

**TOWN OF GREENFIELD  
PLANNING BOARD**

**August 9, 2016**

**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, John Bokus, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks, and Robert Roeckle, Alternate. Charlie Baker, Town Engineer is absent.

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**MINUTES – July 26, 2016**

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of July 26, 2016, as submitted.

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

Noes: None

Abstain: Bokus, Yasenchak

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**PLANNING BOARD CASE**

**VINCENT SCHMIDT – Minor Subdivision**

Locust Grove Road

Leigh and Gerard Schmidt are present. J. Streit states that he is a friend and neighbor of V. Schmidt and therefore will recuse himself, but reserves the right to speak as a private citizen. T. Yasenchak states that she did speak with V. Schmidt who had some questions about his subdivision, but she did not give him any legal advice or indication of how the Planning Board would act. She has no financial or any other type of investment in this project. She feels she can review this without prejudice. T. Yasenchak states that the applicant believed that this property had been subdivided before, however, it does not appear that the previous owners ever actually filed that map. It has been on the tax maps as one lot. One of the parcels that was shown before was under the 6 acres and looking at the new map, that lot line has been adjusted so that lot 2 is now 6 acres. G. Schmidt states that it also shows that his father's house is well within the setbacks of the property lines. T. Yasenchak reiterates that V. Schmidt's house is existing and that lot 3, the second lot of this subdivision, would be the lot that is created. T. Siragusa states that the photocopy of the original map indicates sight distances. He states that he thinks it is pretty straight there but he is wondering why it was done and if it needs to be done again. G. Schmidt states that it is right at the top of a knoll. T. Yasenchak states that we will ask our Town Engineer if he feels that we perhaps need to have that same notation or to have the sight distance redone. B. Duffney asks if the driveway will be at the same location. G. Schmidt states that it is at the location of the logging road. T. Yasenchak states the applicant should wait before having the surveyor make any changes to the map until we have C. Baker's comments. B. Duffney questions whether or not we need to have a public hearing as this is a minor subdivision. Discussion takes place that the drive appears to be different in the original version versus the applicant's new survey. T. Yasenchak states that the Board may waive a public hearing but the Board's position is to err on the side of being open to the public and having one. A public hearing is set for August 30, 2016 at 7:00 p.m. R. Roeckle questions that there are wetlands on the original plan and should they be re-delineated. T. Yasenchak states that that was G. McKenna's suggestion.

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**COHEN CARTIER – Site Plan Review**

Wilton Road

Cohen and Melissa Cartier are present. T. Yasenchak opens a public hearing at 7:14 p.m. C. Cartier explains the project. T. Yasenchak states that the ZBA also held a public hearing on this project. There being no public comments, this public hearing is closed at 7:15 p.m.

T. Yasenchak states that C. Baker had some review letter comments and there was discussion about a shared parking agreement. T. Yasenchak states that the Town Attorney did review the original proposal, made comments and we have provided the applicant with those. If we made a decision tonight there could be a contingency that the language be reviewed by the applicant and his attorney, and then filing that document. B. Duffney asks how many people the applicant is expecting to have at any given time. M. Cartier states maybe 2 or 3 and it would mostly be used for meetings with clients. There would be one receptionist and then the applicants on a daily basis with the occasional meeting with a client. B. Duffney states that then maybe at one given time there might be ½ dozen people at the most. C. Cartier states that the shared parking agreement is a requirement and they are trying to make that work. S. Weeks states that C. Baker had 4 items in his review letter and asks if we will handle those as contingencies. C. Cartier states that he has made the revisions and just got them back from the engineer. T. Yasenchak states that those can be done as contingencies. She reviews those items now. S. Weeks asks how one gets approval for less than 100' on the separation distance. T. Yasenchak states that C. Baker is stating that the applicant has done the best he can with the existing conditions. Discussion takes place regarding the fact that there is no buffer between the parking and the neighbor's property and that the Planning Board can waive that. This area is behind the adjoining neighbor's garage. The Board consensus is that this will not be a significant impact.

**RESOLUTION – C. Cartier, Buffer**

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the buffer requirement for Cohen Cartier for property located at 39 Wilton Road, TM#138.3-1-11, on the west property line and the paved parking area where there is no landscaping shown, as the Planning Board believes that this will have no significant impact on the adjoining neighbor.

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

**RESOLUTION – C. Cartier, Site Plan Review**

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board approves the application of Cohen Cartier for a Site Plan Review for property located at 39 Wilton Road, TM#138.3-1-11, per the plan submitted, with the previously approved waiver, and with the following contingencies:

- **4 items on the review letter submitted from Town Engineer, Charlie Baker of EDP, be addressed sufficiently and reviewed by the Town Engineer**
- **Easement language be provided and also reviewed by the Town Attorney**
- **Applicant review the easement language for the shared parking and submit that, signed, back to the Town**

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

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**GALARNEAU BUILDERS – Site Plan Review**  
Copperfield Road

David Barrass is present for the applicant. T. Yasenchak reviews that this applicant is also before the ZBA, the application has been accepted and a public hearing set for September 6<sup>th</sup>. The Planning Board cannot take action until the ZBA has acted. D. Barrass states that he has revised the site plan based on the Zoning Board's comments regarding the length of the parking area in front of the garage. This will be for a garage apartment which is a permitted use in the LDR zone with site plan review. He states that this subdivision was approved in 1999 which is why it is a 3-acre lot. The setbacks shown on the map are the original setbacks that were approved at the time. They were requesting a side setback variance and an acreage variance. He believes that by shortening the parking area to minimize the variance, that they have eliminated the need for the side yard variance. He has also added the septic system per the ZBA's questions. T. Yasenchak states that the Town Engineer will be looking at the separation distances and she asks if this is ACOE or DEC wetlands. D. Barrass states that it is ACOE and is all delineated on the original subdivision plans as a protected area with no clearing or disturbance. B. Duffney states that that area is all ledge. He asks if the septic will be a raised system. D. Barrass states that he has not been involved in the creation of this site plan, he was just asked to deliver it. He states that the system for the house has been approved and put in, but he does not know what type of system it is. There are test pit results on the original subdivision.

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**G. DAVID EVANS – Subdivision Amendment**  
Plank Road

G. David Evans is present. T. Yasenchak reviews that we received a new plan and the Town Attorney has reviewed the language and the revised easement language that has been provided to him. D. Evans is provided a copy. T. Yasenchak states that the Town Attorney does not seem to have any issues with the actual easements; however he has some questions about the covenants and restrictions. However, that is not something that the Town Attorney typically reviews. We need to note to the applicant that he recommended confirming that the applicant intends to use the revised language and he strongly recommends that the applicant have his own attorney review the draft deed and covenant restrictions because there were some areas that didn't seem clear. T. Yasenchak states that she feels she has enough information to set a public hearing. G. McKenna did make a determination about the setbacks and she believes that was discussed at the last hearing. That is all shown on the revised plan. B. Duffney states that something has been bothering him with this project. He was at the meeting when the Town Board gave D. Evans approval. He believes that during that meeting the only thing that was talked about was lots 4 and 5. He would like to send this back to the Town Board to see exactly what they approved. He states that if they only approved something for lots 4 & 5, and the Planning Board is approving something different, he believes we are going against what the Town Board intended. He states that D. Evans had a couple who were interested in buying lot 4 but they wanted more property. T. Yasenchak states that the Town Board agreed to an Open Development and they would not have granted it to 4 & 5 because lot 5 already has frontage. The open development is only about looking at lots that don't have frontage. The applicant has already received variances for certain lots not to have frontage. B. Duffney states that he was at that meeting and without the applicant going back before the Town Board, he will not vote on this application. T. Yasenchak states that she will have to look back to see what the decisions were. S. Weeks states that he believes that D. Evans has done what we have asked him to do. He questions that G. McKenna has stated that there is an incorrect date on the plan. Discussion takes place that there are revision dates on the plans to supersede the other date. S. Weeks states that he believes that handles it. Board consensus is to hold a public hearing on August 30, 2016. D. Evans states that he does not understand B. Duffney's comments and concerns. T. Yasenchak explains and states that we will have to go back and review the Town Board minutes. B. Duffney states that when the applicant went to the Town Board with the prospective purchasers, he believes that lot 5 didn't have enough property. That was the reason B. Duffney believes the applicant went before the Town Board, to change that lot and that lot only. D. Evans states not that lot only. B. Duffney states that is why he would

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like the Town Board to clarify exactly what they approved. T. Yasenchak states that is what we will check and that as far as she understands, the Town Board approved an open development for particular lots. The Town Board can approve open development for certain lots, but they cannot approve a certain layout, per se. That is when it comes back to the Planning Board. B. Duffney states that the Board has to remember that this could be setting a precedent because as M. Gyarmathy said, the easy property is gone in this town. T. Yasenchak states that that does not necessarily depend on precedence, precedence has to be unique and also the variances that the applicant has been given, he has to prove the uniqueness of those variances. The open development being approved by the Town does not give him the ability to have lots without frontage. It is the variances that were approved. Once an applicant has variances, the Planning Board cannot rule against those variances. Any action that the Planning Board takes can only be taken within the purview and the bounds of what we are allowed to look at in regards to the law as it is written for these lots. The law as regards these lots would then go to the variances that were approved. Any precedent that would be set for a lot not having frontage, that is not the Planning Board's precedent that has been set – it is the ZBA's and they would have made those statements when granting the applicant the variances. B. Duffney states that then what he hears in a Town Board meeting means nothing. T. Yasenchak states that she is saying that she has to look at the minutes, she does not know what they said and she does not know what the final approval was. It is about what is in that motion, not necessarily what they talked about, but how they formed their motion. The Town Board passes that motion down to the Zoning Board, who then takes action and grants variances. The Planning Board is now taking that and looking at what else they can look at. S. Weeks states that he would have to look at the minutes again, but he thinks that the Town Attorney made some comment about precedence. T. Yasenchak reiterates that we cannot overturn something that was already approved. B. Duffney states that he would feel more comfortable having the Town Attorney here. T. Yasenchak states that this Board still has a right to approve or not any application based on the criteria that we must review. D. Evans asks if he has sufficiently addressed the various concerns that have been brought up or is there something that is still pending. T. Yasenchak states that we have sufficient information to set a public hearing. The applicant has heard the Board's concerns.

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## **DISCUSSION**

S. Weeks states that we began discussions about workshops vs. regular meetings. Discussion takes place regarding the merits of workshops vs. regular meetings. The Board consensus is to try having workshops and regular meetings, and then to evaluate the process and success. J. Streit feels that for the long range as was discussed at the joint meeting, the Town Board should put some thought into how to budget for an ombudsman, who he believes they linked somehow to the storm water management, who would be someone knowledgeable to meet with applicants who would not get to book anything with R. Rowland until that person says you have all your stuff. T. Yasenchak does not believe that right now there is enough work to hire someone to do that. J. Streit suggests maybe it could be in conjunction with some other neighboring towns. He suggests passing on our minutes so that the Town Board understands that the Planning Board has discussed this and would like to pass on that we are in favor of a part time person being hired to do what we are talking about and as soon as is practical. T. Yasenchak states that we can put it on our next agenda and announce publicly that we plan to make that announcement. We might even be able to start the workshop meetings in September if the Board feels they would like or we could make the announcement at the August 30<sup>th</sup> meeting and then start with the October meetings. We will send a note to the Town Board that we will be starting our workshop schedule in October.

M. Gyarmathy reminds the Board to take a glance at the Town Comprehensive Plan, especially the use of shared driveways and such, in our goals and our future plans. Discussion takes place that the Planning Board can, when making their decisions, state that they do or do not feel that some particular item meets the Comprehensive Plan.

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R. Roeckle states that he noticed that the smoke shop on Maple Avenue is open, but did not notice that the landscape buffer is in place as the Planning Board had requested in front of the parking. R. Rowland states that she will let G. McKenna know.

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Meeting adjourned 8:17 p.m., all members in favor.

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Respectfully submitted,

Rosamaria Rowland  
Secretary

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