

**TOWN OF GREENFIELD
PLANNING BOARD**

May 12, 2015

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, Thomas Siragusa, John Streit, Stan Weeks, and Robert Roeckle, Alternate. John Bokus, and Charlie Baker, Town Engineer are absent.

MINUTES – April 28, 2015

MOTION: B. Duffney

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of April 28, 2015, as submitted.

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

Noes: None

Absent: Bokus

Abstain: Weeks

PLANNING BOARD CASES

ROBERT BACIGALUPO – Site Plan Review/Special Use Permit

NYS Route 9N, Case # 509

Robert Bacigalupo and Michael Toohey, Attorney, are present. T. Yasenchak reviews that this is a Special Use Permit that was approved as renewable a year ago and the applicant is here seeking final approval. At the last meeting, the applicant's attorney did address all of the issues and explained how the applicant has met the contingencies that we asked for. A public hearing is required in our Code for Special Use Permits. M. Toohey states that they were here for the last meeting and the applicant was here a year ago for B. Bacigalupo to show the Board that he could do exactly what they wanted him to do with regard to the facility that he has on his property with his home. M. Toohey passes out the logs for the applicant's three major trucks, which were discussed at the last meeting. He states that he had the applicant start keeping these logs and what they do is show when the vehicles were started, when they came out and went back in. The purpose of that is that the Board gave him a very specific time criterion for the operation of those vehicles on the property. M. Toohey states that he has extra copies of the map he handed out last time. What they did with those was to go thru the criterion that the Board set up for the use and utilization of this property during the course of the year. Part of it had to do with the construction of the very long, 10' fence between the applicant's property and the neighbor to the north. The purpose of that was to shield them from the light and noise, and to try to give the two neighbors separation so that whatever tensions may or may not exist between them would be addressed. There are letters and numbers on the map and they correspond to the photos. The numbers show the location before B. Bacigalupo put in his fence and the letters show the same locations with the fence. The fence was to be installed within 60 days and it was according to G. McKenna. B. Bacigalupo was so concerned about this that if you look at the left hand side, the westerly end of the fence, he also put a 5' earthen berm in there so as to make sure that there was nothing that was bleeding around the fence to interfere with the neighbor to the north. The applicant has altered the lights on the property so that they are now down-shining and only activated by motion. M. Toohey states that the

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applicant has also done something, that as a lawyer he is not particularly happy with, but the applicant was so concerned about what was going on with the Town that he has installed toggle switches on the major trucks so that when they are on the property they can switch the backup beeper off. That is a very dangerous thing for him to do, but he has been so concerned about the outcome of this particular hearing, that he was willing to do that. M. Toohey states that he believes that the applicant has accomplished everything that this Board set out for him to do. One of the things was to invite the Board on to the property, and he knows that some Board members have been there as recently as this week. This is the best looking truck operation he has seen in his entire life probably because of B. Bacigalupo's nature and also because he and his family live on the property with his two small children. This is a family business in every sense of the word. M. Toohey states that they think that they have achieved the Board's goals. The applicant has worked very hard at it and they are asking that the renewable nature of the permit that was given to him last year be taken away and that he be given a final approval for the use and utilization of this site for the purpose that he originally applied for.

A public hearing is opened at 7:07 p.m. Matthew Juk, Route 9N, states that he was here a year ago and has about the same thing to say tonight. If we want a successful community, we are going to have successful neighbors and successful people together. The noise has never been a problem, the lights have never been a problem, and he didn't even notice that the trucks had stopped beeping so obviously that was never a problem either. The applicant is a great neighbor, a great guy and he has no problem with anything that the applicant is doing. There being no further public comments, this public hearing is closed at 7:09 p.m.

T. Yasenchak states that she believes that the Board has enough information to take action and asks if there are any comments or questions. B. Duffney states that the logs that B. Bacigalupo has provided indicate that with a construction business you have to leave early and sometimes come back late – that is the nature of the business. The applicant has done what was asked of him regarding the direction of traffic and everything else, but as M. Toohey said, B. Bacigalupo has put toggle switches on the backup alarms and he can be thrown off a job site if one of his drivers forgets to turn that toggle switch back on. Not just one truck, they can throw off all his trucks especially if it is State/Federal funded. B. Duffney states that he would like to see, as M. Toohey stated, to have the applicant's reverse alarms hardwired back in. T. Yasenchak states that we definitely appreciate the applicant doing that but it is not something that we required as part of the contingencies. She personally thinks that the applicant went above and beyond everything that was asked of him to suppress the noise and we cannot take action on anything that would require an applicant to do something that would not be legal or that could have a potential hazard or harm for someone else. That is the applicant's decision, but that is not something that is at the Board's discretion to ask the applicant to turn them off. B. Duffney states that here we have another young man in our Town who is raising his family on the property and he is happy to see young people like B. Bacigalupo, and J. Davis, who is also present, make their roots in this Town. S. Weeks states that he drove into the property today and he thought that it looked terrific. They have really done a nice job. T. Siragusa agrees that the applicant has done a great job, did what he said he was going to do in a timely manner, keeps a nice property, we haven't had any complaints and that speaks for a lot. He is personally more than satisfied with the outcome. M. Gyarmathy states that he agrees with everyone else. B. Bacigalupo did a great job and went above and beyond what was asked and his property is kept extremely well. Most importantly he is a good neighbor and he thinks he is doing great. J. Streit states that when this case was originally brought to us last year, it was a case of someone being a bad neighbor and he thinks that that case has been more than adequately proven that there has been a very bad neighbor but it hasn't been B. Bacigalupo. He hopes that the fence and the trees that were planted serve the applicant as well as the person to the north. He would add his voice to B. Duffney's that the applicant switch those toggle switches back as fast as he can, because an inadvertent mistake could be made that would be costly that the applicant does not deserve. R. Roeckle states that he does not have any additional comments, he agrees with those that have been made.

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RESOLUTION – R. Bacigalupo, Special Use Permit

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board grants a Permanent Special Use Permit to Robert Bacigalupo for a Contractor’s Storage Yard, Large for property located at 4180 NYS Route 9N, TM#112.-1-82 in accordance with the previously approved site plan.

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

ZBA REFERRALS

John Guay, Area Variance – T. Yasenchak reviews that this is a request for an acreage variance for an in-law apartment and they have significantly less than is required. No Planning Board issues.

David Gates, Area Variance - T. Yasenchak reviews that the applicant is requesting a rear yard variance to construct a new home. He has chosen a level area that is best suited for the house as well as the driveway access. No Planning Board issues.

DISCUSSION

B. Duffney questions if there is anything stating that driveways should meet the standards of the Town Roads at the time of building permits. T. Yasenchak states that is part of the permit process. R. Rowland explains that a driveway permit is a requirement for a new driveway and that is handled thru W. Barss. B. Duffney states that he and Dan Cochran met last night with a couple of the firemen, one of the commissioners and a firefighter about the markers, pull-offs, etc. He asks if there is anything in our code now about pull-offs on a driveway over 250’. T. Yasenchak states that she does not believe that we have something in our code, but there might be something with the State – she is unsure. B. Duffney states that they discussed the turn radius and driveway widths. They are working on getting that all together. The issue of long, shared driveways and how many lots could share a driveway were discussed. He states it is looking like maybe 3 maximum. T. Yasenchak states that we don’t have a maximum in our code, but that is definitely something that could be brought up to the committee as well as the Town. B. Duffney states that the main thing there was to see how we wanted to have the markers set up, if it starts from the road, how to mark them, etc. The fire department is also having trouble finding house numbers and it was asked if there was something that could be done with our zoning. T. Yasenchak states that there is a State mandate that you have to have a number that is clearly visible. R. Roeckle states that they do not give you dimensions, etc. T. Yasenchak states maybe it is on the building but not necessarily on the driveway. M. Gyarmathy states that the only thing G. McKenna looks for is the number on the mailbox. B. Duffney states that Mike also had dimensions for pull offs, 12’ wide by 45’ long. M. Gyarmathy asks if the firemen think that the Town needs driveway standards, how they are constructed, etc. B. Duffney states that the only thing that Mike stated was to have a 35’ radius at the end, the standard for the firetruck companies is 36’, with the actual width of the end of the driveway, driving width, they want 20’. If you have a little culvert at the bottom, it is not going to be that wide vs. if you have a 4’ deep ditch at the end of your driveway, they are going to have to make the culvert a lot wider to have a 20’ driving width at the end. R. Roeckle asks if that would be for all driveways or just the super long ones. B. Duffney states all driveways. R. Roeckle states that if you do that in a subdivision, you are not going to have a front yard. A 35’ radius is huge. B. Duffney states that in a subdivision, the houses aren’t 250’ back. R. Roeckle states that is why he asked if it was a driveway standard for distance, anything over 200’. B. Duffney states anything over 250’ will have to have

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that. R. Roeckle asks about any structures that people build near their driveways – fences, stone walls, stone pillars, etc. – where do those have to be. B. Duffney states that he will find out. T. Yasenchak states that we asked them for things that will make it safe, but they are not the ones voting on our zoning. She states that she would be hesitant because some of this seems a little excessive, especially at the entrance. R. Roeckle states that they can vote on recommendations to the Town and that 35' is a huge radius, you don't get that at some intersections. R. Rowland states that on a practical note – not everyone is going to be able to afford to do that. T. Yasenchak states that is correct. R. Rowland states that even in a subdivision, they are not necessarily \$1-million homes that these people can do these things with thought. B. Duffney states that the radius is the whole road.

S. Weeks asks if we know anything about the tremendous amount of clearing on Daniels and whether that is being addressed in any way. R. Rowland states that Rocky Daniels has been issued violations, has been in court, has been fined, DEC was supposed to be doing something and they haven't. T. Yasenchak states that there are lots of rumors about what will be proposed there. T. Yasenchak states that it is disappointing because she felt that DEC and the Town, especially DEC, will fine a smaller individual for doing something in their yard and then here is this large infraction and they are not doing anything or there seems to be no bite to what they are doing. R. Rowland states that G. McKenna has stated to anyone who has asked or complained, to please call DEC. S. Weeks states that it is kind of outrageous. We get tough on some applicants and then we see something happening and there is no control whatsoever.

S. Weeks states that there does not appear to be any tree planting taking place at Old Stone Ridge. T. Yasenchak concurs and states that the Town still does not have the letter of credit/bond, etc. R. Rowland confirms that the contingencies have not been met. J. Streit questions that building permits will be issued if the trees are not planted. R. Rowland states that G. McKenna has stated that no building permits will be issued until the contingencies are met. T. Yasenchak states that Mandy's Spring Nursery is a very good contractor, but it has to do with the person hiring him, giving him the go ahead and finishing the contingencies.

Meeting adjourned 7:31 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary