

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**November 27, 2012**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:21 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy and Thomas Siragusa. Lorna Dupouy, John Streit, Stan Weeks and John Bokus, Alternate, are absent. Charlie Baker, Town Engineer, is present.

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**MINUTES – November 13, 2012**

As a page was missing from the minutes, the November 13, 2012 minutes will be reviewed at the next meeting.

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**PLANNING BOARD CASES**

**GREENFIELD FIRE DISTRICT**

So. Greenfield Road

Shows Leary is present. T. Yasenchak reopens the public hearing at 7:23 p.m. which was adjourned because we were waiting for County Planning Board review. That has been received stating that there is no significant county wide or intercommunity impact. There being no further public comment, this public hearing is closed at 7:24 p.m.

T. Yasenchak states that the applicant has provided all information asked for and C. Baker has no additional comments. T. Yasenchak asks if the issue with the non-transient water supply has been resolved. S. Leary states that he has not been able to get a return phone call from either of the two contacts he has. He provides a copy of a letter he sent them, registered and certified. C. Baker states that a septic design will be required for the building permit process.

**RESOLUTION – Greenfield Fire District - SEQRA**

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board reviews the SEQRA and resolves to check the second box indicating that the proposed action will not result in any significant adverse environmental impacts for the Site Plan Review for the Greenfield Fire District for property located at 13 South Greenfield Road, TM#138.-1-17.2

VOTE: Ayes: Duffney, Gyarmathy, Siragusa, Yasenchak

Noes: None

Absent: Dupouy, Streit, Weeks

**RESOLUTION – Greenfield Fire District**

MOTION: B. Duffney

SECOND: T. Siragusa

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RESOLVED, that the Planning Board grants a Site Plan Review to the Town of Greenfield Fire District to build an office building, for district use, on property located at 13 South Greenfield Road, TM#138.-1-17.2, per the site plan submitted.

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

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**SANDRA KILMER**

Lake Desolation Road

David Barass, Surveyor, is present for the application. T. Yasenchak reopens the public hearing at 7:29 p.m. which was adjourned because we were waiting for County Planning Board review. The County commented that DPW curb cut permits will be required for these building lots. There being no further public comments, this public hearing is closed at 7:30 p.m.

**RESOLUTION – S. Kilmer – SEQRA**

MOTION: T. Siragusa

SECOND: B. Duffney

RESOLVED, that the Planning Board reviews the SEQRA and resolves to check the second box indicating that the proposed action will not result in any significant adverse environmental impacts for the Minor Subdivision for Sandra Kilmer for property located at 55 Lake Desolation Road, TM#149.-2-27.

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

**RESOLUTION – S. Kilmer**

MOTION: T. Siragusa

SECOND: B. Duffney

RESOLVED, that the Planning Board grants a minor subdivision to Sandra Kilmer, for property located at 55 Lake Desolation Road, TM#149.-2-27, per the map submitted.

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

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**PETER & ALICIA BEVAN – Minor Subdivision**

Allen Road

No one is present for this application

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**JOYCE RICHARDS – Minor Subdivision**

Bockes Road

Joyce Richards and Steven Weingold, son-in-law, are present for the application. S. Weingold explains that the applicant would like to subdivide a 15.51-acre parcel of land, which is naturally subdivided by Bockes Road, so that if she feels that she would like to sell a portion of the property she could do that. T. Yasenchak states that this is typically a very straightforward type of application when we have a natural

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subdivision that happens because of a road. She states that she has no questions and that the Board would need the proper survey with notes. Board has no concerns. These are large parcels, they already appear to be two lots and there is plenty of acreage. C. Baker states that this is a straightforward, natural subdivision. Public hearing is discussed.

**RESOLUTION – J. Richards – Public Hearing**

MOTION: B. Duffney

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the public hearing for the application of Joyce Richards for a minor subdivision for property located at 160 Bockes Road, TM#138.-1-84, as this is a natural subdivision of land divided by Bockes Road.

VOTE: Ayes: Duffney, Gyarmathy, Siragusa, Yasenchak

Noes: None

Absent: Dupouy, Streit, Weeks

T. Yasenchak states that the applicant should have a surveyor put together a site plan for the subdivision and this will be put back on an agenda.

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**CASEY CORNELL – Minor Subdivision**

South Greenfield Road

Casey Cornell and Jim Vianna, Surveyor, are present. T. Yasenchak reads from G. McKenna's notes that this property was part of a natural subdivision on April 13, 2010. At that time there were to be no further subdivisions within 5 years. That requirement was repealed by the Town Board in 2011. Past practice was to waive the 5-year rule in the case of natural subdivisions and G. McKenna states that he sees no reason to change that practice. J. Vianna states that, as mentioned, this was a two lot natural subdivision two years ago where the land was split by South Greenfield Road. Since that time C. Cornell has purchased the north side, which is zoned MDR2, 3-acre lots. They are proposing one 3-acre lot (lot 1A) around the existing house and then two 5 3/4 acre lots to the rear. There was not enough road frontage to do this plan so they have a verbal agreement with the adjoining property owner to the west to purchase a piece that is 37' wide to make 200' of frontage for the 3-acre lot. The two keyhole lots would have approximately 45' of width, which he believes is in compliance with Section 105-137 of the Town Code. He states that behind the existing residence there is a pretty substantial pine row that acts as a natural buffer to what they are proposing in the rear. The land is generally flat until they get to the back of the pines and then there is a gentle slope down. There is an area of NYS DEC regulated wetlands. The wetlands were flagged by DEC and that is on the plans. He states that he sent a wetlands map to DEC to be signed off on and in today's mail he received a response and signed map. He provides a copy for the Board. J. Vianna states that he did forget to put one of the standard notes on the plans for driveways over 500' and he will add that. He states that the total area of the subdivision without the lot line adjustment is about 14.25 acres and with the 3/10 acre from the adjoining property it will put the total at 14.5 acres. M. Gyarmathy states that he believes that the sight distance is good in this area; he sees no problem with that. He is a little concerned with the area on lot 1B as far as the house site is concerned. It seems to be a little close to the buffer. T. Siragusa states that he thinks that all Board members will have that concern with the small building footprint there for a house and septic. He states that the use of 2 keyhole lots is something to think about. It is not right or wrong, just something to think about whether there are alternatives or not. B. Duffney agrees regarding the sight distance. He asks C. Baker if you cannot build within the 100' setback from the wetlands and whether or not you can put a septic system in there. C. Baker states that typically that area is a non-disturbance area. B. Duffney states that would be a little tough to build in and asks if there are any ways to work with that. J. Vianna states that the plan here is that they won't have to get into the adjacent area. That is a permitted area, if you are permitted by DEC you can put a house or septic in there, but they are not planning to do that. He states that the area in

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there between the 50' setbacks is a little bigger than you think because the septic leach field can be within 10' of the property line and a well can be within 15' per DOH. He states that the setback lines only pertain to the building itself, not the ancillary supporting features. He believes that there would be no problem situating it all in there. B. Duffney states that makes more sense. He states that this looks good to him. J. Vianna asks if the Board would entertain a common driveway on this. He states that the County Planning Board prefers common driveways. It might look neater. T. Yasenchak states that the Board has not found them favorable because it requires all the neighbors to get along and then if someone falls on hard times and can't meet their obligations regarding maintenance, etc., that is something that we have had issues with. She states that we have in the past done something with a common curb cut but then separating into the two separate driveways. Board consensus is to avoid a shared driveway. T. Yasenchak states that she would feel better if they showed a house of some decent size on there just so that we know that they meet all the distances. She states that we recently had an applicant who showed a very small building area like this and because of the configuration of the house that they chose, they had to come back for a variance because otherwise they would be in their setbacks. DEC said why should they give a variance when the applicant could just ask the Town for a variance. If J. Vianna can show a decent sized house there, it will make T. Yasenchak feel comfortable that they can fit all the separation distances in. J. Vianna asks if that can then be used as the plot plan. T. Yasenchak states that would be up to the Building Department. They would have to submit a plot plan with their building permit with their septic. This is just so that T. Yasenchak knows that there is a possible solution for this lot. T. Yasenchak states that it is a matter for the Board to think about, she is not concerned about the two flag lots, however, the Code does state that the use is for unique situations. J. Vianna states that they would say that the unique character of the lot as it exists now is that it is a parcel over 14 acres with only 250' of road frontage. It is a somewhat large lot with very little frontage and the shape of the lot is unique. T. Yasenchak states that there is also a note in the code that a keyhole lot should have a 911 number posted at the street. There should be a note on the plans so that anyone who buys the lot in the future knows that they have to conspicuously post that. C. Baker states that the comment he had is on the building envelope for lot 1B. The other thing to consider when they do show the house, septic and well on there, they should also have a turnaround area for the fire trucks. The keyhole lot note was mentioned. The other thing C. Baker noticed and J. Vianna addressed it tonight is the reference to the DEC freshwater wetlands was incomplete on the map and now that can be filled in. C. Baker states that J. Vianna commented that they are attempting to obtain land. J. Vianna states that they have a verbal agreement, pending Planning Board approval. C. Baker states that his question is what happens if that sale doesn't take place. J. Vianna states that then this subdivision does not fly. C. Baker states that the 50% expansion area should also be shown. Public hearing is discussed and set for December 11, 2012 at 7:00 p.m. T. Yasenchak suggests pursuing the neighbor a little bit more and she will talk to the Town Attorney about how we address a decision based on something that may or may not happen. J. Vianna states that they could probably get under contract formally. T. Siragusa states maybe just a letter of intent. J. Vianna states that an Authorization of Agent is included with the application.

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### **BRITTANY CHASE – Major Subdivision**

Brittany Chase

Ken Martin, Al Kasein and Jason Tommell are present. K. Martin states that the lots being proposed are all 6 acres; there is one flag lot, #1; they are proposing a shared driveway for lots 1 & 2, which would make it easier due to the wetlands. ACOE is requiring that they restore 2.3 acres of wetlands. That is to take place in this phase. He states that they think that they can do that between lots 4 and 6. They have verbal agreement from DEC. J. Tommell has been in contact with ACOE to go over the 2.3 acres of mitigation and K. Martin states that anything else that would be required would be added on to that 2.3 acres. He states that they may lose a little bit of wetlands near lot 9 and would have to mitigate that also. B. Duffney states that wetlands are the main issue; the building areas are kind of up and down ledgey in there. K. Martin states that it is a tough site. B. Duffney states that it looks like they have 6 acres on every lot. He asks what the reason for the shared driveway is on lots 1 and 2. K. Martin states that is because of the wetlands in the front of lot

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2 and he would like to keep that disturbance down as much as he can. He does feel that on lot 9 he is going to have to add a little bit in. If they have to they can put in separate driveways and they would have more mitigation. T. Siragusa asks if the 2.3 acres of mitigation are part of this project or part of another phase. K. Martin states that it happened under one of the phases, but it has to be mitigated before they can proceed. A. Kasein states that initially when this project started they were allowed to fill in areas, this was done and since then the ACOE has stated that they were allowed to fill them, but ACOE is still going to require that they come up with the same amount. T. Siragusa questions that there might be other mitigation where they are anticipating trading off with ACOE. K. Martin states that is possible. T. Siragusa states that the topos shown are only 2', but asks if there are any slope issues. K. Martin states that lots 7 and 8 have exposed ledges. M. Gyarmathy states that he does not understand whether the mitigation needs to be done prior to any further development or not. J. Tommell states that they have been told that they have to do 2.3 acres of mitigation. If there is any more they will have to deal with that. M. Gyarmathy asks that the mitigation was not required as part of another phase? J. Tommell states that it has to be done somewhere during this phase. It was just part of the process. T. Yasenchak states that there is a concern about lots 1 and 2 sharing a driveway. She understands that they want to lessen the wetlands crossings, but obviously the configuration and the number of lots are the choice of the applicant so it is not necessarily the Town's hardship. She asks if there are any other shared driveways in the whole subdivision. K. Martin states that they thought that there was going to be a shared drive for lots 8 and 9, but he is sure he can get those in. T. Yasenchak states that there seem to be a lot of lots that in order to just get to the buildable area you still need to have a DEC permit to cross. C. Baker states that regardless of whether they are ACOE or DEC, there will be crossings and mitigation. C. Baker comments that portions of the road have crossings. T. Yasenchak states that she has a concern regarding the number of crossings and that DEC and ACOE have their own set of regulations that have to be followed. She states that they will ask the applicant what other options they have looked at so that you don't have to disturb. That burden is on the applicant to prove that point. T. Yasenchak states that we would need to see that flushed out a little bit more with them as we go forward. She states that there are no dimensions on the cul-de-sacs, are all those shown to the Town regulations. J. Tommell states that he believes so. T. Yasenchak states that the regulations are in the Town code. She questions the length of the road going to the cul-de-sac for lots 5 & 6. K. Martin states that he believes it was around 1370' from the Brookstone intersection. T. Yasenchak states that she thinks that there is going to be a lot of cutting and filling that needs to be done of the road and cul-de-sac because of the topos. She is concerned with that and knows that C. Baker will get into that as he goes through his review. T. Yasenchak states that while this is just preliminary, the Board really needs to see some of the dimensions, road frontages, setbacks, etc., so that they can see the building areas before the Board can give any more good ideas. C. Baker asks whether or not this was originally approved as a cluster development. K. Martin states that he does not believe so. A. Kasein states that it was not a cluster. C. Baker states that we need to verify that because if it was approved as a cluster, that may affect how the rest of this lot can be developed. Usually in a cluster there is open space that is dedicated. A. Kasein states that this was approved 20 years ago. T. Yasenchak asks if this was left as one larger lot to develop later. A. Kasein states that this was phase 3 of the project. C. Baker states that he is familiar with the property as he did the soil borings out there many years ago and it is very difficult. There is a lot of topography to deal with; a lot of very poor soils to deal with; rock - a lot of things working against the applicant. One of the things that C. Baker would want to see before we go into any other further detail is a detailed grading and drainage plan which would include house locations on every one of these lots, septic systems, how the road is going to drain, stormwater management, all of that, because he thinks that they are going to have some difficult issues with the slopes. The other thing we are going to need to see as well is a total of the wetland impacts. He states that it does appear that they are going to be impacting wetlands with the road construction and with the driveways for each lot. He states that we are going to need to see what that total number is and how it is going to affect any existing ACOE permits and DEC permits, and any that are going to be required in the future. K. Martin states that there were quite a few test pits done previously, some of them appear that they can be used and some do not. He states that there are quite a few mounds that have been put in also. He states that they are planning on using them and would like to get the data on the test pits so they are not going in and disturbing everything again. C. Baker states that the detailed grading and drainage plan is the place to start because he is very concerned with lot 8, it looks like there are slopes of

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20% in some areas, and anything over 15% is not developable as far as the Town is concerned. He states that the detailed grading and drainage plan is where we would want to start as far as coming up with a comfortable number of lots and what can be done here. Another question that he has is that he seems to remember that there is a storm water management basin at the Westminster Drive location where lots 1 and 2 are. K. Martin states that he is unsure. C. Baker states that he will have to look at the maps because he seems to remember a stormwater basin built as part of a previous phase. C. Baker states that conceptually he thinks that they can do something here, but it is going to be a challenge. He is assuming that they are going to build to Town road standards. K. Martin states that they eliminated one of the cul-de-sacs that was proposed originally. C. Baker states that they are going to have to show where the wetland mitigation is going to occur and that can be part of the detailed grading plan. T. Yasenchak states that she agrees with C. Baker that the drainage is going to show the Board how the lots are affected, the size of the building areas, etc. The Board can give a little better idea once they see that. K. Martin states that he was holding back on some of that waiting for the Board's comments and not spending money unnecessarily. T. Yasenchak states that she understands, but because the Board needs to see that information to see how the lots are affected, it is one of those things. The Board can say that it looks good and give their concerns, but really need to see more details. She states that they could come back with stormwater management, which could change the plan. The Board needs to make sure that the existing houses are protected and have minimal impact to them as well. T. Siragusa asks if the phase 2 lots are all complete or sold. A. Kasein states that there is only one phase 1 lot available, which is on Wilton Road. T. Yasenchak states that once we have that information then we can start having some public input. She suggests that the applicant talk with the neighbors so that everyone is aware of what is happening.

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### **ZBA REFERRALS**

**Derek Bradley** – Area Variance. T. Yasenchak reviews that the applicant would like to build a pole structure to store his camper. Due to locations of the house, garage, etc., and so that there will be minimal clearing; the applicant requires a side yard setback variance. No Planning Board issues.

**Joseph & Deborah Russo** – Area Variance. T. Yasenchak reviews that the applicants would like to build a home on a pre-existing, non-conforming lot. No Planning Board issues.

**Nick Washco** – Area Variance. The applicant is seeking an area variance to subdivide an existing 5-acre lot with 430' of road frontage. Area variances for acreage are required. No Planning Board issues.

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### **DISCUSSION**

T. Yasenchak asks all Board members to please let the Planning Board know ahead of time if they will not be in attendance as otherwise we are putting the applicants at a severe disadvantage with their projects.

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Meeting adjourned 8:28 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary