

TOWN OF GREENFIELD

PLANNING BOARD

July 31, 2012

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:02 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Lorna Dupouy, Michael Gyarmathy, and Stan Weeks. Thomas Siragusa, John Streit and John Bokus, Alternate, are absent. Charlie Baker, Town Engineer, is absent.

MINUTES – July 10, 2012

MOTION: L. Dupouy

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of July 10, 2012, as submitted.

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

Noes: None

Absent: Siragusa, Streit

PLANNING BOARD CASES

STEPHEN DOTY – Site Plan Review

Maple Avenue

Stephen Doty and Stuart Thomas are present. S. Thomas states that they submitted an application and additional information. He states that this is a pretty simple thing, they are applying for a permitted use in the OR zone and need a Site Plan Review. S. Thomas has an enlarged version of the copy submitted to the Board. He explains that this is the former Maple Avenue Firehouse, there is a lot of parking in the front and the whole back is black topped. There is grass along the sides of the property. He indicates where there is fence along both sides. The black top that they measured is 132-feet by 89-feet. Based on the Zoning regs, table 5, he states that 4 spaces per classroom are required for an academic other than a public school and they will have 2 classrooms. He states that it is not lined, but believes that probably 60 to 80 cars could fit there. There will be no changes made to the exterior of the building, other than a sign. The current owner is supposed to get an application in for a business sign. S. Thomas states that G. McKenna told them that they have to go to the Zoning Board because of a non-conforming, existing use. He states that he is sure that G. McKenna is right, but S. Doty would like to try to begin operation prior to that. Based on the ZBA schedule of August 7, September 4 and October 2 it might be hard to get approvals from them before September 4th because of public hearings, etc. He states that he thinks that it is a little unusual that you have a site plan when you are not doing anything to the outside and he is wondering if the term 'new' means new business or new use. To him new with zoning is usually that you are doing something to the property. He asks if maybe, since they are not doing anything to the outside, could they not do the Zoning Board. T. Yasenchak states that G. McKenna is the Code Enforcement Officer so he is the one who makes that decision. Typically it has to do with the use, so if something is changing a use, then it does need to conform to the zoning and that's why you have to come to site plan. Then there are certain requirements of the site plan review that we have to look at to make sure that those are acceptable. S. Thomas states that there are 6 exterior lights and he indicates these on the site plan – one street light, two on the front of the building, one on the side and two on the back. He states that they will comply with anything that G. McKenna indicates needs to be done.

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Obviously, they need to have a fire inspection, electrical inspection, etc. T. Yasenchak questions what the use is in the front section of the building. S. Thomas states it is garage area and they are not renting that space. T. Yasenchak asks what is happening in the front because the Board needs to know since there are two occupancies. S. Thomas states that it is for storage of trucks and that the owner does not run his business out of there. T. Yasenchak states that the code does not talk about business as much as use. Since there are two uses the Board has to make sure that they are reviewing it properly and because this is education, the Board has to make sure that they make it a safe situation for the educational use. S. Thomas states that he cannot speak for the owner, he does not know what the owner's plans are, he has never seen this have more than two vehicles outside in the front. S. Thomas states that there are some vehicles parked in the back and there are some vehicles parked in the garage, but he has never seen any of the vehicles parked out back or in the garage move, not that he is there everyday. T. Yasenchak questions that there is an existing handicap ramp and asks if there will be any changes to it. S. Thomas states that there will not. T. Yasenchak states that it may or may not, since they are changing the use, G. McKenna will, as part of the building permit application, make sure that that meets the requirements for ADA. She states that that may push them into revising it. T. Yasenchak asks if the main entrance is from the back. S. Thomas states that there are three entrances. When there are no classes involved, there will be three parking spots in front that will be used for the office. People will come in the right hand front door (he indicates on the plan), which leads through the kitchen, which will probably end up being the office. When there are classes there will be a side drop off door and the back door. They are planning on people driving in, turning around and then dropping the children off. As a school, some of the classes are for adults and some are for children, with most of the children being dropped off by their parents. T. Yasenchak states that as part of the site plan review we have to make sure that that is something that gets addressed so it is just not something that people are told. S. Thomas states that they are trying to put that on the signs. T. Yasenchak states that there is a sign on the road and another on the building by the office. S. Thomas states that they also have some directional signs with 'parking in the rear', 'office', etc. R. Rowland asks if the applicant has an Authorization of Agent. S. Thomas states that he has copies and will provide one. T. Yasenchak asks what is to the north and south of the property. S. Doty states that to the north is commercial and to the south is a single-family residence. B. Duffney states that Matt's towing parks spare tow trucks in the front garage and he believes that Empire Ambulance was housed here at one time. He questions that the lighting is pre-existing. S. Thomas states that it is. B. Duffney asks the number of students. S. Doty states that the numbers would vary, but he does not see it being more than 25 per class. He states that he works full time and this is part time in the evenings. B. Duffney states that there is quite a bit of coverage between the building and the residence. L. Dupouy states that it looks good and that she does not think that you can have enough offerings for self-discipline and leadership in a town. M. Gyarmathy asks hours of operation. S. Doty states that he is thinking that right now it is going to be 4:30 to 8:30/9:00 p.m. Nothing on Sunday and maybe in the morning on Saturday from 10:00 to 11:00 or 11:00 to 12:00. S. Thomas states that the other thing about the classes is that the way the building is laid out, the classes will be in the rear of the building, away from the road. S. Weeks states that he would like to see a better drawing where he could read dimensions, distances, etc. T. Yasenchak states that she is familiar with the property; there is a huge parking area in the back. As far as the driveway, the side and the parking, the applicant does need to mark where the handicap is going to be and it needs to be shown on the map and meet code as well as how the other ones will be noted. She states that we need to have at least the handicap parking specifically noted and lighted. S. Thomas states that on the sign on the back where the double doors are, they plan on having handicap parking right there so that it is right next to the ramp and there is a light right above it. T. Yasenchak states that it needs to be added to the drawing, the proper scale, showing the proper way to unload out of those and that is all in the Code. L. Dupouy asks about the ability to make this a contingency, but it might be really good if the applicant took some extra money up front and painted out where they are going to have the parents drive and turn around. She states that having done this with her son growing up; at the time that classes start it can be mass confusion. So the better that it is spelled out for people so there is no guesswork, that would be beneficial. T. Yasenchak states that the applicant should refer to Article 11, which deals with parking, etc. She states that she has concerns with the width on the side and she cannot read that on the map. She questions that if it is 20', that in itself for a two-way is a concern. She asks if that is 20' to the grass, is that just the driveway width. S. Doty states

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that pick up will only be in the rear. Drop off only will be on the side. T. Yasenchak reiterates that the applicant should review Article 11 because it lists out what we need to see on the approved site plan map. She states that within the landscaping requirements there are some things that the Planning Board can waive, but there is a required buffer between a single-family residence and a commercial property. S. Thomas states that there is a pre-existing buffer there. T. Yasenchak states that is something that she will have to talk to G. McKenna about. Yes, it is pre-existing, but the code states that between a single-family and commercial it is a C buffer and 50' is required. The applicant may need to add this to their variance. She states that the Board did turn someone down who could not meet the buffer. S. Weeks asks what type of fence is there. S. Thomas states that it is a metal chain link fence, which is overgrown with vegetation. He reiterates that they are not changing anything on the outside. T. Yasenchak states that we will have to ask G. McKenna if this is something that we can waive. Everything she sees about waiving is about parking requirements, but not necessarily buffers so she wants to make sure. S. Thomas states that the fact that they are not changing anything on the exterior might help them there. T. Yasenchak states that it will not, it is a requirement, it is 50-feet and someone who may live in the house next door may not like all these cars going back and forth. She just wants to make sure that we are doing things by the book. T. Yasenchak states that we will have to have the Town Engineer take a look. She asks if there is anything changing with the septic. She is unsure if G. McKenna is going to require any changes to the septic since it will be educational. S. Thomas states that because of the length of classes there will not be much use of the bathrooms. He does not think that the capacity is going to be the same as a school in which the students are in class for 6-7 hours a day. T. Yasenchak states that the way that the DOH reads is that if you use it for educational purposes you have to meet certain requirements whether they are there for one hour or all day. Once we say that this is educational, then it is approving the applicant for the martial arts, but then it is also approving it for an educational use. If the septic needs to be revised, the Town Engineer is going to have to see where that is happening on the site and where the septic is. We also need to know that they are not parking over the septic. S. Thomas states that he has no idea where it is; he is guessing that the septic is on the side. T. Yasenchak reiterates that this is part of the site plan review and that there is a whole list of items that need to be on the plans. Public Hearing is discussed and set for August 14, 2012 at 7:30 p.m. T. Yasenchak states that we need to have the additional information no later than August 7th or we will hold the public hearing open to August 28, 2012. She reiterates that the applicant should look through the code and the requirements for what is supposed to be shown on the site plan. S. Thomas states, to review, they need to show handicap parking; a site plan to scale; review Article 11; they are not following the C buffer so they need to check with G. McKenna if they need to add that to the ZBA application; septic location and size. He states that sometimes that is easy to figure out and sometimes not. T. Yasenchak states that is S. Thomas' job. She states that we will check with G. McKenna about the buffer. T. Yasenchak reiterates that for CO, the applicant is going to have to prove to G. McKenna that that septic meets the requirements for educational use. S. Thomas asks if he can have an engineer do a flow test through the system. T. Yasenchak reiterates that the applicant has to prove to G. McKenna that the septic system as it is installed meets the requirements. It is not within the Planning Board's purview, but it may become the Planning Board's if the applicant has to make the system bigger. T. Yasenchak states that Article 9 talks about site plan review and that they should review that information. She states that if she has not said specifically that she wants to see something on the map, but it is in the code, it should be on the map. If there is a reason why they are not going to show it on the map, it should be good. S. Thomas questions that they can do a temporary sign. L. Dupouy asks if that can be accomplished by a banner. T. Yasenchak states that she will have to discuss that with G. McKenna and follow the process. S. Thomas states that they do not want this Board to feel that they are being disrespectful of this Board's authority, but they are trying to cram things in.

SARCOM LAND DEVELOPMENT

No one is present for this application. R. Rowland states that she put this case on the agenda in case they were coming back with any new information.

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G. DAVID EVANS – Lot Line Adjustment

Plank Road

David Evans, Scott and Anna Watson are present. T. Yasenchak reviews that at the last meeting D. Evans talked about the lot line adjustments he was requesting and having an easement that runs along the lot which is 40' wide with 250' along the road. D. Evans states that he is not applying for an easement; it is a 40' strip in fee title. T. Yasenchak states that it is being deeded to the lot in the back. The applicant had mentioned that it would be for a utility easement. D. Evans states that that is correct. T. Yasenchak states that she has notes from G. McKenna. The last time D. Evans was in he mentioned that the utility lines would be on poles and T. Yasenchak had asked about some wetlands and how that would cross. D. Evans states that it crosses a stream. T. Yasenchak states that if that is something that is going to be used for utilities in the future we need to address that. That is the only issue from an environmental standpoint so that the Planning Board is not backing DEC into a corner. She asks if D. Evans has thought about that at all. D. Evans states that he has an alternate route. He has applied to National Grid for power and that included two routes – one of which is along that 40' strip and another crosses lots 1 & 2. He states that in terms of disturbing that stream or wetlands, there is access to both sides of the stream without actually crossing it so the power cables would be considerably higher than the stream. T. Yasenchak states that the Town Code prohibits the use of power lines on poles, they are supposed to be buried. She reads from Section 90-15 regarding power lines being underground in accordance with the related laws of New York State in a given subdivision. D. Evans states that this is not for part of the subdivision, it is crossing the subdivision, and it is for an adjoining lot. In terms of the requirements of New York State, he understands that he is not required to go underground because the cost of going underground would be more than the cost of going overhead. Regarding his obligation to pay, there is a provision for National Grid, which would pay for the installation and he is awaiting a response from them. T. Yasenchak states that in reviewing, this piece of property is going to the lot in the back but that is not where the electrical is going, it is actually going to the lot on the side. D. Evans states that it is the 5.7 acre and 27 acre lots on the west. T. Yasenchak states that that strip is so that they can have power go to the 5.7-acre and the 27-acre lots. D. Evans confirms this. T. Yasenchak states that the strip is going to be owned by the lot in the back. D. Evans confirms this. T. Yasenchak asks the reason behind the 250-feet of frontage. D. Evans states that he would like to provide for the possibility that he or a future owner of lot 3 would be able to subdivide that 60-acre lot into two 30-acre lots. B. Duffney states that T. Yasenchak had just discussed going underground for a single residence. He asks if this is something that the applicant plans to have put in by National Grid above ground with poles. He states that when National Grid goes through a property to get to another property they have to get an easement from the landowners. He asks if this will be an easement for National Grid to run their poles and their lines to the next property. D. Evans states that that is one of his plans. Whether they accept that or not, he is unsure at this point. Another possibility would be instead of running a high voltage line they would run house voltages and be owned by a private owner versus the utility. T. Yasenchak states that if D. Evans is going to bring poles through, that may push him into needing a variance if they were all going to be on poles because this is not what our code says about electrical lines. T. Yasenchak questions that there is an easement across the 27-acre lot to the 5.75-acre lot. D. Evans states that there is an easement. SEQRA is not generally reviewed for lot line adjustments. T. Yasenchak states that we are looking at this as a lot line adjustment for the property in the back, for D. Evans stated use of a utility easement. He can use it for whatever he wants. She states that if this is to become a utility easement in the future, he must file all that easement language. The regulations regarding the electrical lines have been explained. The Board voting to approve this does not preclude any future decision on any future subdivision of the back lot and T. Yasenchak reiterates that this Planning Board cannot make an approval for another Board – next month or a year from now. S. Weeks states that he understands a utility easement, but it boggles his mind to think that the 250' along the road is necessary for a utility easement. He states that he has difficulty getting past that. He just does not think that 250' is required for a utility easement. D. Evans states that it is not. S. Weeks states that then the reason for the 250' is? D. Evans states it is to give additional frontage to lot #3. S. Weeks states that as long as that is clear on the record, rather than just a simple utility easement, then he states that it is very clear what we are voting on. T. Yasenchak states that we do not have to give a reason and she would be more comfortable not

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giving a reason and just stating that the applicant is asking for this strip of land to be added to lot #3. Once the Board states that the applicant wants to add that for extra frontage, then we are acknowledging that there may be someone who might come back later. Once we acknowledge that, we have to come back as a whole. Later if someone wants to subdivide that, then we look at that by saying yes you have frontage, but whether you can have a driveway and there is a stream to cross, so then you are getting into that. Right now there are already a lot of driveways that are all happening in that one area, so at that point we review all of that and D. Evans is aware that we may or may not ever approve another subdivision there. S. Weeks states that a 250' frontage doesn't necessarily mean that the 40' width will be a driveway. T. Yasenchak states that is correct. L. Dupouy states that that is what we keep going back and making sure is understood. She states that she was the first one to say that she wasn't comfortable with the 250', because it seemed that there was something that just wasn't right about it. Then after all the discussion, it really comes down to there are some odd shaped lots in this town. So if everybody is aware that the Planning Board approving this does not guarantee anything for the future, then fine the applicants' have themselves an odd shaped lot.

RESOLUTION – D. Evans, Lot Line Adjustment

MOTION: L. Dupouy

SECOND: S. Weeks

RESOLVED, that the Planning Board approves the application of G. David Evans for a lot line adjustment for property located at 371, 373 and 375 Plank Road, TM#123.-2-28.1; TM#123.-2-28.3 and TM#123.-2-28.2, per the map submitted.

Discussion takes place that this approval does not guarantee any future decision for any future subdivision on any related or adjacent parcels. The applicant has been made aware that he must also, for any development of utilities, meet the requirements of the Zoning law.

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

Noes: None

Absent: Siragusa, Streit

DISCUSSION

L. Dupouy states that she has been thinking of something and does not know what the process is. We had to stop having our Code Enforcer come to meetings because of budgetary constraints. She thinks that enough time has passed that she would like to know how the rest of the Board feels about having our Code Enforcement Officer back at least once a month for instances just like we have had recently instead of having to refer to notes, it would be great to have G. McKenna sitting here. She believes it would be worth his time and the Board's. She does not know what the process is but wanted to know how the Board feels about moving forward on that. S. Weeks states that he thinks that issues like that, and this is an issue with the Zoning Board also, having joint meetings periodically with the Zoning Board, the Planning Board and the Town Board would be beneficial, which we have suggested and other Towns do. He thinks that we should go on record as suggesting that that happen, because we do have issues that we would like to discuss. They go in the minutes, but that is not the same as sitting around a table having a discussion. L. Dupouy questions that we submit this to the Town Board or submit a letter. T. Yasenchak states that she could contact the Liaison. Discussion takes place regarding the Town Board agenda meetings and regular meetings. T. Yasenchak states that she will follow up on this and maybe we could, in looking ahead at projects, maybe ask G. McKenna to be present at those meetings. S. Weeks comments that G. McKenna does provide review notes to the Planning Board chair and asks if all Planning Board members could be provided a copy, as is done for the Zoning Board.

L. Dupouy states that depending on what the schedule is like this fall or winter, there were times this past year when there was nothing on the agenda. She is wondering if maybe, if it seems like it is getting less

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and less, if the Planning Board could just go to once a month for the winter months or off-season months. T. Yasenchak states that we could look at that. S. Weeks had also mentioned that a couple of months ago. T. Yasenchak states that we will have to think about that a little more, because when it is a month it is really far for people who have money tied up, with loans, etc., and they have to wait a month. L. Dupouy states that hopefully it won't be that slow again as the economy is improving, but if we find that it comes to a standstill. T. Yasenchak states that there would be a fine line of when we make that decision. R. Rowland states that there were no issues with how we handled it this winter and spring. When there isn't anything on the agenda, we just cancel the meeting. S. Weeks states that his challenge is that he blocks it out. R. Rowland states that she believes that the Planning Board used to meet once a month, but we would have to look at the code also. T. Yasenchak states that we might be able to look at that, maybe not look way ahead and cancel, but maybe look a little further ahead than a week.

L. Dupouy states another thing she has been thinking about is that she thinks that we have a very good Planning Board and very good people on the Zoning Board and the other Boards in Town. Sometimes instead of just being takers, she thinks we should be standard bearers and she would love for us to discuss hosting a training in the future. She does not always want to go to someone else's training because they are really boring. She states that the one she just went to had great information but it is the same thing – they throw the power point up there, you have the notes and read what someone else is pointing out on the screen. There are better ways to learn. She thinks that the areas that we have to offer information to other people about is the work we have done with the Fire Department on driveway safety, etc.; she thinks we would have a lot to offer with talking about wind power; also with the livestock/mixed use/hobby farming; another thing that people talk a lot about in this area is the underground aquifers and how that relates to everything. She states that there are students at several universities doing major projects on the aquifers right in this exact area in the Town of Greenfield. S. Weeks states that the biggest challenge with those big planning sessions is that there are so many people in the room that you don't really have much give and take, you don't have a chance to ask questions. L. Dupouy states that is why she is saying that if we could do it on a smaller scale. She states that she got more in a smaller group than she did in a massive group. S. Weeks states that some of these things should be done on line also. He states that this group should get together and do an on-line presentation. L. Dupouy states that the training she just went to had a fabulous program on all the fracking that is going on.

L. Dupouy asks if everyone would like to have a gathering at her home on September 8th. This will be discussed further.

Meeting adjourned 8:13 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary