

**TOWN OF GREENFIELD
PLANNING BOARD**

March 8, 2016

REGULAR MEETING

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

MINUTES – February 23, 2016

MOTION: B. Duffney

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of February 23, 2016, as submitted.

VOTE: Ayes: Duffney, Gyarmathy, Roeckle, Streit, Weeks,
Noes: None
Absent: Bokus, Siragusa
Abstain: Yasenchak

PLANNING BOARD CASE

INTEGRATED STAFFING – Site Plan Review

Maple Avenue

Peter and Dhianna Yezzi and Kevin Hastings, engineer, are present. T. Yasenchak states that the applicant was granted area variances on March 1st and reads from the ZBA minutes. K. Hastings reviews that the applicants are here for a site plan review for a change of use from a residential property to a small office with onsite parking and onsite improvements as the septic system has failed. There will be a planting buffer in front along Maple Avenue with a free standing, non-illuminated sign. There will be some plantings along the existing driveway. The ZBA was comfortable with some aesthetic improvements along the driveway in lieu of the buffer. P. Yezzi states that there is a white picket fence in the front which they will be removing. B. Duffney states that at the last meeting he had asked about the neighboring wells. There was one that they were not sure of. K. Hastings states that they took a second look and in the south neighbor's yard there is no visible well cap or casing. As was pointed out at the last meeting, perhaps the wells are in the basements of the homes as they are older homes along Route 9. During their proposed site work for the septic system, they will do an additional field survey at the time that those drawings are completed and presented for building permit. T. Yasenchak asks if there has been discussion about a buffer behind the parking area and the house to the rear. P. Yezzi states that he can take that white picket fence and move it to the rear along with some plantings. The fence is believed to be 54".

A public hearing is opened at 7:08 p.m. Michael and Tara Martin, Maple Avenue, are present and states that their main concern would be the buffer as just discussed and that the driveway not be tied up. D. Yezzi explains that they have 4 people coming in for interviews – 2 in the morning and 2 in the afternoon – so there will not be a huge amount of traffic. M. Martin states that they will be great with the fence and some plantings along the back. There being no further public comments, this public hearing is closed at 7:10 p.m.

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C. Baker states that he is satisfied with the engineering. T. Yasenchak questions the width of the existing driveway. C. Baker states that it should be fine the way it is for the amount of traffic that they are planning to have at this location. T. Yasenchak reads from the code regarding the buffer. P. Yezzi reiterates that they will plant shrubs along with the fence to the rear.

RESOLUTION – Integrated Staffing, Site Plan Review

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board approves the application of Integrated Staffing for a Site Plan Review for property located at 463 Maple Avenue, TM#153.13-1-28.1, contingent upon:

- **The site plan being amended to depict the fence as the required buffer along the rear 60’ property line along with the discussed landscaping**

VOTE: Ayes: Yasenchak, Duffney, Gyarmathy, Roeckle, Streit, Weeks

Noes: None

Absent: Bokus, Siragusa

JOHN JORDAN – Minor Subdivision

Middle Grove Road

Laura Wilday, J. Jordan’s daughter, and Richard Kline are present for the application. T. Yasenchak reviews that the applicant is proposing 2 new building sites. L. Wilday explains that since she created the map she has met with the Saratoga County Department of Public Works to determine the appropriate sight distance needed to add two driveways to the two new parcels of land. They are marked and there is sufficient sight distance for both parcels. Ideally they are looking to take the middle lot and start building on it as soon as possible with the third lot to be determined by her parents at a later point. She states that they are just in the preliminary stages to get approval to subdivide and have the surveyor come out to get the exact measurements. This was just based on their estimates. T. Yasenchak explains that the Board cannot give too much approval but they can say whether they feel it is an appropriate application until they see the exact lot lines and the exact driveway locations as well as having an engineer actually approve that the sight distances are met. C. Baker states that we do have a letter from the County. L. Wilday refers to the letter from James Clark, Engineering Technician, stating that the applicant does have approval for sight distance. G. McKenna suggested waiting for the official survey until after meeting with the Board and L. Wilday states that she does have someone lined up for this week. T. Yasenchak states that the driveways should be shown as J. Clark has marked them out. L. Wilday states that each lot would be over 2 acres with well beyond the 150’ frontage required by zoning. C. Baker states he reviewed the soils maps and this looks pretty straightforward. The Board consensus is to wait for the survey before setting a public hearing. T. Yasenchak states that there is a list of the items required on the survey map in the Code.

