

TOWN OF GREENFIELD

PLANNING BOARD

March 12, 2013

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, Michael Gyarmathy, Thomas Siragusa, and John Bokus, Alternate. Nathan Duffney, John Streit and Stan Weeks are absent. Charlie Baker, Town Engineer, is present.

MINUTES – February 12, 2013

MOTION: J. Bokus

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of February 12, 2013, as submitted.

VOTE: Ayes: Bokus, Gyarmathy, Siragusa, Yasenchak

Noes: None

Absent: Duffney, Streit, Weeks

PLANNING BOARD CASES

JOYCE RICHARDS – Minor Subdivision

Bockes Road

Steve Weingold, Joyce Richards' son-in-law, is present for this application. He explains that this is a 15.5-acre parcel of land equally split on either side of Bockes Road, creating a natural subdivision. They have chosen to do this subdivision so that if J. Richards decided to sell one piece or the other, she would not have to part with the whole property. T. Yasenchak states that the applicant was before the Board previously and has now presented a formal map. Public hearing was previously discussed and waived due to the natural subdivision. C. Baker states that his only comment is that there is no topo on the plans, but being a natural subdivision, and they are both 7 acres lots, he doesn't think that it is necessary. Board consensus is that this is a simple, straightforward project.

RESOLUTION – J. Richards, SEQRA

MOTION: T. Siragusa

SECOND: J. Bokus

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered "no" and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Joyce Richards for property located at 160 Bockes Road, TM#138.-1-84.

VOTE: Ayes: Bokus, Gyarmathy, Siragusa, Yasenchak

Noes: None

Absent: Duffney, Streit, Weeks

March 12, 2013

RESOLUTION – J. Richards, SEORA

MOTION: T. Siragusa

SECOND: J. Bokus

RESOLVED, that the Planning Board waives the public hearing and approves the request of Joyce Richards for a Minor Subdivision for property located at 160 Bockes Road, TM#138.-1-84, per the plans submitted.

VOTE: Ayes: Bokus, Gyarmathy, Siragusa, Yasenchak

Noes: None

Absent: Duffney, Streit, Weeks

T. Yasenchak explains to S. Weingold that they will be receiving a letter explaining the remaining process.

BLAKE BARRETT for AT&T – Site Plan Review

Wilton Road

No one is present for this application.

DISCUSSION

T. Yasenchak states that she wants to discuss the Stewart's Site Plan for Middle Grove Road. She states that there was a small area that required an easement for the drainage. We asked the applicant to provide an easement for that area. T. Yasenchak states that the applicant really did not get the Town a formal easement; anything that was written by an attorney or anything that gave any kind of meets and bounds on that easement or sizes. They only have an e-mail from the neighbor. She states that the applicant believes that the Board's intent was just that the easement was just so that they could access the property to correct the drainage. T. Siragusa asks if that meant temporary. T. Yasenchak states that we asked for a "temporary easement in writing for the grading from any neighbor that they may need in order to correctly install their drainage". That is how the approval reads. Stewart's doesn't believe that they need an easement written by an attorney with the legal meets and bounds, distances, etc. They believe that they can just give us a letter from the neighbor saying that they can access the property. T. Yasenchak states that that is not really what an easement is. She states that Stewart's believes that they have fulfilled their obligations because they have an e-mail from the owners. T. Yasenchak reads the e-mail from Chuck Marshall to Brian and Amy Wilcox, and their response. T. Yasenchak states that there are two things that come into question when they are filing for their building permit. (Stan Weeks arrives at 7:15 p.m.) C. Baker states that as he recalls, everything is shown on Stewart's property, but in order for them to construct it, they may have to temporarily have access to the neighbor's property. He thinks that there might be some confusion as to whether or not an easement is actually required for temporary work. He thinks that realistically what Stewart's is looking for is a temporary work easement from that neighbor to allow them to put the pipe in, do the grading and then get off the neighbor's property and restore it to the way it was. That does not require a permanent easement because they don't have anything on the neighbor's property. T. Yasenchak states that she believes, as C. Baker just said, that it was the Board's intent that it would be a temporary easement for access so that Stewart's can correctly install and fix the drainage. However, the extent is not shown on the plans so when G. McKenna looks at it from a building permit stand point, he looks at the Planning Board's approval and he says that he does not have any easement language that states what the limit of that temporary easement should be. G. McKenna has brought up the issue that we should probably have something in writing that states the extent of that, something that is possibly drawn up by an attorney, not necessarily a formal easement by a surveyor, but something that limits them so that we don't have any animosity – the neighbor

March 12, 2013

later saying that they were x number of feet on the property and they dug it all up. There should probably be something in that easement language that they need to restore it, rather than just a little note from the neighbors that says you may access. T. Yasenchak asks the Board members what was their understanding when we put that in the motion that the temporary easement should be in writing. M. Gyarmathy states that he was thinking that Stewart's would show us a drawing of how far they would go onto the neighbor's property and something formal, in writing, that they both signed and agreed to. Also, like stated, returning it back to it's natural state or whatever state it was in. He states that with all the neighbors here voicing their concerns, that it is very important. T. Siragusa concurs and states that it was access onto the neighbor's property, understanding what that access was and that it was temporary, and that it was going to be restored. S. Weeks states that he thinks that it is always good to have something like that in writing so that there is no misunderstanding down the road, he agrees. J. Bokus states that he agrees with everything stated and that there should also be a definite time frame. They may not know the exact time frame until the project is complete and then after that their access is over. T. Yasenchak states that is a very good point, how temporary is it? The other issue is that the neighbors' response saying that they were fine with the revised plans, they don't really note which plans those are. That is something that we are going to ask Stewart's for more clarification on and ask the neighbors for more clarification, to which plans are they agreeing? What is the date of the plans, etc? S. Weeks asks that that could also include the extent of the fencing and where it is going to stop. He states that they were to discuss it and come to an agreement. He assumes it should be on the plan what they agreed to. T. Yasenchak states that we have the plan showing that, however the e-mail from the neighbor does not say if that is the plan they are looking at. T. Siragusa asks that if we want a legal document would the second condition be moot. T. Yasenchak states that the second condition was a letter from the neighbor agreeing to the fencing. She states that we will be asking Stewart's for more detail. T. Yasenchak states that she will call Chuck Marshall, who has been calling her, and that G. McKenna should call Jennifer Howard, who has been calling the Building Department. As there are two people calling and there is confusion, we want to make sure that everyone knows what is going on and it is very clear.

Meeting adjourned 7:22 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary