

TOWN OF GREENFIELD

PLANNING BOARD

December 14, 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, Michael Gyarmathy, Thomas Siragusa, and John Streit. John Bokus, Alternate is absent. Charlie Baker, Town Engineer, is present.

MINUTES – November 30, 2010

MOTION: B. Duffney

SECOND: T. Yasenchak

RESOLVED, that the Planning Board waives the reading of and approves the minutes of November 30, 2010.

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

Noes: None

PLANNING BOARD CASES

TONI HOLBROOK for GERHARD TUBBS– Minor Subdivision

Locust Grove Road

Toni Holbrook is present for the application. G. Dake states that what we have already done is to separate the east side of the property from the west side as it is divided by Locust Grove Road. This application is to subdivide the east side of the road into two pieces. T. Holbrook states that it was previously presented as 4 lots, but G. Tubbs has decided to only do two lots, as it would be simpler to get subdivision approval. G. Dake asks what G. Tubbs hopes to do with the 55+-acre parcel. T. Holbrook states that he is unsure but that he may sell it as one lot. T. Yasenchak states that breaking it into only two lots is obviously less dense. He would have to realize that if he sells it tomorrow, the new owner could not subdivide for 5 years so that is something that may limit the sale. T. Siragusa states that it is pretty straightforward. T. Holbrook states that a question had been about driveways and with this subdivision there is an existing driveway into lot 3. G. Dake states that going to the two lots gets rid of a ton of questions and variables. This has made it a lot simpler, but it may make it somewhat less marketable. B. Duffney states that the 5 year rule would apply, the existing driveway at the crest of the hill gives access with no issues, there is plenty of property to build on to be away from the wetlands. L. Dupouy questions that this is the application that wants to change the borders before the 5 years. She asks why that is, is there some hardship. T. Holbrook states that the applicant has some health issues. G. Dake states that we just subdivided this. T. Yasenchak states that it was a natural subdivision because the road runs between it. T. Holbrook currently owns property on the west side of the road adjoining this property. She states that we have done this for other applicants. G. Dake states that Cliff Older was also asking for the waiver of the 5-year rule at the last meeting. He states that this applicant would require a waiver of the 5-year rule. L. Dupouy asks what the reason is that they do not want to wait the 5 years. T. Holbrook states that she wants to buy lot 1 right away and G. Tubbs is not 100% sure what he wants to do with that other piece. If he does decide to sell it, he would like to have the waiver of the 5 years because he didn't want to do it right now. J. Streit states that the applicant is not asking for the waiver for this side of the road, he wants the Board to recognize the natural

December 14, 2010

subdivision and subdivide 1 6+ acre parcel. G. Dake states that it does require the waiver because it was subdivided from the other side of the road. J. Streit states that he has no issues. M. Gyarmathy states it looks good to him. C. Baker states that the map has all the notes required; he agrees that the driveway issues are gone now that it is down to 2 lots; he sees no issue with waiving the ACOE delineation because there is plenty of room on that second lot. **The Board completes Part II of the Short Form SEQRA. All questions are answered “no”. J. Streit makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. L. Dupouy seconds the motion. All present in favor.** T. Yasenchak states that an adjustment should be made to the amount of land affected on page 1 of the SEQRA from 96.213 acres to 61.901 acres. T. Holbrook states that she wants to clarify that if G. Tubbs sells this, the person who buys it can build on lot 3, but not subdivide it.

RESOLUTION – G. Tubbs, Minor Subdivision

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board waives the 5-year rule because the original subdivision was a natural subdivision and grants approval to Gerhard Tubbs for a minor subdivision for property located at 725 Locust Grove Road (east side of Locust Grove Road), TM#125.-2-26 per map submitted.

L. Dupouy states that she is wondering if we are holding fast enough to the 5-year rule. G. Dake states that he thinks that the consistency of the natural subdivisions is one that he is comfortable with because you cannot even tell that it has been subdivided. L. Dupouy states that she is just looking to the future to other people who may want to do this but they don't come forward or don't ask because they know there is a 5-year rule in place and there is no apparent hardship here. G. Dake states that he thinks that the Cliff Older situation is going to be a much different discussion because that one is not a natural subdivision. He states that he thinks that we can say, if we are ever to be challenged, that we are consistent in how we apply a natural subdivision. J. Streit states that this might be a borderline hardship issue here because he knows that G. Tubbs' health is very fragile and this might be partly estate planning in advance. T. Yasenchak states that she had tried to say before that the Board did the same thing with other applicants where there has been a natural subdivision so we are being consistent in that respect. R. Rowland questions that this could be looked at as a Phase 2 because we just did the other portion. G. Dake states that if we had listed this as a phase 1 and phase 2, yes. G. Dake states that quite frankly that may be what we should look at in the future on any of these, is to say that it is going to be a phased subdivision because we did know about this half. He states that to a certain extent that is what we did with J. Collura's subdivision on Locust Grove Road. He wanted to deal with the east side of the road now and the west later. We called them phase 1 and phase 2, but looked a single SEQRA for whole thing, which would be avoiding the segmentation. That would be the smart way, and we probably should have done this application as a phase 1 and 2. T. Yasenchak states that in this case they were originally looking at 4 lots. J. Streit states that from a practical standpoint what we have done is recognize that the road is a natural subdivision and then on the other side he carved off the legal amount for his home. G. Dake states that phasing would be another way to accomplish the subdivision without violating the 5-year rule.

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

Noes: Dupouy

ZBA REFERRAL

Paul & Jane Bouchard, Area Variance – The applicant would like to install solar panels in their backyard and need a rear yard setback variance. No Planning Board issues

December 14, 2010

DISCUSSION

Discussion takes place that the next Planning Board meeting would be December 28th. G. Dake states that we do not have a ton of business. R. Rowland states that technically the deadline for applying would have been today at 3:00. As there is no business, the December 28, 2010 meeting is cancelled.

G. Dake states that he did do some homework on Rocky Daniels and everyone received copies of the previous minutes. He asks that the Board members please read those minutes and states that he has a couple more questions after reviewing them. He states that he did speak with Mike Hill who stated that absolutely, positively this is under regular rules not 105-22-C-3, which did not allow for expansion of an existing use at that time. We are going to have to go back after the 105-54 standards and R. Daniels is going to have a lot of mitigation to do to meet those if he wants to expand hours. G. Dake states that then there is the question of, as you read through the minutes and the old application, is he expanding just the hours or is he expanding allowed activities. A question G. Dake would like answered by the Code Enforcement Officer is if R. Daniels operation is considered light industry or agricultural processing. Ag processing is allowed with site plan review, but light industry is not allowed, therefore no expansion would be allowed. J. Streit asks if R. Daniels does anything that does not involve wood. G. Dake states that he does not believe so and that he would probably say that this is Ag processing, but he would like that determination from G. McKenna. It is a residential neighborhood, he does have in excess of the required 10 acres, but is adjacent to residential properties and we do have to be cognizant of the impact on those properties as well as one of the requirements under 105-54 is no significant impact on traffic, which is why we talked to him about a traffic study. B. Duffney states that he believes that 5-6 years ago NYS changed their regulations that timber harvesting wood products does fall under agricultural. G. Dake states that may not have any impact on our Zoning ordinance. He states that it is G. McKenna's decision to make as to what it gets classified as. T. Yasenchak asks B. Duffney if it is harvesting or processing. B. Duffney states it is harvesting and he thinks some processing and transport. G. Dake states that the challenge is certainly one of, and he uses the parallel of his business, a dairy plant could be considered agricultural processing if you took it far enough. He states that what they do there is barely considered light industry, it is closer to heavy industry and it surely is not agricultural processing in the spirit of what our code says agricultural processing is. He states that there is a line somewhere between what the Mabbs were doing and what Cowee does where they make the bagged firewood that sells in Stewart's. Somewhere in between there is a line. He does not know where it is but that is why we have to be very clear because if he is looking to go back in and put in structures to palletize and bag firewood, that may give us a different view with trucks coming and going than with chopping up some stumps and making mulch available for the people of Greenfield. J. Streit questions that we have a Right-to-Farm law in town and if that is applicable to this. G. Dake states that he does not think this qualifies as farming because he is processing there; he is not farming there. J. Streit states unless that law is all-inclusive, which would be a legal determination. G. Dake states that would be the Code Enforcement Officer's job. He states that he kind of wants to know, and he is reluctant to ask the question very specifically because he does not want to create a real problem, he probably wants to ask the question after we get what he is asking for clearly. Once we get that, he thinks we want to go back and ask G. McKenna at that time which of the things are new, which are an expansion of use and which are an expansion of hours, and sort of split the discussion. As he looked at it and thought about it, that is really what it came down to. What is he doing and how many hours is he doing it. Five days a month between certain hours to 5 days a week, unlimited, is a big expansion of time. M. Gyarmathy asks if the grinding was part of his original application. B. Duffney states that R. Daniels cannot bring enough material in to the site to grind 5 days a week. L. Dupouy states that what he is trying to get away from is putting a note on his neighbor's mailboxes every time. She states that when R. Daniels came before us the first time, she asked him if the hours he was requesting were enough and to think to the future. G. Dake states that R. Daniels came up with those limitations to his hours. He states that we need to recognize that this is the same thing we have run into and will run into again with home occupations and many other things. At some point they may become commercial and not be able to do it at their location anymore. People grow their business to the point that they outgrow their piece of property and it is especially true of home occupations, but it is true of any

December 14, 2010

business in a residential neighborhood. He reiterates that the Board should review the Section 105-54. He states that some of those regs are going to require some pretty heavy mitigation – sound barriers, traffic issues. He states that the Board should look at and think of these as what is the mitigation that would be required to achieve the requirement. He states that he wants to make sure that we are being fair to R. Daniels by giving him any bad news early. T. Yasenchak states that we have been consistent with asking for hours, where are you going to store stuff, etc. She states that she thinks it is very good to say to the applicant that we are not just picking on him because he already has that concept. G. Dake states that in general we do a very good job of that and part of what he tries to do as Chair is to identify which applicants are more litigious than others. He states that the Town of Greenfield and R. Daniels have already met the judge and he does not need this Board to join in.

R. Rowland reminds Board members that if they are planning to attend the Planning and Zoning Conference in January to get the registration forms to her ASAP and she will submit them with a voucher.

L. Dupouy states that we were told two years ago at those meetings that by the end of the second year of a new code you should have had a committee to review them to make sure that they are what you wanted and that they are working the way you want them to. She states that we are up for a 5-year review, we are going on our 4th year, and she does not think that we have ever done the 2 year review, etc. G. Dake states that he will speak with D. Rowland. He states that those who served on that Zoning Committee can tell you that it got a little painful at times. The more often you do it, the less painful it is.

Meeting adjourned 7:28p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary