

**TOWN OF GREENFIELD
PLANNING BOARD**

December 8, 2015

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:02 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit and Stan Weeks. John Bokus and Robert Roeckle, Alternate, are absent. Charlie Baker, Town Engineer is present.

MINUTES – November 24, 2015

MOTION: B. Duffney

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of November 24, 2015, as submitted.

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

Noes: None

Absent: Bokus

PLANNING BOARD CASES

CHRISTOPHER & GERAD CHWAZ – Extension – Special Use Permit

Spier Falls Rd & 9N

Christopher and Gerard Chwaz are present. T. Yasenchak asks the applicants what progress has been made. C. Chwaz states that they have installed the handicap ramps and have gotten the building closed in. G. Chwaz reiterates that the building is closed in, the finish flooring is in and they are continuing to work on the building. Hopefully they will be done this year. T. Yasenchak reviews that this is an approved special use permit and that nothing has changed with the site plan. Public hearing is discussed and the Board feels there is no need.

RESOLUTION – C. & G. Chwaz

MOTION: S. Weeks

SECOND: J. Streit

RESOLVED, that the Planning Board waives a public hearing in the request of Christopher and Gerard Chwaz for an extension of the Special Use Permit approval for property located at 2 Spier Falls Road, TM#112.-1-24.2.

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

Noes: None

Absent: Bokus

B. Duffney states that it sounds like the applicants are moving along on this, the outside is closed in. He sees no issues. T. Yasenchak states that building is secured. S. Weeks states that he looks forward to having it done.

RESOLUTION – C. & G. Chwaz

MOTION: J. Streit

SECOND: B. Duffney

December 8, 2015

RESOLVED, that the Planning Board grants a one year extension to Christopher and Gerard Chwaz for property located at 2 Spier Falls Road, TM#112.-1-24.2, as there are no changes to the site or to the plans, as follows:

- **One year extension of a Special Use Permit to expire January 13, 2017**

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

STEPHEN & BETH PODHAJECKI – Special Use Permit/Site Plan Review

Locust Grove Road

Stephen Podhajecki is present. T. Yasenchak states that the Board had asked that the sight distance be reviewed as there was a question that the previous report was based on the speed limit being posted at 40 mph and it is actually 45 mph. We have received a revised letter from the engineer. C. Baker states that he has verified this and it is good to go. Public hearing was held in November and closed. T. Yasenchak questions whether a SEQRA is required. C. Baker states that this is an unlisted action and as such SEQRA is not required.

RESOLUTION – S. & B. Podhajecki – Special Use Permit/Site Plan Review

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board grants a Special Use Permit and Site Plan Review to Stephen & Beth Podhajecki for property located at 695 Locust Grove Road, TM#126.-1-1 for a Bed & Breakfast within the house and also a secondary use as a horse and carriage livery for carriage and trail rides on the property consistent with the information provided by the applicant; and that all items required in code have been reviewed.

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

S. Podhajecki questions that during the public hearing discussion took place regarding whether this was a small or large stable. He states that they have requested large. T. Yasenchak concurs.

7337 MIDDLE GROVE LLC – Special Use Permit/Site Plan Review

Mike Ballestero is present. T. Yasenchak states that the Board had asked the applicant to provide a succinct list regarding the special use permit standards and the applicant has done so. Another thing that has happened since the applicant was last before the Board is that there has been some legal correspondence regarding the application and we are waiting to hear back from the Town Attorney as to how to proceed. A letter was received this morning from the attorney representing a neighbor requesting the Zoning Board to make an interpretation on the use. As the applicant is aware, we had quite a discussion at our last meeting and the Board was split on the question of an interpretation. She points out, as she had at the last meeting, if there were to be a vote tonight, it would be split as to those present. We need guidance from the Town Attorney before proceeding. J. Streit questions that we received a letter from an attorney saying that they are appealing to the ZBA as to whether metal sorting is an allowable use. A copy of the letter is provided to the applicant. T. Yasenchak states that we will contact the applicant regarding the process when we know how to proceed and apologizes to the applicant. B. Duffney states that then the Planning Board's hands are tied

December 8, 2015

until we hear further. M. Ballestero asks if the letter should not have been in a week ago in order for the Board to consider it. T. Yasenchak explains it is a little different with letters such as this and the Board tries to follow the correct process so that there are no repercussions.

WITT CONSTRUCTION – Amendment to Subdivision

Old Stone Ridge

No one is present for the application.

DISCUSSION

Tom and Ian Elphick are present. I. Elphick explains that he is a boy scout and needs to attend a town meeting to earn a merit badge. T. Yasenchak explains the kinds of things that the Planning Board deals with such as the items on tonight's agenda – the Bed & Breakfast with horse drawn carriage rides and the ice cream shop. J. Streit states that the Board typically tries to encourage agricultural pursuits. Each Board member explains their respective careers. Eagle Scout projects are also discussed.

Meeting adjourned 7:34 p.m., all members in favor.

T. Yasenchak reopens a regular meeting at 7:38 p.m. as John Witt has arrived.

WITT CONSTRUCTION – Amendment to Subdivision

Old Stone Ridge

J. Witt is present for the application. T. Yasenchak explains that the approval of this amendment expired prior to the contingencies being met. The applicant was asked to resubmit an application. B. Duffney questions that this is for the reforestation/replanting and asks when the planting was supposed to be completed. J. Witt states September – but they missed it by a few weeks and the final planting was done in October. B. Duffney asks if any of the trees were found to be damaged, etc., when inspected. J. Witt states that when B. Neils reviewed the area it was agreed to plant another 10 to 15 trees and that Todd Smith planted them in October. S. Weeks states that he saw that CCE had gone out and counted trees, and Mandy Spring Nursery informed that they would not be moving forward with replacement planning until the end of September. He does not see anything to indicate, from them, that they went out and replanted. Did they actually replant and how do we know that? J. Witt states that they did. He states that he asked B. Neils to go back out and he does not have any correspondence from Mandy Springs. T. Yasenchak states that because the contingencies had not been met, the application expired so in that case the application is not complete, not finished, not signed off on – so then the Town has no reason to react or review because the contingencies haven't been met. The Town never asked anyone to do any review because we were still waiting on the contingencies to be met. B. Duffney reiterates that there is nothing here to indicate that they did replant. T. Yasenchak states that the applicant is not coming in saying that he is changing the application because he planted, he is asking for the same exact approval that we had given him before. The contingencies were never met so the approval was never finalized. It is not an extension. T. Yasenchak states that she does not believe that the applicant is requesting a reduction in the bond amount based on the fact that he planted, it is based on the same number of plants that had been assumed at the beginning. J. Witt states that the bond is in place for the whole thing. He states that he has correspondence from Mandy Springs stating that the planted 120% of the small caliper trees and 100 % of the large caliper trees. T. Yasenchak states we are not reviewing whether it was done or not, just the application to the same standards as the last time. The only thing that would change which we had in the original application was a synopsis of when things would be

December 8, 2015

reviewed, how that would be replanted, etc. J. Witt states that was in the original approval. T. Yasenchak states that some of the dates would need to be changed because we never had anyone officially out there to see if the planting was done. At this point, she does not know how B. Neils can go out and see if the trees that are there are viable. J. Witt states that B. Neils stated that he was not going to go back out, so it would be someone from Greenfield. T. Yasenchak states it would be someone that the Town would request to go out. We could ask B. Neils to go out with G. McKenna as a representative for the Town. At this point in December, how anyone could go out and tell if a deciduous tree was alive or has just lost its leaves as they would be gone in December, she does not know how someone would manage that. We had a replanting time in October but now we don't have that, so do we have another time when we might review it in the spring, which she does not believe was in J. Witt's original outline, or do we have to wait until next October to actually check on the trees. J. Witt states that is up to the Town as to what they would like to do. J. Streit states that he thinks that we worked hard enough on the plan that we then approved and he would be comfortable enough to say the same plan. He has the same concerns that S. Weeks has as to do we have any proof that it has been fulfilled and he does not think that at this time of year that can be judged. He would feel comfortable reinstating the plan because we worked on that intensively, but we do not have the expertise to judge whether that has been fulfilled. T. Yasenchak states that that is not within the Planning Board's purview. J. Streit states that the bond is assurance that the planting would be carried out if it were judged to be deficient at some point. T. Yasenchak concurs. C. Baker asks if the bond is posted and approved by the Town Board. J. Witt states that it is posted and first he has to go thru the extension from the Planning Board before the Town Board can see it. B. Duffney states that this is a reapproval of the original plan and not an extension because the approval ran out. T. Yasenchak states correct. J. Witt states that the bond is in place. T. Yasenchak states that the bond is in place on his side, but it is not actually in place until the Town Board reviews it and approves it. J. Witt states that he understands that the Town Board has been reviewing it and that is what he was told by his staff. R. Rowland states that we told Marci Robinson and Chelsea Madden that the applicant had to come back to the Planning Board for review in case the bond amount changed because of the planting that was done, etc., then it would go to the Town Board. J. Witt states that the bond is for the full amount so the town is more than covered. B. Neils counted the trees in the middle of the summer, they found all the trees except for a few and then T. Smith went out and replanted 20% more than he was required to, but no one has gone back out to inspect those. He reiterates that 'you guys are more than satisfied that the bond has been posted, the Town Attorney has to review it.' C. Baker states that the applicant keeps saying that the bond has been posted but the Planning Board never officially made a recommendation to the Town Board, the last time, and he believes that was one of the contingencies. The Bond and the amount were contingencies. C. Baker questions that the Planning Board gave the Town Board a recommended amount. T. Yasenchak states that she thinks that there had been an amount that had been discussed. C. Baker states that the Planning Board needs to make that recommendation to the Town Board so that the Town Board can act on it. The Town Board will then give that to the Town Attorney who will review the language of the bond to make sure that it is satisfactory. He does not believe that step has taken place yet. J. Witt states that there was an amount because they posted an amount for the bond. C. Baker states that if it is the amount that was provided by Mandy Springs, that would be correct. J. Witt states it is \$69,923. J. Streit questions that the Town will be covered for any replanting necessary. T. Yasenchak states that that is the purpose of the bond. She asks if the Board feels that we need to have a public hearing or not since this is a re-approval of what we have looked at. B. Duffney states that we are looking to reapprove the same thing we have already been thru. M. Gyarmathy states that the only problem is the site visit that was supposed to take place this fall as the Chair mentioned. Do we put something in our motion to extend that to next fall or the spring? T. Yasenchak states that she would like to see a contingency of some sort. When we went thru this original process we had the applicant write up a list of when things would be planted, etc., and it was supposed to be reviewed in the fall. She would like to see something maybe in the spring so that we see it. J. Witt suggests the spring and the fall. T. Yasenchak states that she would like to see that revised that summary that was provided. J. Witt states adding an inspection in May. Discussion takes place and it is decided that a review would take place on June 15, 2016.

December 8, 2015

WITT CONSTRUCTION – SEQRA, Amendment to Subdivision

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the request for an amendment to the Old Stone Ridge Subdivision of John Witt for property located at Old Stone Ridge, TM#164.-1-82.1.

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

Noes: None

Absent: Bokus

WITT CONSTRUCTION – Amendment to Subdivision

MOTION: B. Duffney

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board grants an approval for an amendment to the original subdivision approval to add reforestation and landscaping plan details to John Witt for lands at Old Stone Ridge, TM#164.-1-82.1, with the following contingencies:

- **Executive summary to be revised to note that there shall be a review no later than June 15, 2016 of the existing planting and replanted as necessary; observed no later than September 2016 and replanted as necessary; observed and replanted no later than October 2016**
- **As in the original approval the Notes from Cornell Cooperative Extension and Mandy’s Spring Nursery regarding the SCI note, Typical Detail Section (note #2), in addition to notes 3 and 4 to be added to the plans**
- **As in original approval that the definition of the Managed Scenic Buffer as discussed and provided to J. Witt be added to the plan pages 1 and 2, with J. Witt stating that there be no clearing of trees in the managed scenic buffer, only clearing for the construction of the houses**
- **Bond to be put into place in an amount as reviewed and approved by the Town Engineer (\$69,923), the language to be reviewed and approved by the Town Attorney and Town Board per the Town’s standard bond procedure**
- **Correct erosion and control measures and SWPPP be in place and to be followed appropriately**

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

Noes: None

Absent: Bokus

C. Baker reiterates that J. Witt has to go before the Town Board for bond approval. He states that he is ok with the bond amount of \$69,923. T. Yasenchak reiterates that the ball is in J. Witt’s court to get that all submitted to the Town Board and when it is all set, she will then sign the plans. She reiterates that she read into the contingency about revising the executive summary. She believes that J. Witt had given that to the Board originally and if he could have that revised. J. Witt concurs. T. Yasenchak states that we will review that the notes have been added accordingly and that it is the same definition as originally given.

Meeting adjourned 8:24 p.m., all members in favor.

Respectfully submitted,
Rosamaria Rowland

Secretary

DRAFT