

**TOWN OF GREENFIELD
PLANNING BOARD**

October 11, 2016

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:01 p.m. On roll call, the following members are present: Tonya Yasenchak, John Bokus, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, Stan Weeks, and Robert Roeckle, Alternate. John Streit is absent. Charlie Baker, Town Engineer is present.

MINUTES – September 27, 2016

Due to an error in the copying of the minutes, the approval will be tabled to the next meeting.

PLANNING BOARD CASE

G. DAVID EVANS – Subdivision Amendment

Plank Road

G. David Evans and David Engel, Attorney, are present. D. Engel states that when D. Evans was here last, his understanding is that the Board had requested that plans be submitted showing 2 configurations for lot 4 – one with the keyhole arrangement and one without the keyhole arrangement – and he believes that those plans have been provided. T. Yasenchak states that the Board asked for an amendment. We did not ask for 2 plans, we asked for one. It was D. Evans choice to provide the 2. D. Engel states that as he understands it right now in terms of considering this matter and hopefully bringing it to a resolution, the Board is considering whether or not to require that lot 4 be keyholed, as opposed to what D. Evans has proposed which is an approach without that keyhole arrangement that remains D. Evans preference. They understand what the Board's request is and they also understand that this was brought on by, and he wasn't here that evening, as the Board was going through the environmental assessment form and was particularly considering question 17. T. Yasenchak states that from her understanding, there were 2 issues. One was that they felt that it wasn't fully consistent with the Comprehensive Plan stating to limit the number of shared driveways and easements within the Town of Greenfield. The second item that all the members felt was important for that particular lot 5 was that lot 5 was never part of that easement language to begin with in the original approved subdivision. It always had that foot, they were keyhole lots. Lot 5 never had an easement going across it. The lots in the back always had shared driveways and the Board felt that incorporating lot 5 and burdening it with an easement when there really was no reason for that, was going along with the inconsistency with the Comprehensive Plan. When this was approved for Open Development it was with the understanding that none of the other lots would change. Lot 5 was never part of that whole driveway situation and the Board felt that it made it more complicated bringing a lot into the easements and then you now have a parcel that is paying for someone else's driveway to go through it and could never use that property. The Board felt very strongly that they wanted to see lot 5 back to its original configuration, as close as possible. D. Engel asks, as this particular matter has been through a lot of process over the several months, the Board has the plan with lot 4 now keyholed, which addresses the Board's concern about lot 5 because it takes that portion of the road out of lot 5 and puts it in lot 4. If the Board sees that as acceptable, that gets this done and prompts the Board then to approve this, is that where the Board is going with this? T. Yasenchak states that we didn't vote on it, we did have an indirect poll of the members giving their opinions and said that if we would have gone forward, it may not have been a favorable result. We suggested that perhaps he look at another option and that is why he came in with the new plan. D. Engel states that he understands that, his question is now having made an effort to satisfy the concerns raised by this Board, does that get this done? T. Yasenchak states that is what we are here to discuss. D. Engel states that the

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preference that they have is that lot 5 be as proposed. The insistence on having that keyholed, they think does not bear any relation to any concerns about environmental impacts. The road arrangement is going to be absolutely the same now as it was when the subdivision was first approved with all the keyholes intact. All that has been done has been to move lines around and attempt to come up with a more rational approach to these lots. While it is true that lot 5 would now have a driveway going across it, at the end of the day he guesses the question is why does that really matter. As far as they can see it doesn't really matter. Whoever uses lot 5 is not put at any disadvantage, not only has the opportunity to use that driveway and then use the upper portion of lot 5 for whatever purpose they might want to use it for. They have worked out all the language in terms of what is going to be in the deeds on these shared driveway arrangements, they have indicated a willingness to abide by the language that M. Hill specifically provided to them and the question is at this point, where is the substantive impact that would make the preferred approach that the applicant has to lots 4 and 5 unacceptable. It is hard to figure that out. T. Yasenchak states that the Board felt that it was inconsistent with the Comprehensive Plan, they felt that lot 5 was never burdened with an easement, lot 5 cannot use that driveway in the upper area because there is a deed restriction for a permanent vegetative buffer and there are wetlands in that area. The Board felt that there was no need to burden lot 5 and make the issue more complicated. D. Engel reiterates that nothing physically changes from what was previously approved by this Board in terms of roadways to what we have now. It is a question of where the lines are on a piece of paper or who holds the property interest. As to the inconsistency with the Plan, that is a question in the EAF, which he understands that the Board was looking at, but then the question becomes, under question 17, what is the impact and the impact has to be an environmental impact. Frankly there is no environmental impact because nothing changes. T. Yasenchak reiterates the Board's feelings and states that when this went to the Town Board they said that they did not want to see this changed beyond the lots in the back having no frontage, as long as the rest of the subdivision and the rest of the lines did not change. D. Engel states that one of the lots that the Town Board approved with no frontage was lot 4. T. Yasenchak states that she understands that, but lot 5 changed from the original plan. D. Engel states that lot 5 got bigger. T. Yasenchak states that we are saying as a Board that lot 5 never had an easement through it; the Board can review this as such and vote on it. T. Siragusa states that twice the Chair gave D. Engel an argument and twice he came back and said that he does not understand. Those are really the two key points and he thinks it could not have been said more clearly. He thinks that the applicant does understand about reducing the shared driveways and about lot 5 changing. S. Weeks states that one year ago January we approved a subdivision that was acceptable to this Board, acceptable to the owner of the development and we thought it was a very good plan. We felt that this change of lot 5 was not good and that became the issue for us. We didn't feel that it was a good plan compared with what had been previously approved. B. Duffney states that he agrees with S. Weeks. T. Siragusa states that the other thing in talking about benefit for lot 5, they have no access, they have no use for that driveway and they would be paying taxes on it unnecessarily. D. Evans states that they do have a use for it; they can access the rear of lot 5. T. Yasenchak states that it says there are wetlands and a permanent vegetative buffer. D. Engel states that it will belong to that person and whether that person wants to drive up that driveway, park the car and just walk out there. T. Yasenchak asks if the applicant would like the Board to go forward and vote on the original amendment. The Board has been trying to be helpful to D. Evans and giving him an idea of what was more acceptable to the Board. D. Engel states that he understands. He states that the concern that lot 5 would not be encumbered by an easement going across it, he does not see that as persuasive because right now that land in question is not a part of lot 5, it would become a part of lot 5 and the question of how that affects the appraisal on lot 5 is a question that would be determined by others later on. Right now the owner of lot 5 is D. Evans who owns all the lots. He at some point will be selling the lots and if there are those who will be troubled by having a roadway going through an easement on that property so that they don't buy the lot, well sometimes that is how the market works. He is confident that someone will buy that lot and ultimately what will drive the value of the lot will be however it is developed. At the end of the day, this is one small part of a grander development and they think that the concerns that the Board has raised on this do not have any merit. D. Evans is trying to come up with a rational approach, one that is going to make these properties the most marketable. The plan that was approved last year the Board felt was a good plan and the plan remains fundamentally unchanged. They have taken these odd shapes that were associated with the need to observe the keyhole arrangement and they have done away with that. Most of those keyholes had nothing to do with

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access; they were arbitrary efforts to try to get frontage on the road. He reiterates that there will be no environmental effects because this roadway has already been approved and is in place. T. Yasenchak states that it is not necessarily only about an environmental impact; it is within the purview of the Planning Board to review projects consistent with the Comprehensive Plan. D. Engel states that the applicant is prepared to abide by the change that the Board apparently wants for lots 4 and 5, and move on. Their hope is that that is the end of the process, the end of the changes. T. Yasenchak, for the record, she reads from the Comprehensive Plan, B6. She states that the only other change that the Board had asked D. Evans to make on his plans were about the turnarounds, which is something that is required by our code for emergency services. B. Duffney reviews what the Fire Department would like for markings on long driveways and the entrance width. T. Yasenchak asks if the driveways are shown in the same locations as they were when Commissioner Mike Chandler inspected the site. D. Evans states that they are and there is a note on the plans that states that they must be in compliance with the Fire Department requirements as the distance markers must be from the house locations. T. Yasenchak states that note #3 should be changed because it indicates that the requirements are for 'keyhole' lots and these are not necessarily keyhole driveways but driveways over 500' long. M. Gyarmathy states that D. Evans did rectify one of the situations that was on this plan, but his feeling was that the original subdivision granted to the applicant was consistent with the Town's Comprehensive Plan, it was pushing it, but it was primarily consistent with the Plan and this plan is not. He is not comfortable with a land owner not having another way out because we as a Planning Board have to look into the future and the problems that are going to arise in the future with this subdivision. He feels that there is trouble down the road here. The Board reviews Part 1 of the long form SEQRA. D. Engel questions that what is before the Board right now is basically the reconfiguration of the lots; he trusts that there was a SEQRA process when the subdivision was approved originally and his question is the necessity of going through the long form EAF given the minimal nature of the application. T. Yasenchak states that this is being done at the suggestion of the Town Attorney.

RESOLUTION – G. D. Evans, SEQRA

MOTION: T. Siragusa

SECOND: S. Weeks

RESOLVED, that the Planning Board completes Part II of the long form SEQRA. All questions are answered and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Subdivision Amendment of G. David Evans for property located at Plank Road, TM# 123.-2-28.21; TM#123.-2-28.31; TM#123.-2-28.11; TM#123.-2-28.12; TM#123.-2-67; TM#123.-2-68; TM#123.-2-58.121; TM#123.-2-66; TM# 123.-2-58.11 and TM#123.-2-11.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Roeckle, Siragusa, Weeks, Yasenchak

Noes: None

Absent: Streit

RESOLUTION- G. David Evans, Subdivision Amendment

MOTION: T. Siragusa

SECOND: J. Bokus

RESOLVED, that the Planning Board approves the application of G. David Evans for the Subdivision Amendment for property located at Plank Road, TM# 123.-2-28.21; TM#123.-2-28.31; TM#123.-2-28.11; TM#123.-2-28.12; TM#123.-2-67; TM#123.-2-68; TM#123.-2-58.121; TM#123.-2-66; TM# 123.-2-58.11 and TM#123.-2-11, based on the map received October 4, 2016 with noted revision of "3 October 2016 – Lot 4 Revised, Drive Bypasses Depicted" with lot #5 to be a stand-alone lot and a keyhole driveway to access lots #4, 3A and 3B, and contingent upon:

- Easement language to be revised as lot 5 has no easements
- Easement language should include language for driveway maintenance
- Modification to Note #3 to remove the word 'keyhole', as these regulations apply to all driveways over 500' in length

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

ERIK RODRIGUEZ – Lot Line Adjustment

Daniels Road

Agnes Rodriguez is present and explains that E. Rodriguez is away on business. The applicant was granted variances by the ZBA. The well for the residence in front of the subject parcel is depicted on the plans. Discussion takes place regarding the topo and C. Baker states that due to the grade, the well/septic separation distance should be 200'. A. Rodriguez explains that they are seeking lot line adjustment approval from the Planning Board to create a parcel with frontage on which to build a small dwelling for her parents who are older and not well. This would be a 2 bedroom, one story home. They had originally planned to do this at a future date; however the need is more immediate. They will meet all NYS Codes and she provides a letter from the neighbor in the front, L. DeBrita, in support of the application. R. Roeckle asks which lot received the variance. R. Rowland explains. C. Baker states that the septic will be a challenge. T. Yasenchak asks the Board's feelings about holding a public hearing as one was held at the ZBA and lot line adjustments are normally done administratively. A public hearing is set for October 25, 2016 at 7:00 p.m.

TOM ROOHAN for 519 BROADWAY LLC – Site Plan Review

Maple Avenue

Tom Roohan and Doug Heller, LA Group, are present. D. Heller states that they added the cedar fencing to the plan; shifted some of the plantings along Maple Avenue; looked at the drywells and feel that there is adequate space if it is necessary to replace them; looked at the septic replacement area behind the dentist and have accounted for the storm water. They have also added the vinyl fencing along the eastern boundary. They reiterate that they will not have any additional lighting as the residents to the south would prefer none. S. Weeks asks about the placement of the trees and why they did not put them closer to Maple Avenue as that would leave them more room for snow removal. He also asks about the color of the building. T. Roohan states that it will probably be beige and asks how far forward the trees should be moved. D. Heller states that the tree placement was to line it up with the property to the south to give a cleaner look. S. Weeks states that since snow removal was discussed for that pavement area, he thought that moving the trees forward would give them additional space. R. Roeckle asks if we received an answer regarding the buffer requirement. T. Yasenchak states that the Planning Board can waive that. The Board will need easement language to allow the pavement to cross parcel lines. Regarding the question about the amendment to the site plan for the parcel to the north, G. McKenna does not feel that it will alter the site in a measureable way. Regarding the traffic concerns, the applicant has provided a letter. C. Baker states that he did receive the information requested. A public hearing is discussed and set for October 25, 2016 at 7:00 p.m.

464 MAPLE AVENUE – Site Plan Review

(formerly Ballston Mourningkill) Maple Avenue

Eric Carlson is present and explains that he did receive area variances for the property and that there were some engineering issues when he was here last. T. Yasenchak asks what the lot coverage is. E. Carlson asks if porous asphalt counts and will get that information. C. Baker states that it does count. R. Roeckle questions that there are 27 parking spaces and the applicant needs 26, but if there is a need for a handicap parking space, will there be enough room for the space and a discharge area. B. Duffney states that he had a conversation with Mike Chandler and the Fire Department would like Knox boxes on all commercial buildings. T. Yasenchak states that is in the building code and would be required. C. Baker

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states that he prepared 2 engineering letters and is satisfied with the responses. He suggested the applicant come back to the Planning Board because of the parking. A public hearing is discussed and set for October 25, 2016 at 7:00 p.m.

GALARNEAU BUILDERS – Site Plan Review

Copperfield Road

Dave Barrass, Surveyor, is present for the applicant. T. Yasenchak reviews that the revised map was received and the public hearing had been adjourned. C. Baker states that he does not believe there is an engineer designed septic system, but he has no problem with the proposed location. Design details will be required for the building permit. He has questions that it may not be a conventional system. D. Barrass states that a consultant has been on the site, will be reflagging although there are no major changes and will be providing that information. It was discussed at the last meeting that this could be a contingency.

A public hearing is reopened at 8:50 p.m. T. Ellsworth, Braim Road, thanks the Board for extending the public comment period. She asks if there is a culvert that would allow for the wetlands to drain. T. Yasenchak states that there is no change to the driveway so that would remain the same. T. Ellsworth states that there is a concern for the possibility of the leach field being on the edge of the wetlands. T. Yasenchak states that the Board did ask that the wetlands be re-delineated before a building permit will be issued. Any septic system must be designed by a professional engineer. The applicant was asked to provide the general location. Any building permit would be contingent upon the applicant meeting the NYS Building Code. T. Ellsworth asks if the septic has to be outside the wetlands. C. Baker states that ACOE has no buffer requirement, but DEC does. T. Yasenchak states that the Town of Greenfield does have a stricter separation to the water table, 4-feet, versus NYS DOH, which is 2-feet, therefore, this may need to be a raised septic system but the PE would determine that. T. Ellsworth states that her concern would be that in a particularly wet season, there is the possibility that excess water could render a septic system ineffective. C. Baker states that any septic system has to be designed to NYS DOH requirements, he explains these and that it would be designed for a worst case scenario. T. Ellsworth asks if it is within the purview of the Planning Board that if there was a situation where a standard septic system could not be installed, that they would present a plan for an alternative system. T. Yasenchak states that is within the Building Department process and that alternative systems can be used within the DOH guidelines. The Planning Board does not have it within their purview to require a certain type of system. There being no further public comments, this public hearing is closed at 8:52 p.m.

RESOLUTION – Galarneau Builders, Site Plan Review

MOTION: S. Weeks

SECOND: T. Siragusa

RESOLVED, that the Planning Board approves the site plan review for Galarneau Builders to build a detached two-story garage apartment on property located at 16 Copperfield Road, TM#152.-1-9.11, per the plans submitted, contingent upon:

- **Wetlands re-delineation and adequate notation on the plans**
- **Meeting all Town of Greenfield Building Department and NYS DOH requirements for the septic system**
- **Noting that it is not within the purview of the Planning Board to require a specific type of septic system**

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Roeckle, Siragusa, Weeks, Yasenchak

Noes: None

Absent: Streit

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WORKSHOP CASES

NATHANIEL ROBINSON – Minor Subdivision

North Milton Road

Nathaniel Robinson is present and explains that he is a Chief Petty Officer in the US Navy. This is his third time being stationed here, he is married to a native of Greenfield and their plans are to retire and stay in this area. His in-laws own the property in question and would like to give them the land to build a house. As with a previous applicant, there are health issues and they are trying to stay close. T. Yasenchak states that she is glad that the applicant is back in the area and thanks him for his service. She explains that there is a list of items in the Code to be on a survey map. B. Duffney questions the location of the existing home on the property and questions sight distance. N. Robinson states that the entire length of the frontage is flat until you get to Kircher Road. T. Yasenchak explains that the Board has been requiring sight distance studies from most applicants. Board consensus is that this is a straightforward subdivision and that a better map with topo would be required.

AXEL SONDHOFF – Site Plan Review

Daniels Road

Dr. Sondhoff is present but not on the agenda. He explains that he was approved for an equine veterinary hospital on Daniels Road. He is requesting a renewal of the approval as he has been working on the financing and should hopefully be concluding that process soon. T. Yasenchak explains that we would need something in writing making this request so that we have something for the file before the Board could take action. Dr. Sondhoff states that there would be no changes to the approved site plan. T. Yasenchak states that she will check on the protocol for this as the applicant's approvals have expired.

DISCUSSION

Theresa Ellsworth states that the Planning Board does a great job of addressing every issue that is raised and the Chair gives everyone a chance to speak.

C. Baker states that he reviewed the revised plans from Cohen Cartier, all engineering has been addressed and they are all set.

S. Weeks states that he would like to take a drive down Maple Avenue and take another look at the projects before the Board.

T. Yasenchak states that she would like to request that G. McKenna review the contingency for the green space that was to be in front of the smoke shop and to please enforce that contingency.

Meeting adjourned 9:20 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary