

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**JULY 14, 2009**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Gary Dake at 7:00 p.m. On roll call, the following members are present: Gary Dake, Lorna Dupouy, Thomas Siragusa, John Streit, Tonya Yasenchak and Nathan Duffney, Alternate. Michael Ginley and Michael Thraikill are absent. Gerry McKenna, Zoning Administrator, and Charlie Baker, Town Engineer, are present.

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**MINUTES - June 30, 2009**

MOTION: T. Yasenchak

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of June 30, 2009, as submitted.

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

Noes: None

Absent: Ginley, Thraikill

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**PLANNING BOARD CASES**

**ANTHONY VACCARIELLI – Minor Subdivision**

Triple J Way, Route 9N

Anthony Vaccarielli and Paul Male are present for this application. C. Baker states that he received a submission in response to the last letter he wrote in April, which addressed pretty much all of the remaining engineering issues. A couple of things to keep in mind are that the project does require a road bond and that needs to be approved by the Town Board. The agreed upon amount is \$161,000. He states that he has not gotten any feedback from W. Barss on that yet, but he did speak to him a while back and W. Barss didn't have any comments on it. C. Baker does not have an official sign-off yet. Being a Town Road, it is going to require inspections by the Town, so the applicant has to establish an escrow account. P. Male will be doing the SWPPP inspections and C. Baker would like a copy of monthly reports. G. McKenna states that lot #4, has the incorrect rear setback. P. Male states that C. Baker mentioned that and P. Male states that he knows that one of them is incorrect. He asks for clarification of where G. McKenna is measuring the rear setback from. G. McKenna explains and states that lot #1 has the wrong dimensions. On lot 4, the separation distance is not correct between the well and septic. The proposed drainage easement is on a lot owned by Tony Kasowski and not the applicant. When the Town takes that over it becomes the property of the Town, it makes the lot smaller and it is already substandard. P. Male states that they were just proposing it as an easement. G. McKenna states that he believes that the Town takes it because they have to maintain it. P. Male states that the Town can maintain it with the easement. C. Baker states that generally, and he is not sure how this got this far, storm water basins are dedicated with the road. He thinks that is a question we might have to ask Mark Schachner. He does not see why it can't work in an easement. G. McKenna states that we do not have any deeds from the other owner. C. Baker asks if the applicant has been granted an easement from the landowner. A. Vaccarielli states that they took care of that prior to. C. Baker states that he thinks that we have done this both ways. On Witt's, which is a HOA, the HOA owns the storm water

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management areas but the Town has an easement over them to go in and maintain if need be. On Hovey Road, and a number of them, we have included the storm water areas in with the dedication of the road. G. Dake states that he does not see a reason, and this is not a Planning Board decision to make, that the Town Board and the Town Attorney would necessarily not do this as an easement. It may not be the preferred route, but if they have every right of access, if the easement is written correctly. It is a question for M. Schachner. A. Vaccarielli states that they put this into play prior to the closing on the lot. G. Dake states that at this stage of the game, we owe it to the applicant to ask. If we had caught this early on it would have been different. C. Baker states that he does not see why it can't work in an easement. G. McKenna will contact the Town Attorney. C. Baker states that the Town Attorney will want to see a copy of the easement. P. Male states that the road language will have to be submitted. C. Baker states that generally we do not ask for the road until it is time for dedication. G. McKenna states that he will need a copy of the easement language so the Town Attorney can review and tell us whether we can do it that way. G. McKenna states that the plans are also missing the storm water management note which has been given to the applicant before. G. McKenna provides a copy to Paul Male. J. Streit asks if there is a sight distance problem here. P. Male states that there is a note that some clearing needs to be done. C. Baker states that a sight distance study was done early on. G. Dake states that this has been a long standing project and we were down to engineering issues. He reiterates that we need a couple of new drawings, we have to get it to the Town Board for the road bond and SEQRA is discussed. There is no SEQRA in the Planning Board file, however C. Baker has a copy. Copies will be made and distributed to the Board members for review prior to the next meeting. Public hearing was held on this file. G. Dake asks what the resolution is for lot 4. P. Male states that they will end up with about 30'. G. Dake asks if that is a real buildable lot. P. Male points out that the other houses are approximately 26'. C. Baker suggests the applicant get in to the Town Board with the road bond because that will take some time. G. Dake asks if we want to recommend it at this point. C. Baker states that he does not think that the Planning Board should grant final approval without the road bond in place. P. Male asks if they can be given final approval contingent on getting that to the Town Board. Discussion takes place regarding how long an approval is good for. The applicant has 180 days after final approval to get the map signed and then 62 days to get it filed at the County.

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**JOSEPH SIMPSON – Minor Subdivision**

**Ballou Road**

Joseph Simpson and David Barass are present. D. Barass explains that this is a 99 acre parcel and the applicant would like to subdivide one 8 acre lot. G. Dake asks if the applicant understands the 5 year, no further subdivision rule. J. Simpson states that he does. G. McKenna states that the lot meets zoning for both the LDR and the KROD. C. Baker states that these are big lots, no issues as far as that is concerned, and the only comment he has is that he would like to see what W. Barss' input is. He states that he does not know the condition of the road up there and how far it is plowed. D. Barass states that it is paved to the turn around and that the applicant has had a discussion with W. Barss. He states that W. Barss would like a better turn around there. J. Simpson states that they have a hard time turning around as it is. D. Barass states that J. Simpson is open to giving the Town more and that is why they drew in the cul-de-sac. He states that it is flexible to whatever might be agreeable to W. Barass. T. Yasenchak asks if the hammerhead area is what is paved now. D. Barass states that it is. C. Baker states that they then presently maintain to that hammerhead. T. Yasenchak states that her only question would be if this is big enough of a turnaround should someone else want to subdivide this in 5 years. C. Baker states that this is showing about a 140' diameter now and we have gone to a larger size, but if there are only two lots there, he is not sure what W. Barss is going to look for there. J. Simpson states that if the Town wants a bigger turn around, that would be fine. He states that he does not think it would be a real big job because it is a leveled off, flat area there anyway. G. Dake asks R. Rowland to contact W. Barss. C. Baker states that we have a couple of alternatives, we have gone to the big tear drops, but he does not think we need something like that. B. Duffney states that as long as J. Simpson is willing to give the land over for a larger turn around. J. Simpson states that there was a logging truck just the other day who made the wrong turn and had to back way up in the yard and left big ruts. B. Duffney states

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that there is plenty of property up there and it is pretty level if the Town wants to make it a larger turnaround. Public hearing is discussed. T. Siragusa asks if the Satterlee's know what his plans are. J. Simpson states that they are the ones who told him about the property. **The Board completes Part II of the Short Form SEQRA. All questions are answered "no". J. Streit makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. B. Duffney seconds the motion. All present in favor.**

**RESOLUTION – J. Simpson, Minor Subdivision**

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board grants the application of Joseph Simpson for property located at 420 Ballou Road, TM#110.-1-22 and waives the public hearing, contingent upon:

- **Highway Department to sign off on the size of the cul-de-sac**

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

Noes: None

Absent: Ginley, Thraikill

T. Yasenchak states that the plans show a portion of an abandoned road and asks if there is any way to get some details on it for the applicant for any future development of this lot. R. Rowland states that the applicant can check with MaryAnn Johnson, Town Clerk. who has information on all the officially abandoned town roads. G. Dake states that the applicant should check with the Town Clerk as we have had several occasions where there are old roads that were abandoned, that the Town ceases to maintain, but did not go through the legal steps of the Town officially abandoning and that creates a dilemma when either an applicant or the Town goes back to do something with that property because it is ambiguous as to if it is still the Town's property or an individual's property. He states that it looks like from the way that this has been written that it probably was officially abandoned. D. Barass states that they are not sure of that and that is why they show it on the map the way they do. T. Yasenchak states that once it gets paved or cleared, then maybe someone comes along and wants to put the road into somewhere. She states that this is not in plans, she is just speaking hypothetically. G. Dake suggests that the applicant might want to ask the Town to officially abandon it. J. Simpson states that he will check into it.

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**JOYCE BALLARD – Minor Subdivision and Lot Line Adjustment**

Ballou Road

David Barass is present for this application and states that this application is separate but related to the Simpson application. He explains that Joyce Ballard and Raymond Maceyak jointly own the property, 63+ acres, that adjoin J. Simpson's property. They would like to do a lot line adjustment of 250' to attach to the Simpson property and then subdivide the balance into separate equal lots that they would own individually. They have no plans to do anything with it at this time, it would remain vacant as it has been for years. The proposed house locations are shown just to indicate that there are building sites on the lots. G. McKenna states that there are no issues, this meets zoning. C. Baker states that these are big lots and he has no engineering issues. All the notes are on the plans. **The Board completes Part II of the Short Form SEQRA. All questions are answered "no". J. Streit makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. T. Yasenchak seconds the motion. All present in favor.**

**RESOLUTION – J. Ballard, Minor Subdivision and Lot Line Adjustment**

MOTION: B. Duffney

SECOND: J. Streit

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RESOLVED, that the Planning Board waives the public hearing and grants a minor subdivision and lot line adjustment to Joyce Ballard and Raymond and Judith Maceyak for property located at 375 Ballou Road, TM#110.-1-21, per the map dated 6/18/09.

VOTE: Ayes: Dake, Dupouy, Siragusa, Streit, Yasenchak  
Noes: None  
Absent: Ginley, Thraikill

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**GREG SLYWKA – Site Plan Review**

Maple Avenue

Greg Slywka, Gary Robinson and Ryan Talbot are present for the application. G. Robinson states that the applicant was granted an area variance contingent upon maintaining a vegetative buffer and with the Planning Board's review and approval of same. G. Robinson goes over the items from C. Baker's review letter. The existing septic system and proximity to the well in the basement was reviewed. They dug up the septic tank which is 1000 gallons and the D-box and found that there was only one line out of the D-box. They are proposing to replace this system with an Elgin system, whether or not they get site plan approval. They have had a water test and the results were faxed to the Town. G. Robinson states that it was negative for coliform and the nitrates were 1.6, he believes, and the limit is 10. G. Dake asks if we can get a better copy of that as it did not fax clearly. G. Robinson states that he had said that the site was fairly flat, they were asked to take some shots and they did. From the very front to the back there is a little short of a 2-foot drop. He states that the drainage comes away from the garage and the high spot is pretty much in the center of the parking area. Regarding snow removal, G. Robinson indicates on the plans where the snow would be removed to. Regarding the neighbor's well, they hired Hawk to check it out and it is a drilled well, 91' deep with 54' of casing so they make the 100' separation. If they had less than 50' of casing they would have to increase the separation by 50%. Regarding the water supply, G. Robinson called DOH, spoke to Marie O'Connell and he reads from information provided that if there are less than 25 employees, which there are; less than 5 separate service connections; and they do not serve food or drink to more than 25 customers, then it is not a public water supply, it does not need a water supply application and is not permitted by DOH. They tried to show everything on the site that they could. They updated the plans by adding the second gravel driveway, they numbered all the parking spaces, there are 18 spaces and the proposal is to put one handicap space next to the walkway. They are still planning on leaving the pavement across the front of the garage and perhaps putting some container plantings there. They will be putting a fence around the dumpster with a gate. There are spot lights on the front building and a wall pack on the garage. They would rather not put in additional lighting. There will be landscaping along the side of the garage as they proceed. They are not sure of what they will be doing for a sign – adding to or entirely redoing the existing sign. They would keep within the regulations with the same style and size, or go to the ZBA for a variance. G. Robinson states that he spoke with M. O'Connell about the new well in front. She said because it is a drilled well versus a shallow well, that would be a plus, they would rather see that. If it meets or exceeds the current separation, she would also be happy with that. C. Baker states that the applicant has done a very good job of addressing all the issues that were brought up. T. Yasenchak states that she does appreciate the comments about the sign but that the Planning Board does have to see it as part of the process. G. Dake states that the Board does not have to see what the actual lettering is going to be, but if the applicant can give us size, shape, material, etc. T. Yasenchak states that as far as the parking lot and the gravel drive, she would like to see some kind of signage because the gravel drive does not look wide enough for two cars to pass. She asks if there is any way to revise the site plan so that there is one in and one out driveway. G. Robinson states that they have more parking than is required so he suggests moving the handicap parking space that they were showing in front of the dumpster down and creating a lane to drive thru. G. Slywka states that it is pretty much just used as an exit now so it will not be a problem. G. Robinson states that they will put signs up for one way. T. Siragusa states that there is a lot of good work that was done here, it is good to hear that the engineering issues have been handled well and he thinks that T. Yasenchak's comments are a good idea. B. Duffney

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states that they have done their homework and he agrees with T. Yasenchak and T. Siragusa about the exit. He asks if the drilled well they are proposing will run just the hair salon or both. G. Robinson states both. G. Dake asks if both the Petro and McGrath properties are residential. G. Robinson states that they are. G. Dake states that as a result we need 10-feet of landscaped yard and 1 tree per 100 linear feet. L. Dupouy states that if the applicant is taking the time to do it right, and it comes down to three trees, make the landscaping really nice. G. Slywka and G. Robinson explain what is currently there for trees and where they are located. The Board consensus is that what exists is fine. This application will be on the next agenda for the minor changes.

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**ZBA REFERRALS**

**Walbridge Enterprises LLC** - G. McKenna states that the applicant needs variances for lot size of 1.21 acres and frontage of 20-feet. This is due to a change of use for retail store. G. Dake states that we are dealing with an existing building going from a single retail use to double. G. Dake states that he would be comfortable making a positive recommendation. Board agrees.

**A. James Mason** – G. McKenna states that this is a pre-existing, non-conforming, .66 acre lot. The applicant would like to build a house, but the lot is narrow and he needs a right side yard variance of 5' and a left side yard variance of 11'. This lot is located on Locust Grove Road, just north of Mary DeMarco's property, south of the railroad tracks. No Planning Board implications.

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Meeting adjourned 8:06 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary