

TOWN OF GREENFIELD

PLANNING BOARD

February 10, 2015

REGULAR MEETING

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

MINUTES – January 27, 2015

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board waives the reading of and approves the minutes of January 27, 2015 as submitted.

VOTE: Ayes: Duffney, Bokus, Streit, Weeks, Yasenchak

Noes: None

Absent: Gyarmathy, Siragusa

PLANNING BOARD CASES

SKIDMORE COLLEGE – Site Plan Review

North Broadway

Dan Rodecker, Skidmore, and Dave Carr, LA Group, are present. D. Carr reviews that Skidmore is seeking site plan approval for the Waring house which is a conversion of an existing house into administrative offices for the College. He states that they did receive approval for a frontage variance from the Zoning Board last Tuesday. T. Yasenchak refers to G. McKenna's notes regarding the buffer which would be 1 tree per 100 lineal feet of undetermined height. D. Carr states that they are proposing 6 conifers, 6 to 8' in height on the northern side and 2 oaks on the south side to add some shade to the parking lot. The Zoning Board asked that question also. D. Carr states that when he spoke with G. McKenna, even though Skidmore owns the property, the property to the north is residential and the one to the south is not, it is an administrative building now. C. Baker states that he reviewed their storm water, it is technically not required because they are less than an acre. The applicant is proposing a pocket pond which is acceptable and he has no concerns with the storm water. T. Yasenchak states that we did send this to the County for referral but do not have a response. Board has no additional questions. C. Baker states that SEQRA is not required.

RESOLUTION – Skidmore College, Site Plan Review

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of Skidmore College for a Site Plan Review for the property located at 952 North Broadway, TM# 153.-2-11, as presented, noting that:

- **The applicant is proposing 6 conifer trees along the northern property line and 2 oak trees along the southern line**

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

PETER AVEN – Special Use Permit
Griffin Road

No one is present for the application. T. Yasenchak explains, for members of the public who are present, that we will not discuss the application without the applicant being present. She states that we have attempted to contact the applicant and have been unsuccessful. At this point we are not going to put this on the agenda until he contacts the Town and agrees to be present on a specific date.

JOHN SZMACHLO – Revision of Subdivision Approval
Allen Road

John Szmachlo is present. T. Yasenchak reviews that this subdivision was approved in 1994 with a 500' buffer placed on it because of the Kayaderosseras Creek. The applicant is asking to change that 500' setback. T. Yasenchak states that G. McKenna has reviewed this in more depth since he accepted the request and put it on the agenda. He has stated that he does not think that the Planning Board can change the 500' setback because it is in the Zoning Code as being required, S 105-112-B (4) in the old code and S 105-112-B (2) in the new code. She reads from this section. If an individual lot owner, when they want to build, applies for a Special Use Permit to do so, the Planning Board can review that on an individual basis but cannot do it on a blanket approval for the entire 6 lots. J. Szmachlo asks if he can get something in writing from the Board. T. Yasenchak states that it will be reflected in the minutes. She explains that the Planning Board cannot speak for a future board and say that a special use permit 'would' be granted because you have to go through the process. Obviously, when you go through that process to build within that 500' then there are other State regulations that you would have to meet for the building permit process. J. Streit asks for clarification on the subdivision map. T. Yasenchak states that we do have the Flood Plain map. C. Baker states the scale on that is difficult. The original subdivision map did show the location of the stream and the 500' buffer. J. Streit states, from the subdivision map, that this is roughly half the lots but that there is buildable area on each of the lots.

ZBA REFERAL

Shawn & Katherine Harris – R. Rowland explains that the applicant purchased this home with an 'in-law' apartment above the garage. They are now in the process of selling and the potential buyer has requested that there be a CO for this apartment. The applicant is requesting an area variance for acreage. J. Streit states that he does not see any Planning Board issues. T. Yasenchak states that her concerns would be for density and setting a precedent as this is a single family residential subdivision. What would happen if everyone did that? R. Rowland states that it is an allowed use with the correct amount of acreage. J. Bokus states that it sounds like the person who built the apartment didn't go thru the correct process. J. Streit states that it is not the fault of the present owner, but would cause a hardship to them. He reiterates that he sees no Planning issues and that the ZBA should decide. T. Yasenchak reiterates that she is concerned with the density and is the septic enough for two residences. R. Rowland states that that would be covered under the building process, also. T. Yasenchak states that she is concerned about the density and that if you let this person do it, then everyone else would want another apartment on their lot. S. Weeks questions that this is specific to in-laws living there. T. Yasenchak states that an in-law apartment can be anyone, it is just a matter of how they access it. T. Yasenchak reads from the definition. B. Duffney questions the size, the

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square footage. R. Rowland states that it is in the code – 40% of the main residence and up to 1000 square feet. B. Duffney states that many older homes have apartments. T. Yasenchak explains that when it says “within” many building departments will require that the access for that be through the main house. J. Streit reiterates that he would suggest that this be considered by the ZBA, it is a hardship not created by the present owner and this does not establish a precedent because the other places that might apply for this, affecting density, will have to apply by the same rules. This is a special case because it is a hardship not caused by the present owners. J. Bokus states that it is kind of self-imposed. R. Rowland explains that the present owner did not construct the apartment. B. Duffney questions how many people would question something like this in a nice place, thinking that it would be illegal. T. Yasenchak states that when it is an apartment in a single family residential neighborhood, you should ask yourself why there is an apartment. T. Yasenchak states that she has seen it happen in the City of Saratoga Springs, people who have purchased 3 or 4 unit apartment buildings and they were never approved, and their Zoning Board constantly says you should have known, you have to do your due diligence. S. Weeks states that we should express our concerns about precedence. J. Streit states that we could state that we would not like it to be a precedent but we see it as a Zoning issue, not applying to any future applications unless they meet the requirements. T. Yasenchak states that you cannot say how it will be for someone else. Someone else might break the law too, finish their own apartment and then come back and ask for forgiveness. You can’t say that this does not set precedence – you either set it or you don’t. Other applicants who come in, use that. You cannot make a decision for future applications. J. Streit states that he does not disagree with T. Yasenchak and her points, but it does seem a shame. T. Yasenchak reiterates that that is her concern, but it is the up to the ZBA as it is their job as to whether or not they feel that it is appropriate. S. Weeks states that he agrees with T. Yasenchak’s concerns. T. Yasenchak states that they can say that as an ‘in-law’ apartment it has to be within the accessory dwelling and it can’t have its own private entrance.

DISCUSSION

T. Yasenchak reminds the Board to turn in their paperwork from the Planning Conference.

Meeting adjourned 7:26 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary