

TOWN OF GREENFIELD

PLANNING BOARD

February 22, 2011

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, John Streit and John Bokus, Alternate. Charlie Baker, Town Engineer, is present.

MINUTES – February 8, 2011

MOTION: L. Dupouy

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of February 8, 2011, with a minor addition.

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

Noes: None

PLANNING BOARD CASES

CHRISTOPHER & LESLIE CLAIRMONT – Minor Subdivision

Dunham Pond Road

Christopher & Leslie Clairmont and Chuck Arnold are present. C. Clairmont explains that they would like to subdivide a 3-acre parcel on which to build a single-family residence. G. Dake reads from G. McKenna's notes that this is in the MDR1 zone, applicant would like to subdivide one 3-acre lot from the existing 52.56-acre lot; frontage of the proposed lot is located in a wetland, however, DEC has delineated the site; G. McKenna suggests deep hole and perk tests. C. Baker states that this will require crossing the wetlands and a permit will be required from DEC. His question is whether there will be enough room. He states that it looks like they are flexible with the size of the lot and he assumes that they want to try to keep it as close to the 3 acres as possible. He states that it might require more than that. C. Clairmont states that Jed Hayden from DEC has been to the property and he said that he would have no problem giving them a permit. C. Clairmont states that J. Hayden suggested a couple of locations where they might be able to put the driveway. L. Dupouy states that this seems to be pretty straightforward as long as the applicants meet the requirements. T. Yasenchak states that she has no issues, our engineer's questions would need to be answered and we need a formal survey indicating where the driveway would be. C. Clairmont states that DEC wants to see the survey with all the information on. T. Yasenchak states that the applicant should check to see what is needed to be on the survey along with the 100' buffer. C. Clairmont states that they do know the approximate dimensions of the house so that can be on the survey. T. Yasenchak states that conceptually she thinks it is a great idea. B. Duffney states that the applicants have started their paperwork with DEC; he has dealt with Jed Hayden, he's a good guy and knows his stuff; and he believes that this property goes up towards the rear where the house would be located. T. Yasenchak states that because this will only be 3 acres, they will not be allowed to have farm animals. G. Dake states that other than that there are some complex wetland issues, from a Planning perspective, this is a fairly simple project. The Board will have to consider, at some point along the way, whether or not to have a public hearing. G. Dake states that the applicants' next step would be to get the survey showing where everything would be and that the Board

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could approve the application with a contingency if the DEC has not acted, unless there were some issues that need to be resolved.

THOMAS DiPAOLA – Minor Subdivision

Braim Road

Gerry Magoolaghan is present for this application and apologizes for missing the last meeting. He states that T. DiPaola owns a 30-acre parcel and would like to subdivide out a 13.5-acre keyhole lot. He has reviewed C. Baker's comment letter and spoken with the surveyor who stated that the driveway is already established, as is the crossing. C. Baker had also asked that before final approval the wetlands be delineated; the house location, septic, well, etc, be located on the map. They would like to ask for final approval with this as a contingency before building permit, as the applicant would like to sell the two lots and allow prospective buyers to decide where the homes would be located. They will provide the Town with a copy of the driveway agreement and they will contact emergency services. G. Dake reads from G. McKenna's notes that the applicant is proposing a keyhole lot with a shared driveway, the shared driveway language must be reviewed by the Town Attorney and that the front setback for lot 2 should be 75'. C. Baker has nothing to add at this time. B. Duffney questions the sight distance at this location. He states that there is a lot of bedrock in this area and they may need a fill system. C. Baker states that a sight distance study was done at the time of the original subdivision. T. Yasenchak asks if that is why there is a note on the plan regarding sight distance. C. Baker concurs. T. Yasenchak comments that since this is an existing driveway the DEC permit should be in place. C. Baker states that he believes that at the time that this was subdivided and the driveway constructed, you were allowed to fill up to ½ acre and that the total disturbance was under the requirement. T. Yasenchak asks for clarification on what the applicant would like to be a contingency of the building permit. G. Magoolaghan explains that this was delineated and flagged, and that what they are asking to be a contingency is the location of the house and septic. Even with the wetlands, there is quite a bit of property where those can be located so they are asking that that be a requirement of the building permit process. The wetlands have been flagged before and C. Baker has suggested that we re-check it in the spring, but they would like to get preliminary approval with that condition. T. Yasenchak states that C. Baker had commented about sending the plans to Emergency Services and comments that the Fire Department has asked for distance markers which we recently required on another subdivision with long keyhole lot driveways so that the fire fighters will know the distance to the house. B. Duffney explains the use of 4 x 4's and reflective tape. G. Magoolaghan states that seems fair to him that that would be a condition of the building permit also. G. Dake states that the Planning Board required that it be noted on the subdivision plans that those markers would be in place when the driveway was built. Any prospective owner would then see that this is noted on the plans. T. Yasenchak states that since some of the adjacent properties to the rear have farm animals, she suggests that a note be added to the plans so that a prospective buyer would also know of this. G. Dake states that this is a nice large lot, he states that he assumes that C. Baker believes that one could fit a house, septic, and well up there. C. Baker states that this area is difficult and there have been septic issues. He states that there is shallow rock in that area. A public hearing is discussed and set for March 8, 2011 at 7:00 p.m.

DISCUSSION

Discussion takes place on the following code changes:

5-Year Rule

G. Dake states that he did exchange voice mails with Mark Schachner who stated that the 5-year rule is a Town of Greenfield law and not a New York State Law. The Planning Board could ask for removal or modification of this law. He feels that the Planning Board does an excellent job with review and control on

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subdivisions, so he is not worried that we will have a situation where by lack of a 5-year rule we will allow creep. He also thinks that over the years the SEQRA regulations have become more well developed and we cover everything that is going to happen that way, and we have been smart enough to ask people as we go along about what their future plans are for a piece of property. L. Dupouy states that her concern is that it is a law that is in place. She states that when she asked about this when she was first on the Board, she was told that the reason that it existed was because you don't want someone to come in, buy land and start splitting it up repeatedly. She states that she has not experienced anyone coming back like if it were two years. A lot of times if you are going to do a project it takes a couple of years anyways to get the paperwork and finances in order. L. Dupouy states that she is for making it easy for everybody and stopping the five year, but she still would be more comfortable if we had a little protective catch basin, for lack of a better word. G. Dake states that, to L. Dupouy's point, another possibility would be to change it to two years. He does not know that you gain anything by having it there. Theoretically, you could go in and do minor, minor, minor and avoid some fees, but quite frankly that would be so much more work he is not sure that it is worth the fees that you save. C. Baker states that one of the municipalities has something to the effect that no further subdivision within three years if the total cumulative lots triggers it into a major. He states that he can find out the exact wording of that one. It stops the issue of someone doing minors for 10 years. G. Dake states that most of the Board has not been here long enough to have been here during the boom years when we used to have longer agendas, colorful applicants, and there were times when we did have people playing all kinds of games and trying to do some odd stuff. D. Cochran asks if the Board would like to do some research and come back with a recommendation. G. Dake states that he would be really interested in the suggestion that C. Baker made and asks if C. Baker would research that and either e-mail it to the Board or bring it to the next meeting.

SMALL SCALE AGRICULTURE

G. Dake states that he did a little homework from a different angle. He was trying to figure out where to go with this and as he went through the Code Book, we have in the definitions of the Zoning Ordinance "domestic animals" and "non-domestic animals". What if we defined 3 or fewer goats/chickens as domestic animals and greater than 3 becomes a non-domestic animal. Three being an example. Then you simply do it in the definition. M. Gyarmathy states you would have to go through all the animals. G. Dake states that he is suggesting for now only dealing with chickens and goats. T. Siragusa states that we should probably add rabbits to that. G. Dake states that rabbits are already addressed in the code. L. Dupouy states that especially in Greenfield, the only thing that could possibly be contentious would be chickens and goats as they have been in other communities. She thinks that most people when they come here, come here because they want to have animals. She thinks the issue is only the tiny lots and wanting to have animals. G. Dake states that from a concept standpoint, he thought that if you addressed it in the definition section, what the argument you are making when you are an applicant is that these animals are pets. If you are saying that you have chickens for your kids because they are pets, that is different, you are making the argument that they are a domestic animal. He does not know what the right number is. That may be a subject for the Town Board to identify in the public hearing process, to nail down what is that number. But if you did it in the definitions you don't have to worry about if you hit every section of the Code book, which is what always worries him. B. Duffney suggests that if we are going with chickens, probably a half dozen. L. Dupouy states that the argument the people tried to use in the court case was that it wasn't about the number; it was that the chickens had names and that is what made them pets. G. Dake states that he would not go that far because he knows small dairy farmers who can name their cows, too. Agricultural use is discussed. G. Dake asks T. Siragusa if he would draft some language. J. Streit states, for clarification, that if the number of animals fell within the domestic use, you could have them. G. Dake states that they would then be pets. J. Streit states that if they exceed that number then that would kick you into the non-domestic animals. G. Dake comments that that Board should think about the debate we had, and he thinks the Board was dead-on, three big dogs vs. two small goats. What is the difference? What makes one a pet? He states that we would have to be clear about chicken vs. rooster because of the nuisance factor. B. Duffney states that you might

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want to think about geese and guinea hens, as they are noisier. G. Dake states that the Planning Board could further discuss the language and then decide what to recommend to the Town Board. The Town Board must have public hearings on any of these code changes. The Town Board gets to decide what happens. The better thought out suggestion we give them, the more likely they are to look favorably on it.

MOBILE HOME REPLACEMENT

This code change would be to empower the Code Enforcement Officer to allow replacement of a mobile home with a newer mobile home without having to go to the Planning Board. G. Dake asks that the Town Board please approve this. The Board agrees.

TOWN VENDOR CARTS

D. Cochran states that he and B. Duffney are working on language for this.

DEBRIS REMOVAL

D. Cochran states that what the Town Board has found on unsafe buildings is that once the building is removed by the owner, sometimes there is a problem with getting the debris removed from the site. The Town Board wants to make tighter regulations regarding the clean up. G. McKenna does write violations for junk, but the Town Board wants to put more teeth into the unsafe building removal. T. Siragusa asks if the Town has to take a building down whether the owner is charged. G. Dake states that it goes on the tax bill. D. Cochran states that town is the first on the tax lien until it is paid.

T. Yasenchak asks D. Cochran about Triple J Way. She explains that she attended a ZBA meeting where the residents were complaining about the lack of maintenance to the road and they were asking the Town to do something about it. She asks if the residents have come to the Town Board. T. Yasenchak explains that it is a civil matter because of the way they bought it, but the residents keep trying to make it a public matter and that the residents feel that the Town needs to do something for them. G. Dake explains some of the history and that this was approved as a private road. The Town did nothing wrong in this case, but this is an example of what can go wrong. The Town has no liability. The developer is whining and complaining that he does not have his final approval, but he hasn't built the road. C. Baker states that this subdivision is one of the reasons that private roads are no longer allowed. T. Yasenchak states that the residents do have problems, and suggests that perhaps someone, perhaps the Town Attorney, should write a letter to the residents that this is really not a Town problem even though they have been told on multiple occasions. T. Yasenchak states that she told the residents at the ZBA meeting what they should do.

D. Cochran states that he believes that Mike Hickam may have sold his subdivision.

C. Baker states that another change that needs to be made to the code is that of cul-de-sac size. It was never officially changed.

T. Siragusa comments on the markers requested by the Fire Department and that while we discuss it, there is no way to give standards of what to do. He does not see that we are going to have twenty-seven 1,500-foot driveways, but maybe 22. G. Dake suggests that perhaps the Town Board should ask the Fire Department to write up some standards and whether they are advisory standards or if the Town Board wants to make it compulsory, because if it is an advisory standard and you tell people that you want to protect their home, you would think that most people would do it. B. Duffney states that Mike Chandler has written

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something up and another thing they asked for was the width of the entrance to driveways. G. Dake states that is a little tougher and he is not sure he is ready to sign on for that one, he understands the why. M. Gyarmathy states that he has concerns about the width of some of the longer driveways and whether a car and fire truck are going to be able to pass each other. G. Dake states that in a year like this with the amount of snow we have had you would never see those markers. Another issue is that on a shared driveway, how do you differentiate the markers. L. Dupouy suggests that maybe the markers need to be at the mailbox. G. Dake suggests we should leave this one to the Town Board and Fire Department.

Meeting adjourned 7:51 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary