

TOWN OF GREENFIELD

PLANNING BOARD

January 31, 2012

REGULAR MEETING

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

MINUTES – December 13, 2011

MOTION: B. Duffney

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of December 13, 2011, as submitted.

VOTE: Ayes: Duffney, Dupouy, Weeks, Yasenchak
Noes: None

Absent: Gyarmathy, Siragusa
Abstain: Bokus, Streit

DAVID MANDEL (EVA SARA DAVID LLC) – Minor Subdivision

Plank Road

Kurt Heiss from Tommell and Associates, is present representing the applicant. T. Yasenchak reviews that the applicant is seeking a minor subdivision on Plank Road and reads from G. McKenna's notes that a similar subdivision was previously approved for this property along with an area variance for frontage, however, it was never filed. Frontage variances will still be required as this is not technically a keyhole lot. C. Baker has provided a review letter. K. Heiss states that this is a large lot with an existing house and the history is included with the application. The applicant would like to create a second building lot. This was a previously approved subdivision with a variance. They are requesting a two-lot subdivision and they have shown the wetlands and engineering mainly to do a feasibility study for the owner to see if they could get a house on this site where he wants it. They think that they have come up with a plan locating the house, septic, existing driveway and wetlands. He has quickly read over C. Baker's letter and can address some of those issues. T. Yasenchak states that, for disclosure, her company, although not her, designed a septic system for the Sinnott's and they are no longer under contract. She does not believe she has any continued interest in this project. C. Baker states that he did not recall that this was previously approved. The plan before us does show significant impacts to Federal wetlands, which are going to require an Army Corp permit. His recommendation at this point would be to hold off on any Town approvals until we see what the Army Corp's reaction is going to be to that plan because it is our understanding that whenever you disturb more than a ¼ of an acre they look for some type of mitigation and if that is going to be required, then we are going to need to see where that is going to occur. The other issues that C. Baker has pointed out are related to design detail – it is going to require a Stormwater Pollution Prevention Plan; stormwater management is going to have to be shown for the proposed building and the two driveways. Those are the big issues and he reiterates that until we have an answer further on those, these are his comments at this point. K. Heiss states that it was their initial intention to divide what frontage they had equally in two, but that did not work out because of the separations for the septic system. The separation from the wetlands made them have to get a little crafty as to where they placed the septic system so they had to alter the line to short one of the lots to the absolute minimum. This lot, depending on how you analyze it, has zero frontage because Plank Road goes through the lot so they are drawing the frontage at the right-of-way line of the user road that has been here for years. They are not proposing or approaching this as a keyhole lot situation. They have applied for

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the variances. The placement of the house within existing wetlands is certainly a concern. This is the place that the client felt would be the best position for the house to utilize what he wants to do with the site. He indicates an area that was logged which created a very nice view from the existing house. The way the houses are placed now, they are both in a position to be able to avail themselves of the view but not see one house from the other. The whole property is on a slope so no matter where you put the house you are going to have problems. They are addressing all the wetland issues for going ahead with the wetland report - it has been delineated; joint application is going to be processed; they are going to submit a PCN; they are going to get preliminary jurisdictional determination to go ahead with this project. He does not see there being any problems with the Corp. The owner has no problem with the mitigation issues, they have no opportunities for mitigation in kind out here, so there will probably be a large conservation area, which the client is very much in favor. The owner is unhappy with the amount of trees that are going to have to be cut for the project the way it is and would like to have his house amongst the trees. You cannot do that with the grading and the drainage issues on the site. K. Heiss states that he would be concerned about not getting any approvals from any board at all until they have that signoff. They are going to go through the process and he would hope that they can get conditional approval pending the approvals from the Corp. He thinks it is very standard in Greenfield, especially given the last subdivision, to approve a subdivision and then the person has to prove at building permit time that they have addressed those wetland issues. He states that was a condition that was set on the previous approval. K. Heiss reviews the other items in C. Baker's review letter and states that they can take care of all of the items. Sight distance would be another concern because there is an existing driveway. It must have had permission for this driveway because they did get a building permit, they did build a house and get a CO. They can run a sight distance, but they don't think that any finding regarding that sight distance really changes anything. They are going to add one more car a day potentially to the existing driveway. They have to have the common driveway to minimize the wetland disturbance and to get the septic in where they want to get it. This is the best option so there is going to be a little bit of a common access. Initially and for the foreseeable future after this subdivision is approved there are going to be family members living in the houses - a father and daughter situation. J. Streit questions C. Baker that his letter is recommending a joint DEC and ACOE study. For his own information, as these are all ACOE wetlands, why is C. Baker suggesting that DEC be involved? C. Baker states because of the nature of the permit. It is automatically a joint permit application. DEC has jurisdiction over the water quality issue of the permit. J. Streit asks if the area that has been calculated for the wetlands is just within the house structure itself. C. Baker states that on the second sheet of the plans it is documented for each one of the crossings. J. Streit asks why this site was chosen. Could the house be swung down or not? K. Heiss states that it probably could but he thinks that placement of the house on another site in this area is going to have a very similar disturbance to the wetlands. The wetland pocket is relatively consistent all the way down through. You still need to get a driveway across all these little rills, so you are going to have a similar situation. When this site was selected for the house they had not delineated the wetlands yet. The entire site is the side of a hill, there is a lot of katina flow coming out there. It is going to have to be dealt with in the design of the house. K. Heiss states that this is the best location for the house for the owner. If you look closely you can see that right where the house is being proposed there is a significant knob. When he delineated the wetlands he did the exterior boundaries of the wetlands. There are many areas inside these wetlands that would be considered uplands. They are going to concede these as wetlands and have a conservation area on another portion of the lot because they know that they are under the numbers that they need. J. Streit states that we are being approached to make a two-lot subdivision out of what was approved as three, but that is now obsolete. T. Yasenchak states that we had a basic layout. C. Baker asks if this was officially approved. R. Rowland states that they only got one area variance for frontage. They never brought in the final map. They had proposed three initially and then two lots, which is the plan that was approved. J. Streit asks if for our purposes this is considered one large lot. T. Yasenchak states that it is. J. Streit states that they still need approval of the variance issues and to get a building permit they have to address all of C. Baker's questions. T. Yasenchak states that they have to address a lot of C. Baker's questions for the Planning Board so that we are not approving something that we are then backing the ACOE and DEC into their own approval. J. Streit states that we could then approve on a contingency basis. T. Yasenchak states that we could. J. Streit states that when you get right down to it, it doesn't change anything. If they can get

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all the permits, mitigate all questions – for the Town it doesn't change anything except add one taxpayer because you can't see either house anyway and the driveway already exists. He has no objections because it does not change anything, for him. If the owner bought the land and started to build a house, he would have to mitigate all those circumstances to get the building permit. T. Yasenchak states that a lot of the issues would have to be addressed to get the building permit. However, when there are so many issues, it is usually ok to approve something when there is one contingency, but if there are several, it is usually good to get some of those ironed out because we don't want to approve something that may or may not be able to be approved later. J. Streit questions what the applicant would need to do to knock off some of those contingencies – get a DEC/ACOE study? K. Heiss states that they can have everything on the list taken care of by the next meeting with the exception of the signoff letter. They will have submitted all the information to ACOE. They are not going to look at this until the end of March or April because we are past the season where they would walk it. If they do actually want to walk K. Heiss' delineation, they are not going to do that in the winter because the vegetation is not there, so they can't really see that he has done a proper job in his delineation. S. Weeks states that the Long Form SEQRA could take a little time. T. Yasenchak states that the applicant could probably get the long form to us prior to the next meeting. C. Baker had also mentioned the State Historical Preservation office. We have a local one too, and T. Yasenchak states that she would suggest talking with the Town Historian. K. Heiss states that they have the sign off letter from the State Historical Office, NWY, Fish & Wildlife and the National Heritage. They did mention on the short form that there is a hidden cemetery approximately 500' south of this parcel, which will not be impacted. L. Dupouy states that everything looks great to her. B. Duffney states that J. Streit pretty much covered it all. He does not feel that sight distance is an issue as it is on the outward bend of the corner. S. Weeks asks if we ask for or expect a copy of the shared driveway agreement now. C. Baker states that we do request that now. S. Weeks states that he is pro and con on shared driveways, but you have to have an agreement because we do not know who is going to be there 5 years from now. He has nothing else in addition to C. Baker's points. It sounds good to him. T. Yasenchak reviews that the Board would like: the applicant to speak with the Town Historian; the easement language; getting the additional information that C. Baker asked for; we can do the long form review and part of that will be asking about coordinated review, etc. T. Yasenchak asks if there has been any thought regarding the small portion of the parcel that is across the street. K. Heiss states that they have not talked about it, but it is possible that they could do a lot line adjustment with the two parcels on that side to clean it up. He will discuss with the owner. T. Yasenchak states the Board cannot take action now. Once we have lead agency we can do the long form and get those things out of the way. B. Duffney suggests maybe if the wetlands in the area of the proposed house location could be fine-tuned. K. Heiss states that the house is proposed to be on a knob and when they are done the whole thing is going to be graded off. The idea is to have the house close to the stream and that anything above the house will be filled. This is the best location for the applicant and there will be no change to the total disturbance in another location. They are over the 15/100ths so they are going to have to do compensatory mitigation. Typically you would have to create a wetland, but in situations of this small of a Nation-wide permit, they don't require creating a wetland. They would typically give a conservation easement over portions of the site that normally you could do something with to further develop. In this case, when they are done they are probably going to have a conservation easement over the rest of this gentleman's parcel which would mean that they could not log it, develop it, get a third lot out of it, etc. That is a significant gain for the Town for the filling of a little bit of a wetland. T. Yasenchak states that part of the review process is to look at other locations that the applicant may have looked at. J. Streit states that they would not be able to log for commercial purposes but could the property owner get his own firewood out of there. T. Yasenchak states that there is a difference. It is always going to be his property whether or not there is a conservation easement on it. K. Heiss states that it would be deed restricted for the client and future owners. He reiterates that they are required to do some kind of mitigation. Sarah Lieberman, Environmental Commission, asks if the Board is in receipt of their letter as they have concerns with the placement of the house and the septic system. L. Dupouy asks if the Environmental Commission was looking at the same map that was presented tonight. S. Lieberman states that they were. L. Dupouy states that what she heard tonight is that Tommell & Assoc. did not do a super exact delineation because they are trying to save the client money, so if these are concerns and if they did do a more exact delineation you would see that there are less wetlands, there are uplands

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within these wetlands. If that was done, would that be better for the Environmental Commission? S. Lieberman states that they would certainly be interested in looking at it. L. Dupouy states that might mean that it might be worth K. Heiss talking to his client. K. Heiss reiterates that they are not planning to re-delineate the wetlands, they are just going to concede the wetlands where they are. T. Yasenchak states that when we get the long form the Environmental Commission can look at that and be present for the review. We can set a public hearing after we receive that long form.

DISCUSSION

L. Dupouy states that she was not able to attend the Planning Conference due to illness and asks if there was anything phenomenal. J. Streit states that there was a lot of information to digest. S. Weeks agrees and states that with that many people, he thinks they said they had 535 registered, the rooms were full and you don't have a lot of back and forth. J. Bokus states that the young man from the County did an excellent job with the presentation he attended on stormwater (Blue Neils). T. Yasenchak states that T. Siragusa attended a class on signs and he said he gained some interesting information. There was another session on changing and revising zoning. T. Yasenchak states that the Planning Board has discussed with the Town Board that we are, within our Comprehensive Plan, due for a review. The Comprehensive Plan states that we shall review it within a certain number of years. T. Yasenchak states that it should be noted that we are suggesting that again. She did attend a class on architectural review. We do not have anything like that within our code except for maybe in the KROD district and that is a limited review. She is not suggesting that we have a full blown design review, but her thoughts are just for the downtown area or maybe the hamlet districts that are a little bit more commercial or have little shops, or have the ability to have that, maybe we could have some sort of regulations so that the larger lots that allow for commercial building would develop correctly in consistency with our community. L. Dupouy asks if they had any information about height, because all of a sudden she thinks that seems to be going in a different direction. T. Yasenchak states height is addressed in our code. S. Weeks states that there were some changes to our Code. There has been discussion regarding wind turbines and solar collectors and how these are beginning to show up in neighborhoods and people are quite concerned about height issues, how they fit in and the aesthetics. S. Weeks states that the Planning Federation meeting is going to be held at the City Center. He has attended that meeting and it is excellent.

C. Baker states that Anthony Vaccarielli, Triple J Way, called R. Rowland and she referred him to C. Baker. C. Baker states that he is not totally sure what A. Vaccarielli is looking for. He asked C. Baker to write a letter to the Board to tell them what the amount of the road bond was. C. Baker asked what board he was talking about and A. Vaccarielli stated the Town Board. C. Baker states that he does not know where the applicant stands. R. Rowland states that this applicant does not have approval. He was supposed to provide easement language, information on the road bond proposal to C. Baker, etc. C. Baker states that he told A. Vaccarielli that his engineer has to prepare an estimate for the road and get it to C. Baker. R. Rowland states that W. Barss has expressed continued concerns regarding the size of the cul-de-sac. A. Vaccarielli insists that the easement language has been taken care of between his attorney and the Town Attorney, but we do not have any documentation of that. This Board had asked for copies of that language and has not received it.

Meeting adjourned, 7:43 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary