

TOWN OF GREENFIELD
PLANNING BOARD

October 9, 2018

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, Butch Duffney, Michael Gyarmathy, Robert Roeckle, Stanley Weeks and Karla Conway alternate. Charlie Dake is absent. Charlie Baker, Engineer is present.

Minutes

MINUTES – September 11, 2018

MOTION: B. Duffney

SECOND: R. Roeckle

RESOLVED that the Planning Board waives the reading of and approves the minutes of September 11, 2018 with minor corrections.

Ayes: B. Duffney, M. Gyarmathy, R. Roeckle, T. Yasenchak,

Noes: None

Abstain: K. Conway, S. Weeks

Absent: C. Dake

MINUTES- September 25, 2018

The minutes will be reviewed at the next meeting.

OLD BUSINESS & PUBLIC HEARING

DNS Capital Venture
TM# 152.-1-12.12

Minor Subdivision
45 Braim Road

Matt Steves is present and states this is property on the eastern side of Braim Road. This property is currently 11 acres and they are requesting a 2 lot subdivision in MDR-2 District. Lot 1 would be for construction of a new home with 3 acres. Lot 2 would be the existing home and 8 acres. At the last meeting the Board asked for a couple of sight clarifications. Distance for the proposed driveway is 569' from the south and 1039' from the north. They did have a wetland biologist confirm and delineate the wetlands. They are only Army Corp, of Engineers wetlands. They were asked to show the 100' setback for the septic system. T Yasenchak asks if M. Steves has an extra copy of the map to post up for the Board and public can see it too. M. Steves states the existing house is closer to the Braim Road the proposed new house will be 350' back. The soil test and the septic system are suitable. The wetlands

have been delineated. The new structure, house, well, and septic are in compliance. T. Yasenchak opens the public hearing at 7:06 p.m. Peter Van Der Riet, Braim Road, states that he recently moved to Greenfield Center and is curious what they are planning on doing. T. Yasenchak states that it is a subdivision. It's 1 larger lot and it is being divided into 2 lots. M. Steves states that they were proposing a 4,000 square foot home. P. Van Der Riet asks how many lots are they proposing. M. Steves states 2 lots. T. Yasenchak states being 2 lots they do meet the Zoning regulations as far as having the correct amount of frontage as well as the acreage that is allowed in that zone. It is something that is allowed in this district for that acreage. The Board did ask the applicant to do also verification the new driveway has the correct stopping distance and sight distances. So the driveway is safe to come in and out of. P. Van Der Riet states that the property curves a little bit. T. Yasenchak reiterates this is a chance for the public to ask questions or express concerns to the Board. Right now what they are reviewing is a subdivision and if that is where they are proposing their driveway to be, the Board does not tell the applicant where to put their driveways. They are looking at the subdivision; whether it meets the zoning code. The new owner may choose to put the house in a different location. They are just making sure that it meets the Town's regulations. What she encourages him to do is to talk to the applicants representative afterwards if he is interested in any additional information. If he has any concerns, that is something the Board encourages neighbors to voice. P. Van Der Riet states that he is just concerned. T. Yasenchak states that is why the Board has a public hearing. Please have some dialog with the applicant. T. Yasenchak adjourns the public hearing at 7:11 p.m. because the applicant did just submit additional information regarding the sight distances. The Board typically asks for that information to be submitted 7 business days before the following meeting. Because this had already been noticed as a public hearing and the Board just received the additional information, they like to have it on record. As the adjacent neighbor P. Van Der Riet can also go to the Building Department, ask to see the plans and any other information that was presented especially about the wetlands or the driveway sight distance. If he is curious he can talk to the Building Inspector. That is public record. T. Yasenchak states that the Board will schedule to review and further discussion on this project at their October 30, 2018 meeting. The Board and the Town Engineer will also have an opportunity to review it. The public hearing is being adjourned to the next meeting.

NEW BUSINESS

Keyzer, J.
TM# 137.-1-16

Major Subdivision
901 North Creek Road

John Keyzer and Darrow Mansfield are present. T. Yasenchak states this is listed as a major subdivision and believes it is a minor subdivision at 901 North Creek Road. J. Keyzer states that he is proposing a 3 lot subdivision. It is classified as a major because of the timing. T. Yasenchak states that the Board does not have that rule any longer and asks if it was G. McKenna that told him that. J. Keyzer states that he was told that because of the timing it is classified as a major subdivision. T. Yasenchak will ask G. McKenna about that. R. Roeckle states that it would be a major because of the Health Department. Maybe that is where that is coming from. T. Yasenchak states that it is not a major in the Planning Board's regulations, but maybe under the Health Department. J. Keyzer states that he will do whatever he has to do to satisfy the Board. This is a 3 lot subdivision. There are no wetlands, no sight distance problems and all the sights meet the Code. He is asking for a reduction in engineering escrow. T. Yasenchak states that is not something they do. It is not something within their per view. J. Keyzer states that it is not a major subdivision it is a minor. T. Yasenchak states that he does not know. They have to ask the Code Enforcement Officer. That is his ultimate decision and determination. The Board

does not have any notes from him. J. Keyzer states that he provided the septic system information and the test pits. S. Weeks states he is concerned about the size of the drawing, he is unable to read anything on the reduced size drawings. He feels that he is at a disadvantage to be able to comment. R. Roeckle states as long as they have sight distance on the roads for the keyhole, lots and having 4 keyhole lots are at the discretion of the Board, as long as there is adequate sight distance. The 1 keyhole lot to the east, northeast lot that has the wider entrance there is a culvert in there and that will need to be addressed with the design of the driveway. The County will need to look at it. J. Keyzer asks if he can address that. R. Roeckle states that he is just concerned because it does show a flow of drainage. That drainage cannot be blocked. The driveway may need a second culvert. That is something he will have to deal with the county. B. Duffney asks if J. Keyzer met his sight distance. J. Keyzer states yes. The other property next to that, that they have developed, had sight distance problems and they resolved them with the Board. So there are no problems with the southwest direction. Its miles in the northeast. B. Duffney asks if the Board needs anything in writing regarding that. T. Yasenchak states that typically they would, she knows that he said this was a new project, they would like to see those numbers for the new driveways, so they can be documented. That is something that the Board is asking for in all subdivisions. Even if it has been documented under a prior application, these are new driveway locations and they would like to see them documented. J. Keyzer asks if it is ok for him to verify the northeast seeing as the southwest already has one. T. Yasenchak states this is a new application they all have to be verified. B. Duffney asks how long the driveways are going to be. M. Gyarmathy states 900'. J. Keyzer asks does it say that. M. Gyarmathy states 898' and 883'. R. Roeckle states that the front lot is 381' so going to be about 400'-500'. J. Keyzer states two of them are shorter than what he did on the first subdivision. T. Yasenchak states she understands that, but because there are people on the Board that were not on the Board when he did the first subdivision, this is a new application. J. Keyzer states that he is using that as a reference, they are no worse than what they were then. T. Yasenchak states that they will have to have all the same answers even if it seems redundant. M. Gyarmathy states when they did the last subdivision the keyhole lots were because of sight distance issues and now he is looking at 7 lots and 4 of which are keyhole lots. In the Town's Comprehensive Plan it states the Board should refrain from the keyhole lots. Are there any other alternatives to this? J. Keyzer states not unless they want 1000' driveways. There is no other access to land beyond the first building lot. C. Baker states he would like sight distance, county referral; and DOH. He is not sure if it has to go to DOH. He suspects G. McKenna is saying because of the timing and there are more than 5 lots less than 3 acres it requires DOH approval. As to the drainage on the one lot with the culvert the Board should see a grading and drainage plan for that lot. Is the remaining land beside this to the south, and asks if he owns that as well. J. Keyzer states that he owns it all. C. Baker asks if there are plans for that. J. Keyzer states no, going to be tough, he would need to put a road in he is not prepared to do something like that. R. Roeckle states that he remembers about 20 years ago this property came before the Planning Board with a road that went through this property with lots on it. He believes that he never proceeded with that. J. Keyzer states no. R. Roeckle states that at one point in the past there was a proposal for a road that looped through the lot. J. Keyzer states that he was an inexperienced person. C. Baker states the only reason he asks the question is as far as SEQRA goes, the Board looked at this once less than a year ago, , now the Board is looking at it again and he wants to know if there are future plans the Board should know ahead of time. T. Yasenchak states that where the Town Engineer is coming from, which reflects the Boards concerns also is that right now the development of 3 lots and 2 of them being keyhole, which the Town's Comprehensive Plan does say keyholes should be limited unless absolutely necessary, as well as the subdivision regulations state that there should be a reason why a keyhole lot is allowed. Why that is, it is part of the Town's Comprehensive Plan of how they should be developed and sometimes things aren't limited. They would just end up having a larger lot than 3 acres because of road frontage. That's looking at the bigger picture. Part of what she is

concerned with is what the Town Engineer said, not knowing what the rest of the plan is for the property to the south and they have a finite frontage with someone at some time coming back and trying to put more keyhole lots there just because they want to maximize the land. It's something that this Board looks at. Whether or not they are looking at 3 lot subdivision with 66% of the subdivision being keyhole lot. She does not know how the rest of the Board feels about keyhole lots, but it is something that is in their per view to have a discussion about. J. Keyzer states that he has given some thought to that area, there will not be any keyhole lots there. T. Yasenchak states the Board decisions on a project can only be about what is presented to them now. They cannot rule on what may or may not happen in the future. Also, they cannot limit what may or may not happen in the future. What could be concerning is someone, whether it be this applicant or someone else, coming back and getting all those extra lots and making it more dense than what would typically be allowed, due to the length of the road. S. Weeks states he is more concerned about shared driveways than keyhole lots. T. Yasenchak asks the previous lot 2 and the new lot 7, where the keyhole lot are directly adjacent to one another, do they have 2 separate driveways. J. Keyzer states yes. T. Yasenchak asks if they are both coming out onto North Creek Road. R. Roeckle states in the right situation he does not have a problem with a keyhole lot. If the remainder of the property is going to be developed, additional keyhole lots would not make him happy. J. Keyzer asks the Board if they consider lots on a cul-de-sac to be keyhole lots. T. Yasenchak states that a cul-de-sac would be a public road. B. Duffney states that the only other way would be with a 1000' driveway. Anytime there is a longer driveway he feels it becomes a hazard. It is a safety issue for him. Not that he wants a lot of them. A couple he is not overly concerned with. K. Conway states she would certainly follow the Comprehensive Plan and limit them, and they cannot predict the future, if he isn't going to put any others in. T. Yasenchak states this is 2 new ones the other application also had 2 so now there is 4 total. J. Keyzer states that on the first sight approval, the keyhole lots were required strictly because of sight distance other than that the land could not have been developed. T. Yasenchak states that they just would have been larger lots and less of them. M. Gyarmathy agrees with K. Conway and states that as a Board they should follow the Comprehensive Plan and it certainly suggests that they do not approve too many keyhole lots. Here they have 7 lots and 4 of which are proposed as keyhole lots. T. Yasenchak states her own personal opinion 4 out of 7 does not meet the threshold. She does not have an issue with keyhole lots as far as using it as a tool for development because she feels that it pushes houses towards the back, it looks more rural. However, when the Board looks at the zoning regulations where it says where it is difficult to develop the land and now they are looking at 4 out of 7 lots that are keyhole, that does seem a bit excessive. She would be concerned with the master plan of how the rest would get developed. In this particular case she is not sure if it would change her mind when they get to an actual vote. She is just saying she is a little concerned that it is over using that tool. J. Keyzer states that it is 3 acre lots. T. Yasenchak states which had questions about the driveway sight and stopping distance for the new driveways. She had a question for the Building Inspector, he is not present, with keyhole lots. They also have regulations and have requirements for lot width and that the lot width should be the same where the house is as what would be required for frontage if it had the correct frontage. She is not sure because they do not know where the house would be. Some of the lots are kind of narrow so the front of one of these is less, it's 125 plus 42 and that is less than 200'. Same thing with lot number 6, it's a 175' in the back. If someone pushed their house in the back that frontage might not be 200', she does not know. She would like to see on those 2 lots the house location and what the lot width is at those locations. The regulations say for keyhole lots the Board has the ability to ask about either a buffer between the front and back lots. She is not sure if that can be addressed with the limit of clearing. Obviously the trees are a buffer. The intent of the regulations for the keyhole lots having a buffer is that someone won't clear the whole lot and then the other neighbor has a view out there backyard of this other house. The intent is some sort of buffer. Perhaps on those 2 back lots, he shows where the houses would be located, possibly just have

a limit of clearing so that the Board knows that there is some sort of vegetative buffer of existing trees between the front and back lots. They will ask the Building Department about the major vs. the minor subdivision as the Town Engineer has also stated. As far as the plans go they have regulations for the keyhole lots that the applicant needs signage at the road. T. Yasenchak asks if the applicant submitted this for preliminary review or as a final review. J. Keyzer states preliminary. T. Yasenchak states because it is preliminary and it is not complete they have the ability to ask him for additional information to be brought in. The applicant can bring the plans back to the Board as preliminary for them to review or as final with those additional things; they would look at it from that perspective. That is his choice when he brings it back. J. Keyzer asks about the signage. T. Yasenchak states there is a regulation for keyhole lots; maybe it is because he has not developed the other 2 lots, and she would like to see a note on the plan about it. In the Town's keyhole lot regulations, which it might be good for them to look up, it does require signage of the house number at the location of the front of the keyhole. J. Keyzer states as opposed to road signs. T. Yasenchak states yes, the sign showing there is a residence there and it meets the appropriate marking. J. Keyzer states that they should do that on the other 2 also. T. Yasenchak states yes. When the applicant returns the plans have it in a larger format because this is really difficult to read any of the notes. Whatever size the applicant provides needs to be legible. J. Keyzer states that he cleared this through the Building Inspector as a preliminary review. T. Yasenchak states that she understands that however, because they don't have a Town Planner, it comes to the Board and if they can't read it then they need a larger set. Whatever he said it does not matter, the Board needs to see something they can read. R. Roeckle states that as so limited clearing on the rear lots, they should probably have that for the front lots. J. Keyzer states that they can only clear an acre. T. Yasenchak states up to an acre without a special permit. More than an acre with a special permit. It allows the Board to say they know when it continues past them that they have those buffers that are actually listed in the Code for a keyhole lot. When he submits new information the Board needs it 7 business days before any of their meetings. If the applicant is planning on being in front of the Board on October 30, 2018 they would need it by October 19, 2018. Typically they do not review preliminary projects on the last meeting of the month. B. Duffney states that turn arounds for emergency equipment or fire trucks, do they need that shown when the applicant shows where the home is going to be. T. Yasenchak states only if it is over a certain amount of feet. B. Duffney states 500', every 500' there will need to be a pull off/turn around area. T. Yasenchak states that might be something for the applicant to look at. If the driveway is over 500' then they will need to see some sort of emergency turn around or pull off. B. Duffney states that the fire department has had problems over the years with in long driveways, especially in the winter time, backing out. He and Councilman D. Cochran had a meeting with the fire department and they requested that during the Boards review accommodations for the fire trucks to turn around be made. J. Keyzer asks if anyone has ever put that in writing. B. Duffney states yes. T. Yasenchak states they do and it is at the Building Department. R. Roeckle states that it is actually in the keyhole lot section. The driveway has to be able to support in such a size and such a weight its part of the regulations. C. Baker states that limit of clearing should be shown on each lot so that they can come up with the total amount of disturbance. Again, because this was previously subdivided there is a very good likelihood that they would have exceeded 5 acres which would have required the applicant to file a Storm Water Prevention Plan, a notice of intent, and all the requirements as far as the Storm Water Permit goes. The Board is now looking at this as a separate subdivision. He does not believe they can make him do that, but they do need to know what the total disturbance is for each proposed lot. J. Keyzer asks that is the clearing. C. Baker states it is going to include the house, the septic, the well, the turn arounds, and the driveway as well. K. Conway asks what is separating the driveways, the applicant said they are not shared driveways. J. Keyzer states that the driveways are 40'. T. Yasenchak states the keyhole lot width is 40'. It is not necessarily the driveway that is 40'. To answer K. Conway's question it might be trees between the 2 driveways. K. Conway asks are there? J. Keyzer states that he believes

there are. D. Mansfield states that he built all the houses in phase 1. Essentially he would say at least a 20' strip of trees. The lots are completely forested. They cleared sections for the driveways. T. Yasenchak states that might be something to put on the plan as well. That way the Board knows there won't be 80' of clear cut all the way back.

Isles, M. & S.
TM# 136.-1-21.1

Site Plan Review
660 Coy Road

Michael and Stacey Isles are present. T. Yasenchak states this is a site plan review at 660 Coy Road. So the applicants are aware, the Building Inspector is not present and the Board has questions about the project. They have no one to ask and also, with him not being here they don't have any notes for the Board to go by. This being the first time reviewing they will probably ask general questions, they may not be final questions. They only have one copy of the plan. S. Isles states that when she dropped that off she was told 1 was sufficient. T. Yasenchak states we have discussed that. On the instructions there are a minimal number of copies that they need. Unfortunately because there is only one, the Board members did not get to see it. Do the applicants have one that they can put up on the bulletin board? 10 Copies of the application and any of the materials that go with it. There are 7 Board members, the Building Department, Town Engineer; they will often send one to the County. S. Isles ask if they need large copies. T. Yasenchak states that they need something that is legible. S. Isles states that they are here for permission to go from a small stable to a large stable. Having more than 5 horses on the property. They don't ever plan on having more than 12. The barn they built has 12 stalls and she does not ever want horses living outside overnight. T. Yasenchak states that they do not have an interpretation from the Building Inspector that this is, as far as definitions, for stable vs. recreational. Stable being this is for boarding or personal use, or what else is happening on this sight as far as trail riding or lessons or anything like that. There is a difference of stable vs. people coming to their property and there would be traffic involved. That they don't know. They do not have an interpretation. S. Isles states that it will be a private stable, they will not be offering lessons. She is an amature so she cannot train horses and she cannot give lessons. They don't want trail riding, that is a huge insurance expense. It's mostly private use. T. Yasenchak states their website states boarding so there will be people coming to ride their horses. It does say that people can bring their own trainers for their own lessons. She understands that she cannot do that, that's where that line becomes a little fuzzy because them having 12 horses of their own vs. them boarding horses and having people driving in and parking and using their restroom and not going into their house. There is a difference and they don't know yet. M. Isles states that the horses on the property will be limited to the stalls they have available. It's not open to the general public. It wouldn't be a situation where someone would say they are going to the Graphite Hill Farm, bring their horse and ride for the day. They can't just show up with their horse and ride. Whatever horse is on the property that is the extent of the use of the property. They have 5 horses of their own and are shopping for another one new. That would put them to 6. Half the facility is already filled with their own horses. They might end up with 6 outside horses. Which hopefully would be owned by less than 6 people. Less people they would have to deal with. The point he is trying to make is there is not going to be traffic. It's not like people will be coming down the road with trailers all day long, shipping horses into ride them or to take lessons. If their horse is in the barn they will get to come. S. Isles state that they built this with the intention for it to be private. She is not sure if the Board is familiar with Quiet Run. They have is 40 horses, a lot of people, a lot of kids and they are not interested in that. T. Yasenchak states that it is beautiful. The Board not knowing or having the interpretation. M. Isles states that G. McKenna has been there several times and he is sure G. McKenna can provide that.

It would bring up different types of questions that they would ask. If it is a private barn they would ask certain line questions. If there are people coming from off-sight, there are different questions they ask about parking, restrooms, that sort of thing. Those are things they ask to be seen on the drawing. They might ask something that may not be relevant. She does not want to worry the applicants, but she does not want to give them false since that everything is ok and later they need more information. S. Weeks asks if the barn and the indoor arena is completely done. S. Isles states yes. S. Weeks states they exist. S. Isles states yes, G. McKenna did the final inspection last Thursday. S. Weeks thinks that some of the things that T. Yasenchak has mentioned such as parking spaces and how many do they need to accommodate. R. Roeckle asks if there are bathroom facilities in the barn. S. Isles states there are, she didn't take a picture. R. Roeckle states does the water come from the house? S. Isles it is a separate well. There are 2 wells that come from the top well. M. Isles states that Rosick came and did the inspections. R. Roeckle states that he does not see an issue with this particular use on this property. It appears to meet the zoning. If it is open to the public it would need to be handicap accessible. S. Isles states that it is not open to the public. R. Roeckle states it is not the applicant, it would be one of their boarders that would be the public. M. Isles states they would have to verify that. The doorways and grab handles and whatever are necessary. Roeckle states he does not think there would be an issue as long as there is adequate space. He would like to see the parking delineated. If someone is coming in where would they park. Obviously it looks like there is plenty of room there. It is just not delineated on the map. B. Duffney states they are looking to board possibly 6 horses, would that be long term or short term. S. Isles monthly basis. When someone finds a place they generally try to stay. She would not do it for just weekends. B. Duffney states they have one up the road they do for weekends and are a Bed & Breakfast. The reason he asks long term or short term is if someone was coming in for a week that makes more trailer traffic, the parking areas, turn arounds for the trailers, etc. M. Isles asks as far as the parking spaces go does the Board need a description of the dimensions of the parking area. T. Yasenchak states that normally on the plan it shows them delineated to a standard size of a parking space. That is one of those things that they don't know because they are not sure which category they would fall in. There might be a specific number they would be required to have. M. Isles states they need to wait for the interpolation. T. Yasenchak states parking is like 9'x18' and would need to be shown on the map once they receive the interpretation. K. Conway asks if someone was boarding a horse and bringing a trailer, where would they be turning around. S. Isles states there is a big spot in front of the barn. M. Gyarmathy states that he feels the other Board members have asked his questions. Once they get the clarification he is sure he will have more. T. Yasenchak states it is the difference between recreational or private. Where the manure is being stored? If it is being taken off site, where is it being stored in the meantime? Is it covered or is it open? Is there a drainage plan around that so that it doesn't go toward the well? Is that located on the map? M. Isles states not on the map. It currently is in a pile outside the barn. It will be hauled off sight on a weekly basis. T. Yasenchak states that she thinks that is something the Board will need to see and defer them to the Town Engineer because there is a requirement about some kind of containment around that. The board has asked that in the past for stables. Show how the storm water is being managed so it does not flow into anything. C. Baker states he was going to make the same point. He thinks the plans should show Topo so they know where the paddocks are draining; the well locations; the manure storage pile location and needs to meet all the standard criteria as far as separation distances go. T. Yasenchak asks if the applicant understands what the Town Engineer means about the separation distance. There needs to be a certain separation distance between them and she does not know what that is. Between the well and where they are storing the manure, there is a separation distance between those. C. Baker asks it doesn't appear to be an issue from the pictures but sight distance. He does not know what the speed limit is on that section of the road, but with trailers coming in and out of the sight. T. Yasenchak states that is something they have asked in the past and typically are asking a lot of applicants for any driveways.

Obviously theirs is there already, but the board asks this for Sight Plan Review for safe sight distance. Depending on the road, there are States requirements that say what the stopping distance and sight distance are for a driveway. M. Isles asks who would be able to do that. C. Baker states there are engineers that do it. He is not sure who their surveyor was. Some surveyors have the capability of doing it. Typically what is required is measured in the field and compare to the American Association of State Highway and Transportation officials requirements for speed limit. M. Isles asks a surveyor or engineer. C. Baker states that is correct. T. Yasenchak asks if there is any outdoor lighting. And where is it located. M. Isles states there are 3 exterior lights on the barn over each door. T. Yasenchak asks if that is something that is down lit. M. Isles asks as far as sight distances is that something indicated on the map or is that something that comes to them in a form of a letter? T. Yasenchak states typically both. Sometimes it will be shown on a map and can be addressed in a letter since the driveway is already there. T. Yasenchak states as far as the TOPO, the well locations, the location of the manure storage, and the sight distance, those would be required for either private or recreational. T. Yasenchak states they should get in touch with the Building Inspector. B. Duffney asks where the brook runs on their property. M. Isles states on the northern boundary. B. Duffney ask if the Board should see that. C. Baker states that is something that should be included in the topography. T. Yasenchak states that he would need to confirm that. It looks like it is following the limit of clearing. That might be important to know. R. Roeckle asks since this is Site Plan Review, they usually note for a public hearing and should they wait for the confirmation on that. T. Yasenchak states yes. When it is just Site Plan Review it's up to the Board whether or not they feel a public hearing would be helpful for the Board to make an informed decision. If it is a Special Use Permit which would be required under recreation, the Code actually says they shall have a public hearing. They want to make sure they get that determination. Obviously that will help the Board with the process. S. Isles asks what is the difference if it is recreation because G. McKenna never mentioned anything about that. What is the definition? R. Roeckle reads the Recreation Code. M. Isles asks if they should wait to get a determination from G. McKenna. T. Yasenchak states that as far as topography, the well location, the manure storage and the separation distance and sight distance they would require those for either category. The only thing that would be different would be the public hearing, whether they need to have one or not. M. Isles asks who determines what is the necessary amount of parking spots is. T. Yasenchak states that is part of their Code. It is online in the Town Code. It's in parking requirements under supplemental. M. Isles asks if there are requirements for what sort of surface it needs to be. If they decide they are going to dedicate a section of the lawn to be their parking area, is that acceptable. C. Baker states he would have to look into that he does not know the answer to that question. B. Duffney states if they rent out 6 stalls, he does not see 6 boarders showing up all at once. T. Yasenchak states she understands that, but to come up with a number and show the area. M. Isles states that is why he is curious what the requirements might be as far as the parking surface. As it stands now he has 3 personal trailers that are all parked in parking spots, which is on the dirt. It could rain 3" and he could hook one up and drive away. R. Roeckle states the Code says not less than 12" of NYS DOT type for equivalent gravel surface to be used unless an equivalent is approved after review by the Town Engineer. R. Roeckle states this is a very large building with a lot of valuables, if a fire truck has to get up there and turnaround, that's what they have to do. Hopefully there is room for them to get as into the sight and get close to the building as possible.

Daniel Dechesne is present. T. Yasenchak states this is for a minor subdivision at 2087 Route 9N. D. Dechesne states that it is a family subdivision and his daughter wants to buy 2085 Route 9N. He would like to subdivide the 2 acres in front of 2087 Route 9N. T. Yasenchak asks if 2087 is the little parcel. D. Dechesne states that is 2081 Route 9N. The Town at that time allowed for ¼ acre lots for his mother-in-law's house. Why he wants to divide the 2 acres off his mother-in-law's house was on a ¼ acre of land and nobody can really do anything with it. There is no existing well on the property. Not enough room to put a well and septic system on the property. His property is land locked, but has a right of way through it. As soon as they can settle with other family members as there are 5 people on the deed. It's confusing. He has been paying the taxes on it since his mother-in-law passed. He just wants to make the 2 acres free from the mortgage so that after they negotiate they can establish that as part of 2081 Route 9N. T. Yasenchak states that eventually he would like to take that ¼ acre and develop it into 2085 Route 9N. Right now they can't do that because it's part of the mortgage. They are just taking the larger lot and subdividing that. D. Dechesne states correct. As far as anything going on the land, there would be nothing other than buildings that he is going to be removing. T. Yasenchak asks about the house on the small parcel. D. Dechesne states that is the one that has been empty for 8 years. The plumbing did freeze in it. He is not sure what the damage consists of. What he intends on doing is getting together with the family access the damage and see whether it is repairable. At that point, if it is livable and someone wants to move in to it they can. He would allow them to put in a septic and well and whatever else it needs. If not, tear it down and it will become part of the other lot. T. Yasenchak states right now it is a pre-existing, non-conforming lot and is staying the way it is. D. Dechesne states correct. T. Yasenchak asks about the right of way. D. Dechesne states that his driveway feeds 2085 Route 9N and 2087 Route 9N. T. Yasenchak asks if 2087 Route 9N is the larger lot behind it. D. Dechesne states yes, straight behind it and it is his house. T. Yasenchak states that is why the right of way is made to him and Navotny, which is the small lot. This is a minor subdivision for a total 16.684 acres and the one lot will be 2.25+/- and the other lot is about 14 acres. R. Roeckle asks if they have a frontage variance for the rear lot. T. Yasenchak states that 2087 Route 9N is not part of the subdivision. R. Roeckle asks what the subdivision is. T. Yasenchak explains the subdivision and the new lot line. R. Roeckle states that the parcel to the north is part of it. The 14 acre lot is a pre-existing, non-conforming lot. T. Yasenchak states no because it has all that frontage. D. Dechesne states that 2087 Route 9N has been there for 40 years. R. Roeckle asks if it is possible to get a deeded strip of land to get behind the new lot with actual keyhole frontage. D. Dechesne states that they are trying to get 2081 Route 9N which has nothing. The Planning Board at that time created, with no frontage. T. Yasenchak states that they used to do that, they used to do subdivisions with private rights of way. The Board sees that a lot. D. Dechesne states that if they move the property line to the other side of the driveway that will all be his property later on. If the Board wants to try to subdivide the property differently they can. M. Gyarmathy states the parcel that is divided by D. Dechesne's driveway. D. Dechesne states correct. M. Gyarmathy states D. Dechesne's driveway takes care of the small parcel, the larger parcel and his parcel. The driveway that is existing is going to take care of 3 lots. He feels it is pretty straight forward. D. Dechesne states that he is trying to simplify things. B. Duffney states there is a driveway right off Route 9N. It does not have anything to do with shared driveways. T. Yasenchak states it does because the bigger lot will now have the right of way and it will share the driveway between the lots. Roeckle states the driveway that D. Dechesne has the right of way on is the only access 2081 Route 9N until such lot disappears and gets combined with 2085 Route 9N. D. Dechesne states yes it's all family. T. Yasenchak states that it has been the way it's been operating. It's not changing the way the right of way is being used. Actually it is giving the larger 14 acre lot is now the owner of it and keeping it away from the wetlands. D. Dechesne states if it is simpler he could take 60' section down the side and put another driveway in straight back to the house, and forget the other driveway. T. Yasenchak states once this gets cleared up he could do that. D. Dechesne states yes, it would be 2087 Route 9N. M. Gyarmathy states that he has a really good driveway in there

now. T. Yasenchak asks right now this is sketch, the Board is only looking at it because they do not have a survey, so they are looking at this as a sketch plan. D. Dechesne original map shows the survey of all the properties. T. Yasenchak states the Board may need D. Dechesne to make more copies of the survey for them. The next step the surveyor will actually have to show the new line and it has to delineate the new lot and the existing. D. Dechesne asks if he should contact the surveyor. T. Yasenchak states yes, Bruce Fleming is not retired yet. He is still in Saratoga, contact him, he will be able to make an amended map showing where the new property line is. She does not think he should have to do anything else, because it will be an updated survey. There are also subdivision notes that are in the Code that are required to be shown on the subdivision map. If D. Dechesne has B. Fleming go to the Town's Code and look at that, it would be helpful. T. Yasenchak asks technically there are 2 houses on 1 lot now. The one that his daughter is living in and the one that he is tearing down. R. Roeckle asks what is the house number of the house that is being torn down. D. Dechesne states the house that he is tearing down was originally a 40 acre lot. His mother-in-law built a house on $\frac{1}{4}$ of an acre at 2081 Route 9N. He does not remember the original number. M. Gyarmathy states that 2085 Route 9N was the original house that he built a long time ago. D. Dechesne states it was built the same time as 2087 Route 9N. T. Yasenchak states she thinks what happened is there are 2 addresses for the larger lot. That is what is confusing. The Board is looking at one larger lot there are 2 houses on. One is being removed and one is staying. It is being subdivided off. The right of way has been there and continues to be there, however the new lot line will be on the other side. The right of way will be part of the northern lot. R. Roeckle asks that the lot named Navotny eventually will be combined with the other lot correct. T. Yasenchak states maybe, but does not have to be because it is a pre-existing non-conforming lot right now. It is not under the same ownership right now. R. Roeckle asks D. Dechesne if he is hoping that it will. D. Dechesne states yes, torn down and be part of his property or repaired and stays as is. R. Roeckle states that if the Board is getting a map could they have a note to that affect that that lot is going to be combined at some point. M. Gyarmathy states D. Dechesne does not know that answer. T. Yasenchak states that she does not think the Board can ask him that. T. Yasenchak states it is a pre-existing, non-conforming lot under several owners. Roeckle states the question is if that never gets combined, because they do have a section where non-conforming lots are supposed to combine if possible. The new lot that is being created with 2 acres is able to get a Building Permit to put a house on it. T. Yasenchak states it is possible. He is not the only owner. That is the problem. D. Dechesne states that district is 1.5 acres. R. Roeckle states that he understands that, he can't even get a well and septic system on it. K. Conway asks if there is no well and septic on there right. R. Roeckle asks where does the water and septic come from. D. Dechesne states that it used to come from the old house. The well is bad and the septic system was tacked on to the old house. It was a 500 gallon tank. R. Roeckle states that he does not have a problem with putting the note on the map because legally they can't build on it. T. Yasenchak states then technically it would be self-restricted. R. Roeckle feels it should be on the map; if possible this will be combined. T. Yasenchak does not know if the Board can do that legally. She understands and the Board is always trying to consolidate. D. Dechesne states the reason he does not want to do that is, because the 5 family members that own the house, as soon as they found out there wasn't enough room they stepped away. He has had to pay taxes on it since that point. If they want to negotiate with him, pay him back what it cost him, then they will negotiate into making it one. If not he is not going to throw away thousands of dollars. T. Yasenchak states right now it is a stand-alone lot, there are legal issues and he cannot do that now. She thinks what the Board is looking at is having D. Dechesne's surveyor update the map and put the notes on there that the Board needs. Show what exists and what does not exist, what is proposed. They have the driveway that is already there. C. Baker states that is it, it is pretty straight forward. T. Yasenchak states she would like to see the new map before they schedule a public hearing. The Board has restrictions with subdivisions, with time frames. Once the Board has a public hearing and closes it they have a certain amount of time to make a decision.

Whenever they get it, they will schedule him on the next meeting accordingly. After the Board reviews it then they can schedule a public hearing.

DISCUSSION

T. Yasnchak states that she thinks that all the Board members received the unsigned letter about Zipidy fence. K. Conway and C. Baker did not get a copy of the letter and ask the Secretary to forward it to who did not receive it. It is an unsigned anonymous letter that some of the Board members received. K. McMahon states that they all were mailed to town Hall. T. Yasnchak states that they received a letter from the Environmental Commission reviewing Stewart's, some of the recommendations, some of the back-round and she is going to talk to the Town Attorney as well as C. Baker because she does not know how to address questions that the Environmental Commission has. Stewart's is not present so the Board will not discuss a specific project. They will just be talking about it in general. They got a letter from the Environmental Commission it addresses issues that the Board has discussed in length for hours here, but apparently they have not read all of those minutes. The Board received a letter saying that they have not addressed them and it is a stern letter but they have. She is unsure how to address that. It is something that she will talk to the Town Supervisor and C. Baker, because it needs to be followed up. Then they have the public coming in saying that they are not addressing the comments and concerns of the Environmental Commission. They are asking the Board to do things they are not legally (ask them to do). For instance storm water., M. Gyarmathy states that he thinks clarification needs to be done whoever regulates that storm water or over sees it use. He thought C. Baker handled that already. C. Baker states that the Board has gone over it like T. Yasnchak has stated. They have professional engineer's reports that document that the pond is capable, has the capacity for what they want to do there and it was permitted. They have gone through all of it. M. Gyarmathy asks if there is a maintenance procedure to the pond. He is receiving phone calls that the water level is too high. He knows nothing about that. C. Baker states nor should he. The only time is when there is a flooding issue, there is no flooding issue. It is Stewart's responsibility to maintain it. T. Yasnchak states as far as process just keep everyone aware that they have the public saying that at their public hearing the Board is not listening to the Environmental Commission, but the letter the Board received from them does not address the fact that the Board has spent hours, they have letters and the Town Engineer has said that they have addressed these things. She will be talking to the Town Attorney and the Town Supervisor about this, because it ends up looking like the Board is not listening to their Environmental Commission, but they are asking things that legally they cannot ask the applicant to do or they have already addressed it. M. Gyarmathy asks if the Board can write them a letter. T. Yasnchak states she is going to ask the Supervisor about that. She just received it and it is all things they have addressed. She will get everyone a copy of the letter. For some reason the Environmental Commission has not reviewed the material that has been submitted or read the minutes, that the Board is listening to them. She feels the Environmental Commission is very important to this whole process. The Board has listened to their questions and those questions have been addressed during the process. S. Weeks states that he thinks legal council is important. B. Duffney states that the Board has always listened to the Environmental Commission when they have made suggestions. Every time they receive a letter they review it, they have had several over the years. Listen to the professionals, that's what they do. Each professional stands by their craft. T. Yasnchak states what gets sticky is when it is all internal as far as internal within the Town. Different Boards and communication process between them. She just wanted to let the Board know. B. Duffney states if they read the minutes. T. Yasnchak states it's not just the minutes, it's the application materials. Read the minutes and if they are saying that they are addressing it, but the public is saying they are not, dependent on the way they are viewing a particular situation, it

might read like they are not listening. That is how this letter came across. The application materials, if one would go to see those and see those application materials that the Board has a storm water report plan that was done and approved by DEC, the Town Engineer, another engineer from a master plan years ago. It's already been done. It's a matter of how do they approach that process of communication. M. Gyarmathy asks if T. Yasenchak sent Stewart's any suggestions on who to do the sound study. T. Yasenchak states no, it is up to them. M. Gyarmathy asks if they are not going to have any input at all. T. Yasenchak states as long as it is a third party. If they hired a professional to be it. M. Gyarmathy states they said the last guy who did it was a professional. T. Yasenchak states no, he was here, but he was not the one that did the measurements.

Meeting adjourned at 8:49 p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon
Planning Board Secretary

DRAFT