely will not have much more to add than what they are going to require. He states that having done those applications for crossings, what they are specifically going to want to see is how much fill you are going to be placing in the wetlands and to accomplish that you have to do a grading plan. T. Siragusa questions if that is fill in the wetlands or also the buffer, because that would be the whole driveway. B. Duffney states that earlier this spring he helped someone layout a roadway through wetlands and what they wanted to see at that point was a picture from either end so that they could see how much water, etc., was on the site.

JEFF COLLURA – Major Subdivision

Griffin and Locust Grove Road

Jeff Collura is present. C. Baker provides a review letter. T. Yasenchak states that when the applicant was here previously, he came in with a sketch plan and the Planning Board could not make any decisions without an application and more detailed plan. There are several issues that have been brought up by the Town Engineer. J. Collura reviews the plans and states that he is doing a "plan of sale" which he thought might preclude some of the engineering requirements. T. Yasenchak states that we do not have anything called a "plan of sale" in the Town Code. We have major and minor subdivisions. The Board has to look at a project in that way and have to make sure that every lot that is approved is actually buildable. J.

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Collura states that he doesn't have much more to say, it appears that perhaps the lot sizes might not comply with criteria that was left out of the code. T. Yasenachak states that is something that we will be looking at. She reads from the cluster development definition, and that that is something that the Board can look at as far as the size ratio and how the subdivision relates to and is consistent with the existing surrounding neighborhood. B. Duffney states that he is not in favor of cluster developments. LDR is 6 acre zoning, each lot here has 6 acres, which narrow towards the back, but each person would still have their own 6 acres. He believes that sight distance on Locust Grove Road could be an issue. He states that the layout is strange looking, but there is going to be a possible major subdivision up the road also. S. Weeks states that he drove up there today and he couldn't figure out where to turn around on Griffin so that is an issue. He didn't pay a whole lot of attention to the sight distance. He has a lot of concerns about 6 acre lots and this is one reason he has those concerns and the way the code is written. He does not think that this is the way that someone would normally approach this amount of space. T. Siragusa questions that a cluster development is on the table. T. Yasenachak states that it is not, it is just something that we can take a look at. J. Collura states that he is not interested in doing a cluster. T. Yasenachak states that G. McKenna's notes indicate that this is the maximum build out of this property; he had concerns regarding sight distance, which may or may not preclude 11 lots being available. T. Yasenachak mentioned clusters just because as a Planning Board we look at the letter of the law as well as the intent of the Comprehensive Plan and whether or not a subdivision looks like what was intended. T. Siragusa states that what struck him the most was the layout and he does not think that this is the intent of low density residential and that it certainly would change the character of the neighborhood. Regarding the fact that there used to be regulations about the ratio of the lot, kudos on creativity, but he personally thinks that this would change the character of the neighborhood which was not the intent of the Comprehensive Plan. J. Bokus questions the concerns regarding the Comprehensive Plan. T. Siragusa states that it would be having six houses with the minimum frontages where you normally wouldn't have that kind of density along the road front. J. Bokus states that is the code. T. Siragusa states that is his own opinion. T. Yasenachak states that the Planning Board has the ability to ask an applicant to look at other ways of subdividing should the Board, as a whole, believe that the site can be subdivided in a way that would be more consistent with the surrounding neighborhoods and more consistent with the Comprehensive Plan. J. Collura questions the lots across Griffin and the Howard subdivision on Locust Grove Road. T. Yasenachak states that she is not saying that the Board is asking the applicant to do anything right now. What has been done in the past and when by different people, you are looking at a totally new Board and different zoning regulations. M. Gyarmathy states that he agrees as far as changing the characteristics of the neighborhood. He also drove up there today and he had a problem turning around, he didn't know where to turn around. He comments that while these lots are strangely shaped, we should take into consideration that there is an awful lot of open land here towards the back that is left natural. He also has sight distance concerns. J. Streit asks where the crest of the hill is in relation to the stonewall. J. Collura indicates on the plans. J. Streit questions that there is a gradient problem. J. Collura indicates that there are grade issues as you get further into the lots. He states that he cannot justify putting money into a large road to build 11 houses. J. Streit asks M. Gyarmathy if his comment regarding the open area was a positive comment. M. Gyarmathy states that he thinks it is a good thing that all that area is undisturbed. L. Dupouy states that she is a little ambivalent about this, although she really appreciates everyone trying to keep the nature of the Town, things change and we do have rules and regulations. You think about the economy that we have today and you think of the buyer of today's market, McMansions are things of the past and people want a smaller homestead. The way of building now is to get the most out of the least. She states that if we were looking at this somewhere other than Greenfield, this wouldn't look so offensive. In fact, it does meet all the rules and regulations. She states that she has to think about this a little more. She states that she does not find this offensive if they are nice homes and within the legal boundaries of the law. She understands that time changes. T. Siragusa states that time doesn't change in the Comprehensive Plan. The thing he is suggesting to consider, in his opinion, is that it is certainly creative, it meets the letter of the code, but the code stands on the Comprehensive Plan. The Comprehensive Plan doesn't stand with our opinion or what we think of economics. The Comprehensive Plan is the foundation; it is what the citizens said that they would like Greenfield to look like until it is reviewed again. J. Bokus asks what the general price might be for these lots. J. Collura states that he is only selling the lots, not putting the houses on them. Across the

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street they have put in approximately 1500 square foot ranches. No one is building two story houses anymore. He guesses that probably with a house on it \$200,000 to \$220,000. He states that he builds houses for \$225,000 without the land. B. Duffney asks about how far off the road the houses would be. J. Collura states that he would have deed restrictions, as he did on the other property, about clearing only as much as is needed for the house and a small lawn. T. Yasenchak states that is something that the Board can require. We can put contingencies on approvals about limited clearing. B. Duffney states that there are other areas in Town where there are clusters of houses on small lots and it looks like a small town. T. Siragusa states that the whole idea for the new re-zoning was to get away from that. Yes, there is precedent, but T. Siragusa thinks that the spirit of it was to have new denser communities closer to Town and the LDR further out. B. Duffney states that that is why he does not like the idea of cluster developments. They defeat the whole purpose of 6 acres. He states that once this is subdivided, it will be untouchable. T. Siragusa states that is why he likes clusters; it makes good use of land and preserves open space at the same time. J. Collura states that there will be 40 acres of open space on this. S. Weeks asks what the required setbacks are on these lots. T. Yasenchak states that it is 75'. J. Collura states that the deed restrictions will limit the amount of tree cutting in the front. He did not log this property on purpose because there are large oaks that he wants to be part of the development. He would like to see them retained. L. Dupouy asks J. Collura if he tried any other kind of formation to get as many of these lots out of this. D. Barass states that they spent a lot of time trying to maximize the lots in compliance with the code. J. Collura states that if the Town didn't want that kind of density they should have made it a 350' frontage. T. Yasenchak reiterates that the Town Code states that the Planning Board has the right to ask for other options. She states that C. Baker's letter does talk about traffic and sight distances and that may or may not allow certain driveways. That is something that this Board has looked at very vigorously in the past so that we do not create a dangerous situation. J. Streit questions that this is not a cluster development. T. Yasenchak states that it is not, that she is saying that we have the ability to ask the applicant to look at other designs if we think that something else meets the code better or is more consistent with the neighborhood. Beyond that, with what we have before us, we do have a letter from our engineer and some of those sight distances may or may not allow lots as drawn. She states that sight distance needs to be addressed before we can go any further to see if these lots are even feasible. Some of the other issues that need to be addressed are the SEQRA; C. Baker suggested the applicant speak to the Highway Supervisor regarding the concerns with maintenance of Griffin Road. T. Siragusa questions that there are only 2 residences on the other side of Griffin. C. Baker states that that is per W. Barss whose concern is that with the addition of 6 houses, the Highway Department's maintenance is going to go up, they will need to be grading the road more often, etc. B. Duffney explains where the turn around is. J. Streit asks C. Baker about the ratio issue. C. Baker explains that in the old code, when this area was 3-acre lots, there was a length to width ratio. These lots would be excessive and the intent of that was for aesthetics. T. Siragusa questions that this needs to be brought to the attention of the Town Board. C. Baker states that he and G. McKenna have discussed this and that G. McKenna is going to take care of that. C. Baker states that he is suggesting that the Planning Board think about asking the applicant to stagger the locations of the houses so that some are further back than others – there may be more aesthetically pleasing ways to do this. J. Collura states that that is why he will restrict the cutting of trees in the front. T. Yasenchak states that we do, within our purview, have the right to ask for specific clearing on a subdivision. We can say that we would like to have a buffer. L. Dupouy asks if that is incumbent upon the person selling the land or the person who buys the land and comes in for a building permit. The applicant has come in and proven that this is buildable land, is it therefore now incumbent upon him in front of all of us to now state the specific locations of the houses or when he sells each lot, then the person who wants to build on that lot comes in and then we say to that person we want you to have this setback. T. Yasenchak states that it is part of the whole overall subdivision process. C. Baker states that is why you have the opportunity now to make those decisions. T. Yasenchak states that we have required buffers in the past. We are not saying that the houses have to be in a specific location, we are just giving parameters for the clearing. The one-acre minimum that J. Collura is talking about, is that if you are clearing more than one acre you need a permit. Unless we state in the approval that there is a limit of 1 acre, someone could come in and clear the whole 6 acres. If we don't have a problem with the ratio, but we would like to see it remain natural, this Board does have the ability to say we would like to see the clearing limited so that it doesn't change the character of the neighborhood. L. Dupouy states that if we feel

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that there are many driveway cuts, couldn't we try something where two driveways, one on each piece of property, could have their cuts closer together, but not shared. Site walk is discussed. S. Weeks asks if this Board can actually stipulate a setback. T. Yasenchak states that we cannot change the setback of where a house can be, but we can stipulate clearing. B. Duffney states that on the other hand, there are a lot of people who want to have gardens who might want to clear more than one acre. J. Collura asks if he must meet the AASHTO requirements exactly. T. Yasenchak states that in the past the Board has not over ridden AASHTO standards unless an engineer is willing to certify what is suggested and what will be in place is safe. Typically an engineer will not override the State's standards.

MICHAEL REMILLARD – Minor Subdivision

Wilton Road

M. Remillard is present and explains that he was before the Board previously and now has a survey and has had perc testing done. T. Yasenchak reviews G. McKenna's notes stating that the previous subdivision was approved April 12, 2005 and that there are no zoning issues. T. Yasenchak states that when the applicant was previously before the Board, we did ask for the wetlands to be delineated and for a better map showing a house location and the setbacks. The current map does show a house location but does not show setbacks or have them listed in the notes. M. Remillard states that he had asked the surveyor to put the house closer to the test pits but it was put closer to the road. T. Yasenchak states that the setbacks are required so that any purchaser will know what those setbacks are. The seasonal stream is noted to not be DEC wetlands, however T. Yasenchak asks if it was actually delineated. C. Baker states that there are two types of wetlands to be familiar with. DEC is one and the other is Army Corp, which is more difficult. T. Yasenchak states that the applicant needs someone who is certified to identify ACOE wetlands. They would come out and walk the site and if wetlands are found they will be flagged and then they need to be survey located. The alternative to that is to call the ACOE and ask for a Jurisdictional Determination. They will come out and do it, but the time frame is quite lengthy. M. Remillard states that the surveyor called DEC and was told that there was no reason for them to come out because there is nothing for them to look at. That is why they noted on the plans that there are no DEC wetlands on the property. T. Yasenchak states that the note does say that, but there may or may not be ACOE wetlands. S. Weeks states that it would be nice to have something in writing. M. Remillard questions that then he should contact ACOE. C. Baker states that is one alternative or there are a number of consultants who can be hired who are certified to do ACOE delineation. T. Yasenchak states that we need the setbacks with notes on the plans; the Town of Greenfield standard notes are on the plans; and we need the wetlands information.

ZBA REFERRAL

MARK LORENO, Area Variance – The applicant is seeking area variances to build a deck in the Lake Desolation Overlay District. No Planning Board issues.

RONALD COLEMAN, Area Variance – The applicant is seeking area variances to build a shed in the Lake Desolation Overlay District. No Planning Board issues.

Meeting adjourned, 8:27 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary