

TOWN OF GREENFIELD

PLANNING BOARD

September 11, 2012

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:03 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Lorna Dupouy, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks and John Bokus, Alternate. Charlie Baker, Town Engineer, is present.

MINUTES – August 28, 2012

MOTION: T. Siragusa

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 28, 2012, as submitted.

VOTE: Ayes: Duffney, Dupouy, Gyarmathy, Siragusa, Streit, Weeks, Yasenchak

Noes: None

TOWN BOARD REFERRAL

PETER BARBER

Ure Way and Greene Road

T. Yasenchak states that the Town Board has requested input from the Planning Board. P. Barber has applied for an area variance for frontage on Greene Road. P. Barber was at the last Planning Board meeting and gave us an informal introduction to his project. He has a landlocked parcel up off of Greene Road on Ure Way, which is a deeded right-of-way. T. Yasenchak states that we had received information originally that an open development area needed to be approved by the Town Board in order for someone to build on a landlocked parcel. However, the Town Attorney has found that an application can go forward if the Town Board allows the private right-of-way or the deeded access to be counted as frontage. This is not something that we typically do as an approval process for a subdivision, but because this landlocked parcel was created years ago, the Town Attorney has reviewed the application and has explained that the Town Board has the authority to allow the use of a private right-of-way or deeded access as frontage. A recommendation from the Planning Board is requested as to whether or not they feel that this is appropriate in this situation. T. Yasenchak states that we had the information forwarded to us about what an open development area is and everything that had to go along with that. B. Duffney states that he has been on Ure Way and it is almost like a town built dirt road, a rubble road; it is suitable for fire trucks, etc. It has been a previously subdivided building lot with a deeded right-of-way. He states that at some point years ago someone gave them the ability to do this. He states that as the road is already there and it is a deeded right-of-way, he does not see a problem with seeing this approved. S. Weeks states that he is a little confused as he read all the discussion about an open development area as if that was the only way that this could be approached and the Town Attorney is now saying that it does not have to be dealt with in that way. T. Yasenchak states that is his opinion. S. Weeks states that he has no comment. T. Yasenchak asks if S. Weeks has a recommendation, is it something that he feels that in this situation, using the right-of-way as the frontage so that someone could actually build on it would be appropriate. S. Weeks questions if it would be up to the Town Board or the ZBA to decide what the road would be like, standards it needs to be built to?

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T. Yasenchak states that is something that we can put into the recommendation, if we feel that it can count as frontage but as part of the approval that an engineer has to verify that the existing dirt road is capable of handling emergency vehicles. S. Weeks states that that would be his major concern. Other than that he does not have any objections. J. Bokus states that he feels the same way. If Ure Way is capable of fire truck access, why not use that as meeting the frontage requirement as it was subdivided legally in the past. T. Yasenchak states that we would not be requesting that it would be to specs for a Town Road, but as a driveway. T. Siragusa questions that Ure Way is a private road and then there is a right-of-way to this lot, that doesn't touch the private road. T. Yasenchak states that the applicant's frontage would be on Ure Way. Ure Way is not shown on the tax map. T. Siragusa states that he would agree with the other Board members that it seems reasonable to move forward with the application. M. Gyarmathy agrees as long as the road is capable of handling emergency vehicles. J. Streit states that this is a good road, he has been there. One house on 50 acres doesn't seem to be terribly congested. J. Streit states that he would have no objection; this is a ZBA issue and not Planning Board. L. Dupouy agrees and concurs with everyone else. T. Yasenchak states that there is a deeded access. J. Streit states that he would recommend a simple statement that we do not see this as a Planning issues. T. Yasenchak states that it is sort of. T. Siragusa states that the Town Board asked for the Planning Board's input. C. Baker questions that there is an ownership agreement and does it address ingress/egress and maintenance. L. Dupouy states that some years ago there was an issue when a contractor wanted to subdivide some land off of Ure Way and W. Ure had issue with that project because he owned the road. Therefore, L. Dupouy suggests that perhaps we should review a copy of the deed. J. Streit states that as long as the Town Attorney reviews this and the applicant does indeed have deeded access, then we have no Planning issues or objections.

RESOLUTION – P. Barber, Town Referral

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board recommendation, in the matter of Peter Barber and frontage for his land locked parcel located at 481 Greene Road, TM#126.-1-20.2, is that the Planning Board sees no major Planning Board issues and suggest that the driveway be verified to be passable by emergency vehicles to the Town driveway specifications; that this driveway be addressed as a private driveway and not a road; and the Planning Board suggests that the Town Attorney approve the deed language for the access and maintenance of this right-of-way.

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

PLANNING BOARD CASES

STEPHEN DOTY – Site Plan Review

Maple Avenue

No one is present for this application, however an e-mail was received from S. Thomas stating that they are in discussions with the property owner, M. Ernst; S. Doty understands what is being required of him and that they do not believe that the information will be available for the September 11th meeting. This will be tabled until the next meeting or until the applicant submits the proper information.

CELLCO – Site Plan Review

Ormsbee Road

Dave Herbowy, Tectonic Engineering, here on behalf of Verizon Wireless, is present and states that Verizon Wireless is currently co-locating on an existing tower on Ormsbee Road. There are currently 9

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panel antennas and 2 whip antennas. In an effort to better serve their local customers they would like to replace all 9 existing panel antennas and remove the 2 whip antennas. There will be no ground disturbance. T. Yasenchak comments that we have a site plan before us and as the applicant has noted we have no change to the site, only to the tower itself. There will be no change to anything on the ground. C. Baker states that this is pretty straightforward, all the information is in there. S. Weeks states that he appreciates the amount of information submitted. T. Siragusa questions that there will be additional frequency there that wasn't there before. D. Herbowy states that if the Board has questions on that he would have to direct it to the RF Engineer.

RESOLUTION – CELLCO PARTNERSHIP, Site Plan Review

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board approves the application of Cellco Partnership for property located at 500 Ormsbee Road, TM#110.-1-60.1 as follows:

- **Replacement of 9 Panel antennas and removal of 2 whip antennas**

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

THEODORE MAKKAY – Major Subdivision

Goose Hollow Road

Rob Fraser, LA Group, is present for the application and explains that as requested at the last Planning Board meeting, they are here to revise the design and confirm that the design works in accordance with current storm water regulations in the 2010 DEC storm water manual. They also had to comply with the parameters under Section 90-20 of the Town Code including frontage for each lot for a minimum of 200'. He states that in order to determine the layout based on the storm water they had to run hydro cad and it is broken up into three separate drainage areas that are highlighted on the plans. All the drainage areas have been sized according the drainage area that they collect water for. They added this to the conventional subdivision layout. They have come up with 23 lots with one large area that would be a conservation area. T. Yasenchak asks what is different from what was provided. R. Fraser states the frontages and the proposed storm water. T. Yasenchak states that there is an item in the code that is unclear. The Code does not state that when you have a conservation or cluster subdivision, where you can make the lots smaller, it does not say that you can reduce the frontage so you can technically end up with a really small lot but the frontage is still going to be really wide and it doesn't work. T. Yasenchak states that the Code is not clear and really should go the extra step. The Town Board hasn't done that yet so that is still in process. R. Fraser states that they made this work with 200' frontages. C. Baker states that that applies to the cluster plan but not the conventional plan. The conventional plan still has to meet the requirements. T. Yasenchak states that G. McKenna had concerns regarding the setbacks for lots 4, 5, & 16 due to wetlands. R. Fraser states that there are ACOE jurisdictional wetlands on lot 4 so there is no 100' adjacent area, and there is sufficient room on this lot. He states that there is a line that shows up that is an abandoned power line, it does not exist anymore. T. Yasenchak questions that there is a structure on lot 4. R. Fraser states that is a mistake in the overlay. He states that he did not have a chance to check over the plan submitted this morning. He states that is representing a structure that is probably on the cluster subdivision. Regarding lot 5, this is the same as lot 4. T. Yasenchak states that the other question was with lot 16, which would require a 75' frontage along the entire road frontage. R. Fraser reviews the plans and states that there should be plenty of room to build in the center. T. Yasenchak states that there would be about a 75' width in the center, which should accommodate a house. She asks if there are additional buildings on lot 17. R. Fraser states that those are all old buildings that are no longer there with the exception of T. Makkay's house and one garage. He states that they are just trying to demonstrate that they can get 23 lots with this conventional plan. J. Streit

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questions the amoeba shape at the top of lot 3 and is that storm water drainage or what. R. Fraser states that is correct. J. Streit states that then that area is not buildable. R. Fraser states that is correct and that there would have to be an easement for that. J. Streit states that with ACOE you can build up to but not on. He asks if you can build a crossing or if you have to get permission. R. Fraser states that you have to get a permit to cross. He states that there are things you can do, but if you are going to do any fill, dredging or anything associated with this other than maybe some selective cutting, you need a permit. S. Weeks asks how they identify that, what does the ACOE call that? R. Fraser states "jurisdictional ACOE wetland". S. Weeks states that then you do not have the 100' buffer. R. Fraser states that ACOE does not have a 100' buffer. He explains that DEC takes jurisdiction over 12.4 acre wetlands or larger. J. Streit asks if G. McKenna commented on slopes. T. Yasenchak states that he did not, but states that there is a regulation in the code about taking out the slopes over 15%. T. Yasenchak asks if the applicant is saying that the slopes are less than 15%. She asks what the elevation change is. R. Fraser states that he believes this to be 2' contours. T. Yasenchak states that we will have to have C. Baker take a better look at this to make sure that it meets the conventional plan requirements due to the wetlands, slopes, etc. She states that she feels that the applicant has provided everything that the Board asked for in the conventional. C. Baker states that he would want to see road grades on there to make sure that they are compliant with Town Code. He states that there is a whole list of what is required; he is not asking them to do full topo. R. Fraser states that he didn't see anything in the code that said they had to do road grades for the conventional. C. Baker states that the applicant has to demonstrate that the road is going to meet the Town standards. However the applicant does that, they can do it with a profile or percent of grades on the roads. He states that they also have to show the radius of the curves to make sure that those are compliant with the regs. C. Baker states that that is the only way we can determine whether or not the conventional plan can be built. T. Yasenchak states that C. Baker needs to be able to take some time to look at this. She states that she does not think that the Board has any questions on the calculations. L. Dupouy states that she thinks that it would be worth cleaning up the map and getting all the extraneous overlays out of there and also marking the grade so that it makes his job easier and the Board's for the next time that they look at it. M. Gyarmathy states that there are things that he cannot read on this. J. Streit comments on the oblong dots on the map that are not legible. T. Yasenchak states that those are on the contour lines. R. Fraser asks if they will have to have another meeting in order to give C. Baker time to look at this. He states that he would rather come back and start discussing the cluster if we can say tonight that with C. Baker's approval of everything, we could make the next meeting a review of the cluster. C. Baker states that the Board still has to make the decision on the number of lots; ultimately it is their decision. What he will do in his engineering review is look at the road grades, the topo, and the storm water management areas and may comment on whether or not 23 lots looks like a real number. Then it will be up to the Board to decide whether or not the cluster is a 23-lot cluster. R. Fraser states that if the Board could say tonight that there are 23 lots with the condition that the grades work, then the applicant would not have to do 2 more months of meetings. L. Dupouy states that she does not feel prepared to say that. T. Yasenchak states that we need to come up with that number and since the Town Engineer hasn't had a chance to look at the most recent submission, we can't say yes to 23 without getting that from him. If the applicant wants to go ahead with the 23, the Board does not see any problems, but if they do that then it would be at their own risk that if C. Baker came back and said that we needed to make it less. T. Siragusa asks if there is a reason we can't talk about both at the next meeting. R. Fraser states that he cannot go forward until the decision is made and it seems to him that that adds another meeting. T. Yasenchak states that if the Board tells him yes, we can't say that unless C. Baker is comfortable with the storm water management areas, etc. It would be a waste of the applicant's time as well, if the Board says yes to 23 and then C. Baker comes back with a different number. R. Fraser states that they did not place the storm water areas randomly. T. Yasenchak states that the Board is not saying that we feel that they put it on their randomly, it is the Town Engineer's job to review that information and give the Board a review letter. If C. Baker is fine with it then the Board will be fine with it. T. Yasenchak states that if the applicant feels comfortable enough with their number, that it is right, and then we could look at both at the next meeting. J. Streit asks for clarification on ACOE versus DEC jurisdiction. This is discussed.

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DISCUSSION

T. Yasenchak states that at the last meeting the Board had discussed doing some in-house training. D. Eskoff, ZBA member, has sent an e-mail with some suggestions. T. Yasenchak states that she thinks that having someone come in regarding the wetlands would be good. J. Streit states that the suggestions for wetland and the forestry would be of worth if those two could be combined. Discussion takes place that the Board would be open to any or all of these topics. The Board would like to see a session of approximately 2 hours on one evening with perhaps a couple of presenters. Discussion takes place that this would not be just for the Planning Board, but also for the ZBA and Town Boards to attend.

L. Dupouy asks to recuse herself and discuss her proposed PUD. She states that she would like to come back to the Planning Board for her approvals. She states that one of the issues was sight distance and some trees have been cut down and the bank cut back on the lower driveway, giving them more sight distance. Also, she was told to put everything she could possibly think of that she would want to do on the property into her application. She states that when she did that, even though she might not have enough years left on this earth to accomplish that, then it becomes a situation of knowing the applicant's intent and having to act on all of it. She states that what she feels is humanly possible is that she wants to have a B&B and she wants to do weddings there. That is all she is prepared for right now. They are putting in a vineyard, but that doesn't have anything to do with anything because they are just planting stuff. All she wants to do is get the PUD so that she can have a B&B and do weddings. She asks of any suggestions on how the Board would like that presented. J. Streit states that there is no time frame; all she would be doing is adding uses to a site plan, if there were phases. Phase one is B&B and weddings. T. Yasenchak states that she thinks that the problem that we ran into last time, and she loves the project, is that in the procedure it lists out the items that the Board has to look at. She knows it is a strange catch-22 because L. Dupouy does not want to go through all the storm water, etc. L. Dupouy states that if she reaches the point where she makes enough money that she can afford to put the barn in and having wine tasting, etc., then clearly she understands that she has to have storm water there and that she couldn't go forward until she does that, but she states that she does not have the money to do that so she does not think that she should have to put in the storm water now if she just wants to have the B&B. Everything else in the Code says that her house is fine just the way it is. Why does she have to build something that she might never get to? J. Streit states that one thing this Board has to do is protect the applicant's interest and the Town's interest. He states that if the applicant was successful enough that growth seemed to be mandated, that is something that would be good for the Town so we are not throwing away the Town's interest. He does not see a conflict with just presenting the initial things. There would be no guarantee that anything would be approved in the future. T. Yasenchak asks C. Baker about the requirement for a public utility plan. She states that this is not really a public utility. C. Baker states that the applicant's question really is for the Town Board. The applicant is requesting a PUD, a zone change, to allow her to do the things she wants to do on her property and until the Town Board grants that zoning change, that PUD, it really isn't a Planning Board issue. L. Dupouy states that the Town Board shoots her back here. In her mind what happens is, what she is asking for is not anything any different than what is down at the Wayside Inn. S. Weeks states that it appears to him that the applicant is showing a lot more than what she needs to show on the plan. L. Dupouy states that when you read the Code and it tells you what you want for a PUD, it says that you should put down everything you ever think you could possibly ever want to do on that property. She did what was in the Code and then the next thing is that the Town Board said that this was bigger than Polo. J. Streit states that it seems to him that if the requirements say that an applicant should list all the things they are ever possibly going to want to do and you list them, but you are coming forward to say you just want to do the B&B, the Town is warned in advance of other things that might be potential, but they are not ruling on those things and they could come up as they come up. J. Streit states that he would present the B&B, having listed the other things, and then the other things could be handled as they come up. T. Yasenchak states that the Code does not necessarily say that the site plan has to show all that, it just says that the narrative description has to say it. L. Dupouy states that then she has to go back and pay for another survey, taking all the rest off. T. Yasenchak states no, this Board understands where she is going and looking at everything that is listed here, the applicant has done that on the map and in

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the narrative. She needs to review the Code a little more. C. Baker states that, using Prestwick Chase as an example, when they came in to the Town Board they came in with a project that proposed assisted living apartments, cottages, a golf course, etc. Basically a four phase plan. The Town Board looked at the entire master plan and they had to submit the supporting documents to show all that and then the Town Board wrote the ordinance to cover all of those proposed uses. To this day, Prestwick Chase has not built out what they had proposed in their PUD. An applicant can always go back and amend it, but he thinks that what they want to do when they create that district is that they want to know all of the things that you would be thinking of doing there, so when they write the legislation for that area everything is covered. L. Dupouy states that where she got tripped up is, she did that and went to the Town Board first who said that what she had sounded good and she should go to the Planning Board. Then the Planning Board, because she had written all this stuff down, now we want to see storm water drainage basins and where is she going to have the septic for the cottages, etc. She is saying that is all something that she might do in the future. It is really just a B&B and to do weddings. If they make a lot of money, great. J. Streit states that he would like to think that we have the autonomy to make a common sense issue out of this and say, yes, we see where you have indicated other possible things in the future, but let's talk about the present and those other things are dormant plans to be acted upon, or not, in the future. B. Duffney states that he thinks that the biggest thing was the sight distance, that was the main issue. L. Dupouy states that now that has been taken care of. T. Yasenchak states that she would like time to review the requirements, as it has been some time since we have looked at this project. S. Weeks asks if to operate as a Bed and Breakfast that requires a PUD. L. Dupouy states that it does not but she wants her property to be a PUD because it is big enough to do that and if she is successful enough she has to have a PUD to be able to build all these other little buildings on there. T. Yasenchak states that it is just that L. Dupouy wants to do a PUD, otherwise she could just come in for either the site plan review or special use permit for the B&B. The PUD could really wait until she is ready to do that. L. Dupouy states that the benefit to the PUD is that if she were to get this up and running and it were successful, and then they wanted to move for some reason, it is a better sales tool that it is a PUD than if it were just a special use. S. Weeks states that the more comprehensive she tries to make the PUD, the more time, energy, cost, everything the applicant is going to have to go through. L. Dupouy states that it is no different when the Wayside came in and did their's. C. Baker states that he was on the Board at that time. They had to go through the same exact thing that L. Dupouy is talking about. They had to go before the Town Board, they had to submit maps and show what they wanted to do. T. Yasenchak states that the difference is that the Wayside was only approved for a certain number of people because that was all that the septic system could handle. Part of that project was already operating and the systems were already installed, so that helped with the PUD process because there were certain things that were already there. L. Dupouy states that makes sense.

Meeting adjourned 8:12 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary