

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**MARCH 30, 2010**

**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, Tonya Yasenchak, Nathan Duffney, Thomas Siragusa, John Streit and Michael Thraikill. Lorna Dupouy is absent. Charlie Baker, Town Engineer, is present.

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**MINUTES – March 9, 2010**

MOTION: T. Yasenchak

SECOND: M. Thraikill

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of March 9, 2010, with the following correction:

**KENNETH MERCHANT:** “B. Duffney states that in the photos that J. Fox showed the Board, they showed **six 10’ lengths**, which would be 60’.”

VOTE: Ayes: Dake, Yasenchak, Duffney, Siragusa, Streit, Thraikill

Absent: Dupouy

Noes: None

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**PLANNING BOARD CASES**

**DONNA REYNOLDS – Special Use Permit**

Barney Road

A public hearing is opened at 7:02 p.m. Donna Reynolds is present and explains that she has submitted a request for a Special Use Permit for a Home Occupation, Type 2. She is an occupational therapist and has received specialized training in Hippotherapy, which is using a horse as a training tool, as well as therapeutic horsemanship. Her property is located on Barney Road, 30.96 acres with livestock on the property presently. The current land use is agricultural, underdeveloped. There will be no increase in residents and perhaps be an increase in employees of 1 to 2, increase of volunteers 3 to 4, client and caregivers, maybe 3 to 6 at any one time. The proposed program is a horsemanship riding program. The only additional development to the property would be an outdoor riding arena of approximately  $\frac{3}{4}$  to 1 acre in size, which will be located next to adjacent existing livestock pastures. The only other structures would be a mounting ramp for clients in wheelchairs and as this is going to be seasonal, there will be a handicap accessible port-a-potty which will be rented for the riding season and then removed. Because of D. Reynolds’ status as an occupational therapist she is approved by the NYS DOH and last week she received her facility-based approval that was required. Anthony Barrone, states that he is present for Keith Avellino who is out of town. K. Avellino’s concern was if any of the riding would be taking place towards his property. D. Reynolds states that K. Avellino had his property logged and she allowed him a right-of-way. Mr. Reynolds states that they gave the loggers a right-of-way to come through. D. Reynolds states that due to liability because they are dealing with handicapped children, the riding will only be in the riding arena. There being no further public comments, this public hearing is closed at 7:05 p.m.

March 30, 2010

C. Baker states that he has no issues. M. Thrailkill states that since DOH has given approval, its fine. T. Yasenachak states that the Planning Board discussed this last time and DOH has stricter standards. She states that the applicant is doing something good for the community. B. Duffney states that he thinks it is an excellent project getting handicapped young people around animals. D. Reynolds states that she did extensive volunteer work at the ABC Therapy Center in East Berne and her program is modeled after that one. G. Dake states that SEQRA is not required. The Board standard that we are trying to take a look at is whether this will have an adverse effect on the neighborhood and there was nothing in the public comments that would suggest that there would be and by nature of the project, with agriculture being a principle permitted use in this zone, it would strike G. Dake that we should be fine. T. Yasenachak states that she has no concerns but as far as how the business can grow, she believes that the applicant addressed that last time as far as people have to be trained appropriately and so she is limited in her growth. G. Dake states that manure storage was discussed last time.

**RESOLUTION – D. Reynolds, Special Use Permit**

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of Donna Reynolds for a Special Use Permit for a Home Occupation, Type 2, for property located at 85 Barney Road, TM#149.-1-45 as per the application submitted.

VOTE: Ayes: Dake, Yasenachak, Duffney, Siragusa, Streit, Thrailkill

Absent: Dupouy

Noes: None

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**MELISSA DIGGINS – Minor Subdivision**

Allen Road

Melissa Diggins and Dave Barass, surveyor, are present. G. Dake states that, as previously stated, he and M. Diggins work for the same company but believes that he can be objective in his dealings. M. Thrailkill states that he is a neighbor and also he feels that he can be objective. D. Barass states that the applicant has 13.2 acres on which she is currently building a home and would like to subdivide off one 6-acre lot for which she has a potential buyer. He explains the location of the driveway along the westerly boundary and states that the eastern side of the property has a steep bank and drainage that runs through the low area. Everything complies with zoning. A public hearing is opened at 7:10 p.m. There being no public comment, this public hearing is closed at 7:11 p.m.

C. Baker states that as we had discussed at the last meeting, this is pretty straightforward, large lots, no concerns for the septic and the sight distance was also discussed. B. Duffney states that he sees no problems with this, he has walked the property. T. Siragusa asks again for the reason for the location of the driveway. D. Barass states that it is very low on the eastern side and then a steep bank. It is much more practical to have the driveway where it is located. M. Thrailkill asks where the driveway would be for the proposed lot. D. Barass states that the potential purchaser has not decided that but there is plenty of area on the north side. G. Dake states that G. McKenna has commented on the need for keyhole lot notes and asks how the Board feels about this since there is frontage on the other side. C. Baker states that he thinks that the keyhole note probably should be on the map since that driveway is going to be the primary access it should be capable of supporting an emergency vehicle. Mark Freitenberg states that the driveway has been used by concrete trucks already with no problems. G. Dake asks if the Board would like to see it added to the plans or are they content with what is there. B. Duffney states that technically it is not a keyhole. The Board is comfortable with it as is. SEQRA was completed at the last meeting.

March 30, 2010

**RESOLUTION – M. Diggins, Minor Subdivision**

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the 5-year rule and approves the application of Melissa Diggins for a minor subdivision for property located at 180 Allen Road, TM#111.-2-18.112, as per the map submitted.

VOTE: Ayes: Dake, Yasenchak, Duffney, Siragusa, Streit, Thraikill

Absent: Dupouy

Noes: None

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**G. DAVID EVANS – Site Plan Review**

Plank Road

G. David Evans is present and states that he is requesting that he be allowed to have a steeper driveway. G. Dake reviews that there are to be no lot line changes, that D. Evans is just looking for a change of pitch of the driveway. G. Dake reads from G. McKenna's notes stating that D. Evans is seeking a waiver from Section 105-143A. Section 90-26 would allow such a thing. G. McKenna's notes state that he does not remember a waiver being granted, however A. Stephens' subdivision on Greene Road has a shared driveway with an 18% grade; Old Stone Ridge, a proposed town road, with a maximum of 12% and the maximum town road grade is 10%; and on North Greenfield Road, J. McLagan had 4 lots with driveways in excess of 12%. So there is some precedence for this. C. Baker states that he did discuss this with G. McKenna and did pull out the plans for A. Stephens because he did remember that being a steep driveway. Very similar situation with a shared driveway, two lots on top of a hill. He states that he has no problem with the proposal of D. Evans going from 12% to 13%, most people are not even going to be able to notice that. But he would recommend that the applicant have a SWPPP in place, because there will be substantial disturbance. T. Yasenchak states that purely looking at what the code says and then the recommendation of the Town Engineer, because we do have stone that we deal with and substantial grades, she thinks that allowing an individual homeowner to be able to have a slight increase in their driveway would be acceptable, especially when C. Baker states that there is not that much of a difference. Because it is a private driveway and not a private road, she has no problem with that. T. Siragusa asks whether the path of the driveway was going to change. D. Evans indicates on the information he submitted. G. Dake states that he thinks T. Siragusa's question is, where it says proposed driveway, is that in the same location as the original map and just done at a different grade. D. Evans responds that it will be. B. Duffney questions that some of the material will be moved from the top to the bottom and whether that would create drop-offs on either side. D. Evans states that it is his plan to move some material from the top to the foot of the hill. C. Baker states that the first 100' should be at 3% grade. B. Duffney states that is the reason he was asking. His concern is for stopping at the bottom of the driveway. M. Thraikill asks what is the grade of Plank Road getting up to the top of the hill. D. Evans states that there is a long section of several hundred feet that is about 13% and sections within that that are steeper. G. Dake reiterates that it is State law that requires the SWPPP.

**RESOLUTION – G. David Evans, Site Plan Review**

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of G. David Evans for property located at 345 Plank Road, TM#123.-2-11, as follows:

- **The Board grants a waiver under Section 90-26 of the Subdivision regulations for the maximum grade of the driveway to be a 13% limit instead of the 12% limit as per his application.**

March 30, 2010

- **The applicant understands that a Stormwater Pollution Prevention Plan (SWPPP) must be in place prior to construction of said driveway.**

T. Yasenchak questions that, somewhere in the application, if we could have it stated that the other items for our driveway standards should be met. G. Dake asks if B. Duffney and J. Streit would be willing to add this to their motion. Both agree.

- **All other conditions of original approval, other than maximum grade of the driveway, must be met**

T. Yasenchak asks if there is any shared driveway language. G. Dake states that this was addressed at the time of the subdivision.

VOTE: Ayes: Dake, Yasenchak, Duffney, Siragusa, Streit, Thrailkill  
Absent: Dupouy  
Noes: None

D. Evans asks about the driveway exit angle onto Plank Road. G. Dake explains that the applicant will require a driveway permit from the Highway Department and then the driveway entrance location may be adjusted due to field conditions.

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**FREDERICK CALDWELL, III – Minor Subdivision**

Locust Grove Road

F. Caldwell, III is present and states that he would like to subdivide off a 6-acre lot from his father's property. G. Dake reviews that 2 lots would become 3. He reviews the map that G. McKenna has highlighted showing the property lines. C. Baker states that they are large enough lots, there should be no issues locating a house, well and septic. T. Yasenchak questions the location of the stream to the south and asks if we need to be concerned with the location of the house. C. Baker states that it wouldn't hurt to have the edge of the stream delineated. T. Siragusa questions the houses that are there and asks the applicant who lives there. F. Caldwell states that his dad lives in the big house and he lives in the cottage. His sister lives in the house on the lot to the south. G. Dake states that C. Baker has not had a chance to review the formal map so we want to make sure that he has the opportunity to do that. Since we have to wait for another meeting we will schedule a public hearing for April 13, 2010. The one concern raised is that the applicant go back and talk to the surveyor about a wetland delineation of the edge of the stream to make sure that there is actually a building envelope. G. Dake states that R. Rowland has indicated that G. McKenna was not concerned about the house to the south being too close to the property line since it is an existing house and existing property line. G. Dake reads from G. McKenna's notes that one keyhole lot is being created so we will have to have the keyhole lot notes on the plans and there might possibly be a sight distance issue. J. Streit states that it is a straight shot through there. B. Duffney states that the hill crests beyond the applicant's father's house. F. Caldwell states that they plan to use the existing log road as the driveway.

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**MATTHEW & KRISTY MILLER – Minor Subdivision**

Hovey Road

Matthew and Kristy Miller are present. K. Miller states that they are under contract with Michael Kinsella to purchase a 6-acre lot. They have DEC coming to the property on April 9, 2010, as there are some wetlands on the property. C. Baker states that this appears to be pretty straightforward, with a 6-acre lot. He would want to see the topo, any wetlands and look at the size of the building envelope. G. Dake reads from

March 30, 2010

G. McKenna's notes that he has no issues. B. Duffney states that he knows this piece of property, there are no major drop-offs, and he believes that the wetlands are towards the middle, there is a gradual slope and he sees no problems. M. Miller states that he has walked the property and it is more directly in the middle, but there is a map that has a portion that comes up close to the road. T. Yasenchak states that if there are wetlands, the applicant may want to have a deep hole test done to find out where the water table is, for their own sake. G. Dake states that there appear to be no issues regarding the concept, we are going to need to see a survey map showing the proposed subdivision and any surveyor who has been before this Board should have a pretty good idea of the notes we need on there. The topo and wetlands are going to be issues that the applicant is going to need to deal with and those sound like the only key issues. We will wait to have a public hearing after the DEC information is received. M. Miller asks if there are a certain number of perk tests that they should have done or that the Town requires. C. Baker states that it will really come down to what they find. The perk test is going to be driven by what is found in the deep hole.

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**MARK TETREAULT – Minor Subdivision**

Kircher Road

M. Tetreault is present and states that he has 23-plus acres from which he would like to subdivide one 6.24-acre lot. He states that the DEC has already been out and the property flagged. The wetlands are mostly on his property with a stream. C. Baker questions that the surveyor picked up the DEC flags. He states that it appears as though there is enough area there even with the 100' buffer. T. Yasenchak explains that the dashed line appears to be where the wetlands flagging was picked up and we need the 100' buffer line. C. Baker states that other than that he does not see any issues. G. Dake states that G. McKenna did not have anything objectionable in his comments. T. Yasenchak reiterates to add that 100' buffer so that we know that we have adequate space. G. Dake states that while it would be nice to see the line, he is not sure that it is a major issue. T. Yasenchak states that it is nice to have it on there for future buyers to understand where they can or cannot build. Public hearing is discussed. J. Streit asks if the applicant has spoken to the neighbors. M. Tetreault states that he has spoken to the neighbor to the east. He states that there is a stone wall and mature pine trees along the property line and there is not even sight from their house. A public hearing is set for April 13, 2010 and G. Dake states that since the Board does not have conceptual issues it is conceivable that the applicant could have approval if everything goes well with the public hearing. G. Dake asks if C. Baker wants to see a building envelope. C. Baker states that since the surveyor has to make a revision anyways, he may as well. G. Dake states that if they should add the building envelope with the setbacks.

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**KAREN HART – Special Use Permit**

Brandell Lane

Karen Hart is present and states that she would like to replace a 1985, 14 x 70 mobile home with a 2008, 16 x 80. G. Dake reads from G. McKenna's notes stating that this is allowed under Section 105-132, that the septic system must be verified by a PE and all current setbacks must conform. K. Hart states that they will be installing a new septic system because the engineer came out and would not pass the old one. A public hearing is required on special use permits and one is set for April 13, 2010. The applicant will be placed first on the agenda and if everything goes well the applicant should have an approval at that meeting.

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**ZBA REFERRAL**

**Gerald Magoolaghan, Area Variance** – The applicant is seeking a rear yard setback variance. No Planning Board issues.

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March 30, 2010

**CHRIS REVILLE**  
Middle Grove Road

Chris Reville is not on the agenda, he would like to combine two driveways on Middle Grove Road. C. Reville explains that there is currently an easement on his property for the driveway to go into the lot next door. He received a variance to build his garage and he has had Ted Serbalik out to look at the drives and he agrees with combining them, as the sight distance is limited. The placement of the new driveway would be between the current locations. G. Dake states that this is a County Road, so they will have to sign off on anything that happens here and probably at the time that these were subdivided the Town was very concerned with shared driveways and that is why we asked them to be separated. Now we would ask for them to be put together if they were before us for this project. C. Reville states that T. Serbalik told him to discuss this with the Town and then he would come back out, meet the surveyor and do this painlessly and in one shot. C. Baker states that the problem that the Town has is that, this Board has to approve something and in order to do that we have to have some kind of documentation that says it is ok. If the applicant can get a letter from T. Serbalik saying that he is satisfied with the driveways being in one location, that would certainly be enough for C. Baker. If the applicant cannot get that from T. Serbalik, then C. Baker would recommend that the applicant have an engineer take a look at it and write an evaluation so that the Board has something to react to. G. Dake suggests that the applicant get a letter from T. Serbalik or hire a traffic engineer to say that the proposed location is a safer spot. J. Streit questions that if this were a Town road we would have the power to make the judgment, but since it is a County Road, we have to have them determine. G. Dake states that if this were a Town road we would definitely be asking for a letter from a traffic engineer telling us this is safe to protect the Town from litigation. Because it is a County road, if the County says this is fine with them, they are now on the hook. R. Rowland asks how we are going to handle this as far as paperwork is concerned. G. Dake states that we will have to have a Site Plan review application to amend an existing site plan. Most of the work is in the County right-of-way. If this were a subdivision, we would be asking to see the language on a shared driveway. B. Duffney asks if both of the properties are C. Reville's. C. Reville states that they are, one is in his name and one in his wife's name. The applicant has the County language for shared driveways.

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Meeting adjourned 8:03 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland