

**TOWN OF GREENFIELD
PLANNING BOARD**

February 9, 2016

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, John Streit and Stan Weeks. John Bokus, Thomas Siragusa, and Robert Roeckle, Alternate are absent. Charlie Baker, Town Engineer is present.

MINUTES – January 26, 2016

MOTION: B. Duffney

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of January 26, 2016, as submitted.

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

Noes: None

Absent: Bokus, Roeckle, Siragusa

PLANNING BOARD CASE

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

Middle Grove Road

No one is present for this application

MILLARD HOFMANN – Special Use Permit

Young Road

Kathleen Hofmann is present and explains that they are proposing to build a detached building, about 50' from the existing house and overlooking the pond. It will be a multi-use building – her husband's man-cave and eventually she will have a home office for herself. She currently rents space in Glens Falls for her office. This would be for a quiet work area to get away from the children. T. Yasenchak states that G. McKenna has indicated that this would be a type 2 home occupation because it is not contained within the main house. She indicates that there is additional information which is required for the site plan. S. Weeks indicates that there are items missing from the plan per the Special Use requirements. Board concurs that they have no problem with the application other than the additional information required. T. Yasenchak reviews that this will be a one-story building with a new septic system, the applicant will have no clients coming to the office and there will be no sign. K. Hofmann concurs. It will be a multipurpose building, no sign, no employees, no exterior lights and will be located 500' from the road.

(R. Roeckle arrives at 7:10 p.m.)

T. Yasenchak states that the site plan shows the septic but not the driveway. K. Hofmann explains that the building can be accessed by an old logging road and not off the main road. She states that she also owns the lot next to this one on the east. C. Baker states that more information is needed for the site plan – relationship to the road and neighboring properties; he questions that the plan states 1 bedroom and wonders if G. McKenna has commented as to whether this could be rented down the road. T. Yasenchak states that

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this is in the LDR zone and if it were to be used for something else it would have to be in keeping with the zoning. K. Hofmann states that this would be a prefab kit and they do not intend to have a bedroom just an office area. C. Baker asks about a kitchen. K. Hofmann states that her husband may want a small galley kitchen to prepare snacks. T. Yasenchak states that the 1 bedroom may have been used in the design for the septic system. She reviews that the applicant should get the additional information and then the application will be put back on the agenda.

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

Middle Grove Road

Mike Ballestero is present and reviews that they are seeking approval of a special use permit for a contractor's storage yard. He has updated the summary sheet and no additional material will be brought to the site to sort.

A public hearing is opened at 7:19 p.m. Bernice McLellan, Middle Grove Road, states that at the last meeting M. Ballestero stated that in the event that he was not able to take a load to the dump, he would be bringing a filled container to the site overnight. She states that she is not against the rest of the proposal, but feels this would be a violation of the large contractor's storage yard. There is no reason to not leave it at a site and pick it up the next day. Krista Reville, Middle Grove Road, states that this is her biggest concern as well. She has a problem with sorting and bringing waste material to the property. The large contractor's storage yard is to park trucks at the end of the day and this is not the reality – this is not their primary residence. If they store material how is that monitored. This is a rental property. B. McLellan asks who is responsible for oversight on both uses. T. Yasenchak states that the Planning Board has no oversight of the junkyard, that is the Town Board. It is the Code Enforcement Officer's job to make sure that a project is being operated correctly. He does not go out regularly to inspect, he reviews complaints and then takes action. Daniel Cochran, Lake Desolation Road, states that the Town Board will be reviewing the junkyard in 6 months to see that it is operating as approved. T. Yasenchak indicates that as part of the junkyard, there may be sorting of materials that they are taking from the cars. That has nothing to do with the sorting of materials because he is not asking for that under his special use permit for the large contractor's storage yard. David Hodgson, King Road, states that he shares the concern about having waste on the property. He asks how many containers the applicant is allowed to store. T. Yasenchak states that the contractor's storage yard limits the number and size of trucks that can be stored. The applicant has also noted on their site plan a number of trailers, which is different than the number of vehicles that could be stored there. Discussion takes place that this was discussed. D. Hodgson states that then in theory, and he does not believe this to be the plan, but in theory the applicant could put thousands on the property. It seems that there should be something not just limiting the number of vehicles, but the amount of stuff. T. Yasenchak states that according to the site plan the applicant is limited to parking in a specific location where he is locating the truck and the dumpster storage. That in itself limits the number. D. Hodgson states that there is nothing in the contractor's storage to prevent something from becoming a warehouse. T. Yasenchak states that when the Board approves a special use permit we are looking at specific items and a site plan. After one gets the special use permit they could not put up a large warehouse if the Planning Board hasn't already approved it as part of the special use permit. If they did that, they would have to come back for a modification. If the applicant wanted to store his dumpsters in a different location from where he is saying, the location on the site plan limits the number and also the topography of his property. B. McLellan asks when the trailers were added to the request. T. Yasenchak states that the dumpster storage has always been on this application, the dump trailers. The public hearing is closed at 7:29 p.m.

J. Streit states that the applicant has heard the objections of the neighbors, namely what would be brought in terms of storage on the site at night. He asks the applicant to clarify for the everyone what he means by brining stuff on occasion to the lot, where it would be stored, would it be on the truck, etc. M. Ballestero states that it would be on the truck and the truck would be parked as on the plans, behind the berm.

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Everything they are doing is behind the berm. J. Streit states then that if something is brought in at night, it would not be visible from the road. M. Ballestero concurs. T. Yasenchak states that the applicant had also mentioned in the minutes from the last meeting that the intention is to not bring anything, but in case of that odd situation. M. Ballestero states that it does not pay to go out of the way with a load. The way they make money is to take it from one spot and go directly to another. If the dump closes before they get their, they are going back home. T. Yasenchak states that she believes that the comment meant that if they would not make it to the transfer station, that the dumpster would be left where it was to be picked up. M. Ballestero states that sometimes the transfer station may close before he can get there. For instance, if he is coming out of Glens Falls or Clifton Park and he can't get to the transfer station in time, so he stops home and heads to the transfer station in the morning. T. Yasenchak states that it is not the norm, because in doing that it would actually cost him more money in transportation costs. J. Streit states that then the applicant is saying that what is in the public's interest is also in the applicant's interest. M. Ballestero concurs. S. Weeks questions that the Board could say something such as if a full container does come to the location, that it needs to be removed within a 24 to 48 hour time period. M. Ballestero states that this isn't garbage, it is construction debris. He does not haul garbage. He states that there is no threat to have this on the truck for a night, there is no danger. S. Weeks states that the concern has been mentioned before about bringing it to the site. B. Duffney questions that it is not an everynight thing. M. Ballestero states it is not, it is not their practice. He states that he is not saying that it is not going to happen, it is just not their practice. B. Duffney asks now, how often do they end up with a container overnight, on average. M. Ballestero states that he does not know. If they have a dumpster on at night, they have to go get rid of it before they can go to work. It is in his best interest to have an empty truck to go to work in the morning, not a full truck. J. Streit questions that it could be said that if the applicant had a truck with a full container parked up in back where it cannot be seen, the applicant cannot use that truck until they get that container emptied, so it would be in the applicant's best interest to get it emptied as soon as possible assuming that the site where it is going to be taken is open. M. Ballestero states that is correct. B. Duffney questions that in a perfect world 7:00 to 3:30 is fine, but when construction is going hard, you may not be able to make a deadline. He indicates that when Hiram Hollow closes at 5:00 – they lock the gate at 5:00 and not 5 after. M. Ballestero states that he thinks that they close at 3:30. He does not want to make a special trip. They want to go, get the dumpster, go dump it and then drop it off. They don't want to have a loaded container and make a special trip. S. Weeks states that then the applicant would have no concern if the Planning Board says that in the circumstance when they do come back with a full container that the next day that the transfer station is open, that container will be emptied. He suggests we do it that way. Discussion takes place as to the number of containers. T. Yasenchak states that the applicant had indicated 20 and that would be directly related to the number of trips. M. Gyarmathy states that the applicant would also not be taking every dumpster back to the contractor's storage yard every day. M. Ballestero states that if he had more dumpsters they would need more trucks and employees, but a contractor's storage yard can only have 8 trucks. He states that he is not going to go buy an \$8,000 dumpster and park it in the yard if it's not being used. After further discussion, the applicant and the Board agree on an average number of 25 dumpsters. J. Streit states that the applicant has shown that it is in his business interest and business plan to not have a large number of unused equipment. He feels that has been answered to his satisfaction. R. Roeckle asks the size of the dumpsters. M. Ballestero states that they range from 10 yard to 30 yard dumpsters and are 10' x 8' up to about 24' x 8'. C. Baker asks what happens when these dumpsters reach the end of their useful life, what is done with them. M. Ballestero states he hasn't been that far yet but it is iron so he would scrap it. C. Baker states that then it would not be hanging around. M. Ballestero concurs. SEQRA is discussed and per M. Schachner's statement, this application meets the exemption list and does not require SEQRA. Board reviews the required items from the code: A – permitted use; discussed all items. S. Weeks states that the berm and trees help to screen the project. B – addressed – no increase to police or fire, septic system designed by PE, new well. C – the applicant has an engineered plan for the septic. D – Large contractor storage yard is an allowed use in this zone with a special use permit. The site plan layout has been reviewed, the Board did a site visit as well. E – applicant has received a County curb cut permit, sight distance study was performed, no increase to pedestrian access. F – there is a berm to shield the visibility; the layout was done to limit the visibility; there is a limit to the number of dumpsters that can be stored on the property. G – there would not be any additional development, there are

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single family residences on both sides, it would not interfere with any land adjacent. Screening has been discussed and this is not for the junkyard permit, it is only for the large contractor storage yard. H – There is a large barn on the property. There are homes in the area. It is in keeping with the zoning. Because of the nature of the road, there is no particular pattern or similarity of the structures, they are individually built. There is no existing pattern because of the diversity of buildings, structures and materials used along Middle Grove Road. I – the Board has discussed the landscaping and the berm; the driveway location; the applicant increased the size of the berm; there is to be no signage; exterior light on barn will be on a motion sensor. The applicant did provide a cut-sheet for the lighting. J – the applicant has shown in the site plan that they are keeping the trucks, equipment and dumpster storage in an area that is already cleared and has parking; the applicant is not encroaching any closer to the wetlands buffer. K – applicant is not removing any additional trees other than for the driveway. L – N/A. M – the county has given curb cut approval. N – N/A. O – this is an exemption action. P – this project is less than one acre so there is no requirement for storm water management on the site. Q – we are acting within the guidelines of the zoning. T. Yasenchak states that we did discuss some conditions. One being that as a standard practice, the applicant does not intend to be bringing trailers full of materials to the site, but if a case arose that he could not bring it to the proper transfer station, that dumpster would be removed and hauled off of the site within 24 hours or the next business day that the transfer station is open. There would be an average of 25 dumpsters stored at the site. The light on the building will be on a motion sensor. C. Baker suggests that any approval should also refer to the summary sheet provided by the applicant. R. Roeckle asks if we have a copy of the curb cut permit. The applicant will provide one.

RESOLUTION – 7337 Middle Grove LLC, Special Use Permit

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of 7337 Middle Grove LLC for a Contractor Storage Yard - large, for property located at 183 Middle Grove Road, TM#150.-2-34, with the following conditions:

- **Any dumpster brought back to the site full must be removed within 24 hours or the next business day that the transfer station is open**
- **An average of 25 dumpsters may be stored at the property**
- **The light on the building will be on a motion detector**

The approval is also based on:

- **The site plan provided by the applicant**
- **The summary provided by the applicant and dated February 4, 2016**

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

DANIEL & GAIL COCHRAN – Minor Subdivision

Lake Desolation Road

Daniel Cochran is present and explains that when he bought this property it was 89 acres. He has since sold the lot and log cabin in the front to his daughter, Lucy Veitch. This subdivision would be for 10 acres for his daughter, Heidi Montero. He explains the topography in the area. He indicates that they would be building their house in the field, it is really high ground, perfect for drainage and they did some test pits. T. Yasenchak asks if there is a reason for the driveway easement and why they did not shift it so they would not need the easement. D. Cochran states that he was trying to minimize the shared driveways because one is

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already shared with the cabin lot and it is easier for the frontage. This new lot would have its own driveway. C. Baker questions why they did not just bring the property line down. D. Cochran states that he has sold the one lot so he cannot touch that and in order to maintain the 250' of frontage for his lot. T. Yasenchak comments that the plan indicates that he still owns the cabin lot. R. Rowland states that we did check in the office and the sale for the cabin lot has gone thru. We don't know why it was labeled as it is. D. Cochran states that he will have it corrected. M. Gyarmathy asks for clarification on the reason for the driveway location. D. Cochran states that when you see the curb cut, it is much smarter to go right there, give them a right-of-way and still be able to maintain their frontage. M. Gyarmathy states that it complicates things. D. Cochran states that he needs his frontage. He has 70 acres left. J. Streit questions that it has to be where D. Cochran is indicating. D. Cochran states that because of topo, the power pole, the road gets really steep, etc. C. Baker states that G. McKenna had suggested a lot line change with lot #1. D. Cochran states that he cannot touch lot #1. B. Duffney asks where this is located in relation to the Town gravel pit. D. Cochran explains. T. Yasenchak questions that the driveway could be in any other location without the easement. D. Cochran reiterates his reasons. S. Weeks states that he would be ok with the easement as long as the language is appropriate. R. Roeckle states that his biggest concern would be the actual location of the driveway as the road is very steep, it drops off and he would be concerned that even with the easement whether they can get the driveway in there. D. Cochran states that it might be a switchback to bring them back to an even come-on on the road. R. Roeckle comments that we have required other subdivisions to provide proof that they can locate a driveway. D. Cochran states that if he has to do a switchback, he would come back to the Board. T. Yasenchak states that once there is a residential driveway, the Planning Board would not look at that but the Planning Board does look at whether or not you can get a safe driveway from the property, including sight distance. That is something that we usually require and asks the applicant to have the sight distance looked at. It looks like the stream is down below the house location. D. Cochran states that they are going to stay well away from the stream. As far as wetlands delineation, it is the start of the Bell Brook. It is a small stream with possibly 6" to 1 1/2' in the spring time. C. Baker states that he is not concerned about the stream, it is a big enough lot. T. Yasenchak asks if there is an easement for the utility poles that go over the property. D. Cochran states that there is not, he never gave it to them. T. Yasenchak asks if they have any restrictions on how one can build, use the property, etc. D. Cochran states no. C. Baker states that we need the driveway easement language for the Town Attorney to review and sight distance. T. Yasenchak reiterates what we need the sight distance and a public hearing is set for February 23, 2016.

ZBA Referral

Integrated Staffing – Area Variance

Applicants are seeking acreage variance and frontage variance. T. Yasenchak states that the applicant has been before the Planning Board and is also before the ZBA for area variances. R. Roeckle questions that this is the one where the driveway is on the adjacent property and don't we have a pavement setback and wouldn't that need a variance. R. Rowland states that the applicant is supposed to be dropping off new plans and they had stated that they were moving the parking. R. Roeckle questions that the parking is supposed to be so many feet from the property line because of the buffer requirements and they are not going to have a buffer because the driveway is on the line. They need a buffer requirement variance and setback for the parking area. T. Yasenchak states that we will ask G. McKenna about that. B. Duffney states that he drove by and this place is tiny. R. Roeckle states that he is not saying that it is a bad use of the property, he wants to make sure that they get the variances they need. T. Yasenchak states that technically there is a residence on the next lot over so technically they have to have a buffer.

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DISCUSSION

The Town of Milton has sent a request for Lead Agency Status for a solar power generated facility on Middle Grove Road. The only thing coming into Greenfield is the driveway. R. Rowland states that in looking at the map, she is not sure that the driveway is even in Greenfield. R. Roeckle states that the property line is the Town line, it is really weird. T. Yasenchak states that the Planning Board has no problem with the Town of Milton taking lead agency. We would be concerned with the possible impact of this facility on any Greenfield private property adjoining the subject property and respectfully request that the property owners be notified. R. Rowland will provide a list of those property owner's and their addresses for the convenience of the Town of Milton.

Meeting adjourned 8:40 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary

DRAFT