

**TOWN OF GREENFIELD**  
**PLANNING BOARD**

**February 11, 2020**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:06 p.m. On roll call, the following members are present: Tonya Yasenchak, Karla Conway, Charlie Dake, Butch Duffney, Mike Gyarmathy, Robert Roeckle, Nick Querques, and Joe Sabanos, alternate. Mike Waldron, Code Enforcement Officer is present. Charlie Baker, Town Engineer, is absent.

**MINUTES**

Minutes- January 28, 2020

January 28, 2020

MOTION: B. Duffney  
SECOND: R. Roeckle

RESOLVED that the Planning Board waives the reading of and approves the minutes of the January 14, 2020 meeting with minor corrections.

**VOTE:** Ayes: Conway, Dake, Duffney, Sabanos, Roeckle, Querques, and Yasenchak  
Noes: None  
Absent: None  
Abstain: Gyarmathy

**OLD BUSINESS & PUBLIC HEARINGS**

**Provost, C. Case #634**  
**TM# 138.-1-42**

**Grange Road**  
**Minor Subdivision**

Cecil Provost is present. He states that this is an amendment to his originally approved and proposed subdivision for 3 lots. T. Yasenchak opens the public hearing at 7:10 p.m. There is no one present to speak about this project and closes the public hearing at 7:11 p.m. She reads C. Baker's letter regarding this project and his review. Even though this Board did make a determination and approve a 3 lot subdivision it was conditional, because it was never signed and finalized it continues to be an open conditioned subdivision. The applicant does have the right to come in and amends the plan. The Board does have the right to discuss the open issues and the new issues. C. Baker did comment that subdivision map contains the site distance chart stating the measured site distance does meet the minimum AASHTO standards. C. Baker's letter (does request to have the information related to the wetlands located on the property, added to the map who they are determined by and what method was used to determine. C. Provost states that was added. N. Querques states and the date. C. Provost states that was done June 26, 2019. DEC is who flagged it. T. Yasenchak asks if it has been added to the map as a note. C. Provost states yes. N. Querques asks if the date is on the map.

C. Provost states yes, June 26, 2019. T. Yasenchak states that the second item that C. Baker notes is that the subdivision that is proposed of 4 lots with total amount of disturbance area identifies clearing limits on 4 lot subdivision of .88+/- acres. While it appears the applicant has limited the disturbance area to less than an acre threshold, he questions the constructability disturbance area depicted on the subdivision plan. The disturbance areas, is very limited, and there is no room for instrumental construction issues that may arise such as additional clearing around proposed well sites to facilitate the well drilling, rigs; the actual size of the proposed houses; septic system required separation distances and separation distance shown on lot 1 between house and septic is less than the required 20'. C. Provost asks what the requirement is. T. Yasenchak states 20' between the house and septic. On lot 1 that's shown incorrectly. As a minimum C. Baker suggests that the erosion sediment control measures be controlled on the subdivision plan. They suggest silt fencing to be shown along the northern disturbance area on lot 4 to protect the neighbor toward the north as well as along the west side of lots 2-4 which would be downstream toward the wetlands. The subdivision plan should show the location of the silt fence and a detail should be added to the plan. It should be understood that these are minimum required measurements in accordance with standard note number 1. When the applicant applies for a building permit additional erosion control measures may be deemed necessary based on the actual house location, size, etc. C. Provost asks if C. Baker is attending tonight's meeting. T. Yasenchak states he is not, he is actually out of town. C. Provost states that he has his NYS certification for erosion sediment control and he is pretty well aware of his responsibilities there. He feels that he does not need to do that. T. Yasenchak states the element that becomes difficult is the enforcement of that, that that is what C. Baker has an issue with. This is for this Board to discuss because it is within our right to request information based on what the Town engineer, as well as the Board's own preferences are based on what the Town Code has allowed the Board to review. It's difficult with enforcement as the Board goes through. If the applicant states that he will be staying at less than a quarter of an acre of clearing on the second or third lot there is nothing to say how much is already disturbed verses how much can be disturbed by the time the applicant would get to the fourth lot. That's the question. The Board has nothing for the Building Inspector to go to the site and inspect if the applicant has already cleared .88 of an acre+/- (There is a potential she is not saying he would do that, occurring.) They are all separate lots and would be under different building permits. There is nothing that is additive that can be enforced by the building inspector. It doesn't seem to be any threshold around the driveway that is C. Baker's concern. C. Provost states that he does not think he is required to assume he is going to clear more than he needs to. DEC discourages actually clearing more than needed. He is 100's of feet away from the wetlands. He does not mind adding the silt fence details. T. Yasenchak states silt fencing along the north side between lot 4. C. Provost states he does not have any problems showing silt fencing, if the Board could give him conditional approval tonight. T. Yasenchak states the Board will discuss it. After the 3 lots have been subdivided how does anyone know what is left to disturb on the fourth lot. There is no checks and balances because the building department only gets a plot plan for whatever they are building on they do not get a plot plan for all 4 lots. C. Provost asks if the Town gets an "as built" after a job is complete. M. Waldron states the Town does require finalized drawing. C. Provost states that the Town would have the "as built" from the prior construction showing it. T. Yasenchak states it puts it on the building inspector to try to add it up unless the Board enforces it now on the plan. M. Waldron states that it is not typical to have limits of soil disturbance on the "as built" plan. It just shows the structure as it's built, the driveway. T. Yasenchak agrees, and states it doesn't show the disturbance. It is really tight saying that he will be disturbing less than an acre for a house in a rural community that needs to have a house, driveway and a septic system a quarter of an acre is tight. C. Provost states that he is not building mansions they will be relatively small homes. M. Gyarmathy states that he did some rough calculations and he agrees with C. Baker it is tight. Whatever C. Baker

has suggested M. Gyarmathy would like to see that on the plan. T. Yasenchak asks M. Gyarmathy if he would like to see that before or continue forward and do it conditionally. M. Gyarmathy states he is fine with conditioning it. C. Dake states if the applicant builds on 3 lots with .3 clearing and then the 4<sup>th</sup> house would or could presumably be over an acre, but where would the enforcement be. Then what would happen. M. Waldron states there would be a violation by DEC to the Town of Greenfield as well as the builder. C. Dake asks even if it is 4 different people building. M. Waldron states as it was stated on the map. If it was stated on the map it would be the maximum disturbance area in that regard. The approval of those 4 lots is what is taken into consideration. That is, he got to the 4<sup>th</sup> lot and someone was not considerate of DEC regulations, there would be enforceable action between the Town of Greenfield as well as the builder. C. Dake states that he has heard that people/builders have been non-compliant with things and enforcement has not occurred. K. Conway states that she is looking for some provision on this and asks if the Board has a provision for conditional approval. T. Yasenchak states that it is something that the Board has done in the past when there are engineering issues and not necessarily planning issues. That is how the Board approved it last time when it was 3 lots because they asked the applicant to add some notes. The Board agreed to conditional approval based on the applicant bringing in plans that had the correct notes added. At that point the application is finally approved and the map is signed. K. Conway asks what the downside of waiting is. She understands from the applicant's perspective, but what is the downside for the Town. C. Provost states that he is already agreeing to do what C. Baker has suggested. T. Yasenchak states that the Board realizes that, but what the Board is saying is whether or not the Board asks for more information. K. Conway states the board meets in 2 weeks. T. Yasenchak asks K. Conway if she feels this is an engineering issue or does she feel that adding those notes is sufficient or does she need more information. T. Yasenchak states that right now the Board is discussing whether or not they want the applicant to do a full blown SWPPP. She does not feel comfortable doing a conditional approval, but will listen to what the other Board members comments are. N. Querques states that he understands C. Provosts frustration. The Board is trying to approve this in a way that is responsible with the guidelines the Board has to work under. He agrees it is tight and in Greenfield the Board does not like racking and stacking houses like this on top of each other. He does not believe the disturbance area is going to be the disturbance area when the homeowner sees how tight the tree line is around their brand new house. They will want additional buffer between trees potentially or limbs falling down, it's tight. He would want to wait until the Board is all on the same page. The applicant needs to understand where they are coming from with .88 acre of disturbance. Based on these tiny disturbance areas is where the Boards concern is coming from. C. Provost states that it is within the zoning requirements. T. Yasenchak states that the applicant could build a 5,000 square foot house on a lot and use the whole acre. C. Provost states that is his liability. T. Yasenchak states it is not, it's also part of the Town's liability. N. Querques states and a 30x30 pole barn or shed. Once this goes out zoning states that he/anyone can build up to a certain size and the Board wants to make sure they have done their job. C. Provost states then he would have to install the erosion sediment control issues. T. Yasenchak states it's not just about that, if he went over that acre then he would have to get an N.O.I. (Notice of Intent) and a full blown SWPPP needs to be in place for all of the development. The Board has to look at not just what the applicant wants to build but of the maximum that could be built out under zoning regulations. N. Querques states that the applicant has this beautiful 46 acre lot remaining and he feels it is not consistent. C. Provost states that 5-10 years down the road he may want to build homes on them. R. Roeckle asks M. Waldron the 1 acre disturbance is for 1 year, or is it based on the subdivision as a whole. M. Waldron states based on the subdivision approval. R. Roeckle states just the septic system will take up quite a bit of disturbance. If it was not for the subdivision as a whole he would not be as concerned. C. Provost asks if that is correct, he was under the impression that it is area of disturbance at any given time. T. Yasenchak states that

she believes it is both. When a Board is considering a subdivision, they have to look at the whole. If the applicant had 1 lot and was building (on that it is the 1 year rule that is not during the development stage.) Because the applicant owns all of this and he is the one who is developing this the Board has to look at it as a whole otherwise it falls under segmentation. Which would mean the Board is not looking at the effect of the whole. The Board has to look at the potential for the whole SWPPP. M. Waldron questions that if the expansion area that goes along with a septic system it is not indicated on the map he does not know if it is there or not. R. Roeckle states that he is concerned with not having the SWPPP and if they clear more than an acre. C. Provost states that he has already agreed to do everything C. Baker is asking him to do. T. Yasenchak states that she feels the Board would be comfortable if the applicant makes the changes that they have requested and she would like to see the dimension change because the Board is now looking at 4 lots. It's tight. Instead of stating clearing limits she would prefer it state disturbance limit and a note for each lot adding up the disturbance for all the lots combined as the applicant goes through because that is not something the Building Department does. C. Provost states that if he adds all of them on there then he is ok to disturb up to 5 acres. T. Yasenchak states no, the applicant will still need a full SWPPP. If he goes over 1 acre he will need a full SWPPP for the entire project. B. Duffney states that if he took lot 3 the proposed clearing area for the house 2,800 square feet plus the driveway 12', according to this a quarter of an acre for each lot comes out to be 10,506.25, to be under 1 acre for all 4 lots. Lot 3 comes out to be 10,800 plus the driveway 12', wide and 120' in length, the applicant is almost at 11,000 square feet which a quarter of an acre is 10,506.25. It's tight. The septic has to be 100' from the well. (the applicant will need room to through the dirt back in from the septic.) The septic will be 250' average for leach field. They run 5 50' lines plus the 10' separation between the D-box and the septic tank and another 20' between the septic tank and the house. He feels that the clearing part is the issue without the SWPPP. (C. Dake states that it sounds to him if C. Provost is willing to comply with the 1 but not yet 5 inspections he is not worried about over an acre per lot if they are talking about staying under 5 acres.) T. Yasenchak states that it is an acre. He would need to do a full SWPPP if the applicant is disturbing more than an acre for the entire project not per lot. C. Dake states correct, but what if C. Provost said earlier was that he was ok with complying with 5 acres. T. Yasenchak states that C. Provost states that he will not be disturbing more than an acre. C. Dake states didn't C. Provost say he was ok with doing SWPPP. T. Yasenchak states no. C. Dake states that is what he is misunderstanding. T. Yasenchak states that zoning law allows for a house to be a certain amount. Whether or not the applicant today wants to design that. She feels that small houses are needed. The Board has to look at it globally as far as someone has a right to build a large house as long as they meet the setbacks. At that point it has gone past for the SWPPP. The Board has had several contractors go over the clearing limit. The Board has no way of enforcing it. M. Waldron states that he believes the measure that came to was the sediment control measures and his letter clarifies and feels this project needs a full SWPPP. C. Provost states he would have thought C. Baker would have put that in his letter. T. Yasenchak states that it is still within this Board's purview to ask for one, and whether or not the Board feels the project, as they are approving it is close to what that requirement is. The Board has that right. Once this goes out someone can build anything they want. There needs to be something that requires that when the lots get built that it gets additive, but she has never seen that done before. M. Gyarmathy suggests having C. Provost add the items requested and come back in 2 weeks when C. Baker will be present and if there are any other questions the Board has C. Baker can answer them at that time. T. Yasenchak states that she has never seen a plan that put a condition on it limiting clearing that would be additive. B. Duffney feels that a SWPPP is needed. T. Yasenchak states the question is, is the Board asking for a full SWPPP or not. If they are not asking for a full SWPPP then she would like to see something on the plan that gets approved that would actually limit the clearing or give the Building Department some way to add

it up. It's not the Building Department's job to try and go back and check it. R. Roeckle asks if the Board could request a note be added on the map that indicates that the "as built" drawing could include limits of disturbance. Then the Building Department would be able to review it so the lots are not disturbed more than approved and add them up. T. Yasenchak states that the "as built" is when the project is completed and the property is already disturbed. R. Roeckle states that he understands that. B. Duffney asks what if the other lots, 2 and 3, are built and lot 4 isn't yet and they end up building a big house. R. Roeckle states if C. Provost has 3 lots already built it would be pretty easy to see if they would be over the 1 acre disturbance. T. Yasenchak states that she is also worried about a precedent being set of not requiring a SWPPP. (She does not want to set a precedent of the Board limit and show a tiny space even though the Board have the setbacks and they can build in that area even though they don't need one.) N. Querques agrees with T. Yasenchak. R. Roeckle asks if the Board has the map from the original letter of the 4 lot subdivision from C. Baker that has the site distances. M. Gyarmathy reiterates having the applicant put the notes on the plans, and have C. Provost come back in 2 weeks when C. Baker can be present. T. Yasenchak states that when C. Baker did the original, his letter dated October 28, 2019, he stated subdivision approval of 4 lots he was considering 1.28 acres at that time and the project would require a SWPPP. There seems to be inconsistency and the Board is questioning how they can limit the disturbance. C. Provost states that the original proposal was 4 lots. R. Roeckle states with the disturbance being more for the lots. T. Yasenchak states because of that and how the Board can limit the clearing on the map with a note.

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**Stewart's Shop's Case #636**  
**TM# 164.-1-44**

**461 Rt. 9N**  
**Site Plan Review**

Jim Norton, Operation Director, Stewart's Plant and Jamie Easton of MJ Design are present. C. Dake and B. Duffney recuse themselves. J. Sabanos has full voting privileges. T. Yasenchak states this is an amendment for an approved Site Plan Review. The Board will be discussing the revisions of this application. T. Yasenchak states that public hearing comments will be limited to 3 minutes. The Board will be adjourning the public hearing because the Board has been requested to do so and re-open the public hearing at the next meeting. J. Norton states that on March 19, 2019 they received approval for Site Plan Review for an addition to their dry warehouse of 61,250 square feet. Subsequent to that and looking at the demand for cold storage for the cooler, they submitted a modification to the Site Plan basically adjusting the dry warehouse to approximately 54,000 and proposal to add onto their refrigerator space of 6,000 square feet. In conjunction with this they requested on the north side to do some excavation so they can have an area of staging during construction and an additional 29 spaces for employees. T. Yasenchak opens the public hearing at 7:52 p.m.

Karen Wadsworth, Locust Grove Road, states that she is glad to hear that the Board is adjourning the public hearing. She was going to ask that. She is not happy with the F.O.I.L. request process. T. Yasenchak states that the Board has nothing to do with the F.O.I.L. requests. The code states 10 days, this is a Town Clerk issue. This is a NYS Law. J. Brown, Locust Grove Road states his concern is the noise. T. Yasenchak states that this is an approved Site Plan and the Board is looking at the modification of it and the residents should keep their comments about that. Jim Van Dyck, Daniels Road, states that his concerns are storm water, wetlands, drainage to the west, and he does not feel that the Town Engineer is doing his job. Tabatha Orthwien, Bloomfield Road, states she is happy to hear that Stewart's is mitigating sound and lighting issues. She feels that Stewart's has an opportunity to be a good neighbor. Marion O'Keefe, Daniels Road, states her concerns are noise and warehouse activity. T. Yasenchak adjourns the public hearing at 8:18 p.m. She states that they have a

letter from the Town Engineer and asks if J. Easton received it. J. Easton states yes, and because NYS DEC storm water permits changed on December 29, 2019, because their submittal was before that date they are still under the guidelines of 2015 review project. There are no changes between 2015 and 2020. MJ Engineer did submit a letter to C. Baker asking the current law or the old law. T. Yasenchak asks when that was sent. J. Easton states the it is dated February 6, 2020. T. Yasenchak states that because C. Baker is not present the Board is going to defer discussion regarding that. J. Easton asks in regards to SEQRA and since the public hearing process has started is the Board using previous SEQRA acknowledgment or will the Board be reviewing SEQRA again? Do they have to modify it? T. Yasenchak states that because the Town Engineer is not present and the items are environmental, the Board will discuss that at the next meeting. J. Easton asks if the storm water report is correct and there are not any problems, with it can they get a green permit for the previously approved project to remove the dirt on the hill. The only reason why is that they would like to do it sooner rather than later. It's better to transport now than in the spring. T. Yasenchak states she does not know, because they are in the business of reviewing site plans, not getting permits. Any large excavating is typically the engineer that reviews the SWPPP and storm water and the issuing agent. Neither of that is the Board. J. Easton states understood. R. Roeckle asks if the correspondence for the new SPEEDS permit is it a part of the Planning Boards record and not just the Town Engineers. T. Yasenchak states that Stewart's responded back to the Town engineer and she would like to have a copy of that for the Boards records. The Town engineer works for EDP, they are a consulting firm and do not work out of Town Hall. J. Easton states he will let Stewart's know. It is actually on DEC's website and it also can be googled.

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Meeting adjourned at 8:28 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
Planning Board Secretary