ZBA REFERRALS

G. David Evans – T. Yasenchak states that this application is for area variances along Plank Road. The last time we saw Mr. Evans and gave him his approvals, he had several lots that all had frontage but some of them had shared driveways because the location of the frontage did not necessarily allow for a driveway at that location. The applicant is now inferring this makes it difficult to sell, marketability. According to his attorney who says that their “motivation is to come up with a cleaner, neater presentation of the lots to enhance the marketability because right now what they have is something that is kind of chopped up.” T. Yasenchak states that first of all, in the application for the variances, the attorney notes ‘shared roadways’ and T. Yasenchak would like to note that they are not shared roadways, they are driveways. The applicant

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had his engineer look at them and stated that they are pre-existing, but acceptable for shared driveways, they are not roadways. T. Yasenchak states that she is concerned because this also adds to additional easements that are required, because now these shared driveways have to cross other people's property and now create more easements. Although maybe visually the lot looks cleaner, legally it becomes more complicated, and this is a question for Mr. Schachner. She feels it is more complicated because now we have added another person into the mix who has to hold an easement for two or three other people to drive across. Also, one of the items that Mr. Engel has stated is that not only are "these oddly shaped lots are simply not attractive, people tend to look at these lots and say that they are buying real estate that has no real use and doesn't feel like it is a part of their own." T. Yasenchak states that she takes strong exception to that because it would be their own and it would feel like it is theirs and have a real use because that would be their driveway. She feels that it would be a hardship and she does not see why anyone would impose someone else paying taxes on land for someone else to drive across. She takes a very strong exception to that. If you're driving and using that land, then that should be part of your lot that you pay taxes on whether it looks odd or not. Board concurs. She reiterates that she takes a strong exception because if you are using it as your driveway, it has a use and you should be paying for it as such and not have that imposition on someone else. Then if it is on their lot, they are paying taxes for it and they can't use it because someone else is driving on it. Also, Mr. Engel has stated that ultimately these are lot line adjustments and not all lot line adjustments necessarily require going back to the Planning Board. That is wrong, that is not a true statement. All lot line adjustments need to come back to the Planning Board. There are exceptions when sometimes if it is a simple lot line adjustment, the Board has allowed the Chair to sign off on those. If it is a simple lot line adjustment that does not change lots, maybe it is making a lot better, we have skipped the Planning Board and we have done it administratively. However, T. Yasenchak feels that the extent of these variances and the number of lot line adjustments that are happening all within this previously approved subdivision would require it to come back to the Planning Board. R. Roeckle states that this would be an amendment to a subdivision which requires coming back. Board concurs. T. Yasenchak states that she is concerned about the safety issues that were raised by Denise Eskoff at the ZBA meeting. D. Eskoff stated that "because these are not approved roads or do not meet the standards of proper roads for this subdivision, or there are issues with them and there were before, basically we are looking at safety issues for fire trucks, etc." This has been sent to the Town Board previously. T. Yasenchak states that another issue that she feels is important for the ZBA to look at is the safety issues. We have strict requirements for Mr. Evans to adhere to for safety, for turnarounds at certain distances, pull offs, etc. The pull offs fit within the width of the property and T. Yasenchak states that having those pull offs, again, as additional easements on someone else's property again causes an undue hardship on those people, not the people who are reaping the benefit of the driveway. Board concurs. B. Duffney questions that D. Evans wanted to put 3 and 4 houses on a shared driveway. T. Yasenchak states that the Planning Board did give the applicant subdivision approval and there are in some cases up to 3, which was the most. B. Duffney questions that the applicant wanted to put in more shared driveways and the Planning Board would not allow it. Now the shared driveways are a hindrance, eyesore, etc. to the development? B. Duffney states that the applicant is the one who requested them. The Planning Board put a lot of time into reviewing the shared driveways that the applicant wanted. T. Yasenchak states that a land owner does have the option of changing his mind and coming back. B. Duffney reiterates T. Yasenchak's concern regarding paying taxes and states that he agrees 100%. T. Yasenchak states that Mr. Engel stated "They are seeking, by their application, to simplify the layout, get away from the compulsion to abide by the keyhole lot requirement and resolve this by seeking a variance so that the majority of the lots would be accessed by roadways or driveways, which would be under a shared driveway agreement." T. Yasenchak states that to B. Duffney's point, we do have keyhole lot requirements and frontage requirements, but as far as the "compulsion" – this was approved after much discussion to meet the requirements but requested by Mr. Evans. It was not the Town who necessarily made him do it the way it was done. S. Weeks states that he would agree with the comments of the Chair. R. Roeckle states that he believes that State statute says that a property is supposed to have a physical access to a roadway. C. Baker states that what the applicant is looking to do right now is get rid of the keyholes. Keyholes are his frontage. If he gets rid of the keyholes, he has no frontage, so if the ZBA were to decide to allow this, you are going back about 20 years in the Town of Greenfield and allow something that we tried to avoid years ago. It is a bad road to

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go down. T. Yasenchak states that the zoning law is there to meet State requirements of having road access. C. Baker states that the applicant spent a ton of money building those driveways and now he wants to call them roads, town roads, which they are not town roads, they would not meet town specs. C. Baker states that he has had this discussion with D. Evans; the Planning Board had the discussion with him; he has met with him out in the field with W. Barss and it just does not get through to him. J. Streit asks if the applicant is saying that all the work that he has put into designing this has made these lots unsaleable. C. Baker concurs. J. Streit states that the Chair has done her homework on this and come up with some valid points. He questions that it is the Chair's understanding that each and every point she brought up is to be addressed by the Town Attorney and if so, he suggests putting off discussion of this until the Town Attorney has had a chance to rule. T. Yasenchak states that the Town Attorney is to be contacted and we can request that he address the Planning Board concerns. T. Yasenchak states that this is our referral, it won't really come back to us and the ZBA is asking for our discussion now. Once the ZBA gets the attorney's comments it will be in their court. It won't come back to the Planning Board for another referral. T. Yasenchak states that the Planning Board cannot table a referral, but if the Town Attorney replies before the next Planning Board meeting, perhaps we could ask for additional referral. R. Roeckle asks if there is a time limit within which the Planning Board has to reply to the ZBA. R. Rowland states that in addition to sending the ZBA minutes to M. Schachner with the request for review, she will include the Planning Board's comments. C. Baker states that everyone has made some very good comments. We are certainly giving the ZBA plenty of input. R. Rowland states that the ZBA made it clear to the applicant and his attorney that if there was no response from the Town Attorney prior to the April 5th meeting, the public hearing and the case would be postponed. R. Rowland states that she believes that this will have to go to the Town Board for an open development approval prior to the ZBA taking action. C. Baker states that he does not know how the ZBA can possibly grant a variance from frontage. T. Yasenchak states that because it has already been granted, there are no physical requirements that would minimize him being able to have frontage. C. Baker states that the applicant has demonstrated that he's got it. T. Yasenchak states that the applicant has demonstrated all the ways that can make it work, so there is no reason or argument left out there to say that it doesn't work just because of marketability. That has been proven over and over again in zoning law that that is not a reason for a zoning variance. R. Roeckle questions that they can get a building permit for a lot that has no frontage. R. Rowland states if one gets the area variance. R. Roeckle states that an area variance has nothing to do with the NYS Fire Prevention and Building Code. If the Building Code says you need access to the street, and depending on how that is worded in the code, you may not, even with a variance, get access or a permit. R. Rowland states that usually people have an easement or a right-of-way, with no frontage; request the area variance; the open development approval and then if the ZBA grants the variance, then the applicant can get a building permit. R. Roeckle states that he will check the State law. T. Yasenchak reiterates that the Planning Board can request the ability to have a second discussion after the Town Attorney responds. M. Gyarmathy questions that the Planning Board can say simply that because this is a major subdivision and the applicant has an excess amount of variances that he is requesting, that he has to go through the process again? T. Yasenchak states that he has subdivision approval. C. Baker states that it is a filed subdivision. T. Yasenchak states that all the lots are legal and we can't take that away from him. M. Gyarmathy questions that we can let him amend them at this point? R. Roeckle and T. Yasenchak state that we do not have to let him. T. Yasenchak states that it is D. Evans choice as a property owner, just like anyone else, at any time; they have the right to apply for an amendment to their subdivision or lot line adjustment, etc. M. Gyarmathy states that he agrees with C. Baker's synopsis of this because it seems like the applicant just wants to throw away our zoning code and make his own rules. R. Roeckle states that he is requesting the ZBA make such a huge change; this should be a zoning change. He can go to the Town Board and ask them. C. Baker states that if the Board remembers, when the applicant first came in here, years ago, he was trying to subdivide that property using his private driveways as his roads. We pointed out all the reasons why he couldn't do that and that is where we got to the keyhole lots, the arrangements, etc.

Theresa Barchuk – T. Yasenchak reviews that this is for an area variance for Locust Grove Road for the applicant to build a garage. No Planning Board issues.

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Matthew Jason – Stephen Hodges is the contractor. T. Yasenchak states that she designed this house but is no longer under any contractual obligations. The contractor has put in the foundation and found that it is lacking the correct front setback. No Planning Board issues.

Meeting adjourned 7:47 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary