

TOWN OF GREENFIELD

PLANNING BOARD

September 14, 2010

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by G. Dake at 7:00 p.m. On roll call, the following members are present: Gary Dake, Tonya Yasenchak, Nathan Duffney, Lorna Dupouy, Michael Gyarmathy, Thomas Siragusa and John Streit. Charlie Baker, Town Engineer, is present.

G. Dake congratulates M. Gyarmathy on being appointed to the recently vacated position on the Planning Board.

MINUTES – August 31, 2010

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 31, 2010.

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

PLANNING BOARD CASES

LOUISE BUBLAK – Site Plan Review

Locust Grove Road

Louise Bublak and Phil Gargan are present for this application. G. Dake states that at the recent ZBA public hearing there were concerns from the neighbors. L. Bublak states that she thinks that the major concern was the agricultural use, that there would be more traffic on the road. Agricultural use is for her own use, not to sell products from the property. She would like to have her own vegetable garden and her goats. G. Dake asks if the applicant would be willing to accept a limitation upon the site plan review by a condition that no commercial activity, no sale to outside parties will take place. L. Bublak asks if that would mean that at some point she could not take something to a farmer's market. G. Dake states that the contingency could say on site. The Board has received a memo from Audrey Champagne and a copy is given to the applicant. G. Dake states that he believes that limiting the scope may in fact satisfy the concerns. J. Streit asks if we can identify what commercial activity on the site would be composed of. G. Dake states that, and he would rather do it with the applicant's consent, we can, in an approval, limit the scope of the activities. The Board could say no more than X number of goats, etc. J. Streit questions that someone could come to the property and want to purchase 2 goats. G. Dake states that these are things we have to flush out as to ways to deal with the objections of the neighbors. The challenge always becomes how do you enforce contingencies. He states that the fear of the neighbors is probably far greater than the actual impact of what will happen. J. Streit asks how far off the road any activity involving animals would be. Map is reviewed. P. Gargan states that there was a concern at the ZBA meeting raised by Mrs. Champagne about wetlands. He got a copy of the wetlands from the Zoning Department. The wetlands are all in the front closer to Locust Grove Road, not on the properties owned by P. Gargan. He states that it is about 2000' from Locust Grove Road to the end of the private road. P. Gargan states that L. Bublak currently lives on a

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1 ½ acre lot in Burnt Hills with houses on either side and a development right behind her and her neighbors love the goats. He states that goat droppings are very small and don't smell. J. Streit states that he has goats. T. Yasenchak asks for clarification on the locations of the houses. P. Gargan explains which lots have houses. G. Dake states that even though there was a public hearing at the ZBA, the Planning Board should hear the concerns of the neighbors as well. This is a site plan review and a public hearing is not required. G. Dake states that his recommendation to the Board would be to have a public hearing to give the neighbors an opportunity to express their concerns to the Planning Board prior to making a decision, because we have already demonstrated that there is public concern. G. Dake refers to the items which should be reviewed by the Board, Section 105-54 B-Q. The applicant obviously feels that this is in harmony with the surrounding area and he is assuming from what he has read of the ZBA minutes that the neighbors do not necessarily feel that it is in harmony, and it is the Planning Board's job to decide. L. Dupouy states that in reading some of the comments from the ZBA public hearing and the responses from the Zoning Board members, she questions that some of the concerns have been resolved. Her concern is are we in fact, as a Board, then giving people a chance to bring their concerns again or is it just lamenting more things that have already been explained. G. Dake states that there is that potential. In this case the applicant was in front of the ZBA for an area variance, technically all they were supposed to be commenting on is the fact that instead of X amount of frontage they had Y amount of frontage. That hearing was not about is it good to have goats. This public hearing would be about the goats. That is where if the applicant were going for a use variance and then site plan, there might be duplicity in doing the same hearing twice. Neighbors are not happy when something does not go the way they want, they are even less happy when they don't think they were listened to and it does not go the way they want. The applicant and neighbors both deserve the right to be heard. G. Dake states that he would not be comfortable rendering a decision tonight, not having read the entire minutes yet. T. Yasenchak states that she was at the meeting for another application and states that there were some people who were there who said that they understood that they were not familiar with how zoning law is intended to be looked at. They stated that they did not understand the whole process. They heard everything at the meeting and the ZBA was very defined to tell the audience that this is what they were there for, that they were not there to talk about the goats or whether it can be a residence because this is something that was subdivided before. This is something that despite whatever is happening with driveways, this is a lot. Concerns may have been addressed or people may have additional questions. L. Bublak states that they had to go through that entire process in the Town of Ballston. The neighbors did have some real concerns, they were there one evening for 2 hours, and it wasn't that she just decided to get goats. She apprenticed to someone who had goats, she worked with her, along side of her through milking, birthing, going to the County Fair. She does not believe in the year that she has had the goats that there has been one complaint. She states that people do like hearing them occasionally, they do make small noises unless there is something really wrong then they will let you know. G. Dake states that it would be beneficial to get letters from her current neighbors. He states that there are at least two goat owners on this Board, so we will know and the neighbors should be comfortable knowing also, that these members know factually about raising goats. B. Duffney states that having had a small goat dairy, 30-some odd goats in the early 1980's, he can speak to the only smell you really got was when the bucks go into rut in the fall. G. Dake reiterates the importance of hearing what the neighbors have to say, and hopefully we can render a decision at that meeting. Make sure that we completely understand what the neighbors concerns are and mitigate those, if possible. G. Dake states that his suggestion would be to try to find a way that everybody walks away happy. A public hearing is set for September 28, 2010 at 7:00 p.m. T. Yasenchak suggests putting some additional information on the map such as fencing, manure storage, etc., so that the neighbors can visualize it and help them to understand. She also suggests addressing the issues and not who said what. T. Siragusa states that the commercial questions could be addressed, if it is the case that nobody is going to be going up and down the driveway to purchase, he thinks that makes the bigger point.

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ELIZABETH HUNTLEY – Site Plan Review

Route 9N

Elizabeth Huntley is present. She states that there is an error on the recently submitted plans. The parking areas are proposed to be crushed stone in both locations. She states that the ZBA had a concern for parking on 9N and it is not their intention that anyone would be backing out onto Route 9N. The area is deep enough that someone can pull in, back up and do a three-point turn to leave. G. Dake reads from G. McKenna's notes that he spoke with Mike Valentine about curb cuts on NYS Route 9N. Applicant stated that Mike Keegan, NYS DOT, tells her that the location and permission for a curb cut on Route 9N was up to the town. M. Valentine stated he would check with DOT. G. McKenna left a message for M. Keegan which has not been returned. Public hearing is a "may" and not a "must" on this application. C. Baker states that M. Keegan is the resident engineer but not the person who would do the review. C. Baker states that he would also like to see wetlands shown on this plan. His concern would be that if the parking is not in it, it is very close to it. While there is a line indicating wetlands, there is no indication of whose they are or who flagged them. It is a pre-existing, non-conforming lot and it does not meet current separation for septic and well, but it is pre-existing so we are kind of stuck with what it is. Other than that it would be the traffic issues on both the County road and Route 9N. M. Gyarmathy states that he has concerns with the parking. He does not see the Route 9N side working. Someone will back out into the road, and everyone on this Board knows that this intersection has been a problem for many years, even with the blinking light. He would really like to see this moved over to Spier Falls Road and enlarge that area if we can, and then we would also be away from the wetlands. E. Huntley states that M. Gyarmathy's concerns are just, but they have the well and septic system on the Spier Falls sides. G. Dake asks what is on the property that also shows to by E. Huntley's property immediately adjacent on Spier Falls Road. He wonders if a lot line adjustment might help to create more space. C. Baker states that the well appears to be a shallow well and asks if E. Huntley has any details on that. E. Huntley states that she does not know. C. Baker suggests that a coliform test should be done on the well. It is very close to the septic and to the road. J. Streit states that he knows the applicants. He comments that for the Chwaz application, at that time we decided that the entrance to that property might be better off Spier Falls Road and it occurs to him that that might be the case here. He questions engineering on how close one can put the parking lot near a septic, shallow or deep well. C. Baker states that the separation between a septic and well is 150'. As far as septic and driveways or parking lots, ideally you don't want to be over the top of them as there is the risk of crushing pipes. DOH frowns upon pavement over the top of them. If you have runoff or drainage issues from parking areas going across a septic system that adds to loading of the system, so it is not ideal to have it close to paved or crushed stone surfaces. If this is a shallow well, there is the potential for contamination issues from runoff from the parking areas and the roads. G. Dake states that if it was a drilled and cased well, it should not be an issue. J. Streit states that he would suggest that this issue be explored for engineering purposes to determine if it is a shallow well and then the parking should be moved. G. Dake states that moving it closer to 9N would not solve the issue. You are not going to want to have people pulling in that close to the intersection. J. Streit states that a possible jog to the east might be a solution. C. Baker states that he would caution moving the line as there might be additional wetlands on that lot. E. Huntley states that they bought this as it exists and questions if she is here because of the store and would she be standing here if they just continued the residential use. G. Dake states that she would not be here, it is the commercial aspect only. E. Huntley states that as a home, the driveway is on Route 9N. She asks if specifically the Board wants to know how deep the well is and to have a water test. G. Dake states that the Board needs to know if it is a dug well or drilled and cased. If it is a dug well, it should be tested for Coliform. He states that it may be beneficial to identify where the wetlands are on the property to the east on Spier Falls Road so that the applicant knows what their options are as far as the parking on that side. E. Huntley states that the other problem about moving the parking to Spier Falls Road would be walking around to the front of the building. J. Streit questions whether a pedestrian walkway could be situated on the site without going on the road. E. Huntley asks if she could do some of the drawing or if it must be done by a professional. G. Dake states that she could do the sketches now and that down the road the Board could ask to have a more clearly defined plan by a professional. If we make a lot line change the applicant will have to have a survey done for that. J. Streit

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states that one option would be an amateurishly drawn plan and a site visit. L. Dupouy states that a site visit would be the best course of action and does not see how we can go forward without the wetlands information. B. Duffney asks if expanding the parking area, possibly, on the Spier Falls side would require a lot line adjustment. G. Dake states that is correct. T. Yasenchak states that we do not know that, because there may be enough room without the lot line and without being over the septic system. G. Dake states that it would be a solution. B. Duffney states that he went by there a couple days ago and believes that there might be enough area there, but he questions if there is a culvert. There was a shed there years ago that was taken down. He comments on a recent case on Maple Avenue which had a similar situation with a small lot and septic, well and parking areas being very close together, snow removal issues, etc. That application was approved. B. Duffney states that he sees a handicap space on 9N. If possibly expanding the parking area on Spier Falls Road, the way there are 4 spaces to pull off of 9N, the applicant possibly has an area where they could have a couple of handicap spaces where they could pull in parallel to 9N and back around towards the inside. E. Huntley reiterates that the idea is that it is deep enough that no one would have to back out onto 9N. T. Siragusa states that he has the same concerns regarding the parking on 9N. The reluctance to move ahead on that really comes from the number and severity of accidents at that intersection. He states that no one will be watching whether people are backing out or not, and as soon as someone gets hurt the applicant and the Board will all feel pretty bad. He would like to wait to see what the DOT says on this. He questions the location of the storefront and as a farmstand, where does the produce come from. E. Huntley states that the plan is for it to be local. T. Siragusa asks how that would get to and from the site. E. Huntley states that we are not talking a very big place. It would be seasonal, there would not be huge trucks showing up. It would be people like at the farmer's market showing up with their cars and a few items. T. Yasenchak states that the last time the applicant was asked for some additional information to be put on the plans such as exterior lighting, handicap access, etc. E. Huntley states that they are not planning on any additional lighting, there is a handicap ramp on the drawing and that would be new construction. T. Yasenchak asks if that would access the shop area and is it something that G. McKenna finds acceptable. She also asks about signage. E. Huntley states that they would have something flush to the building. T. Yasenchak states that the Board would like to see a sketch of the sign and the proposed location. She also has concerns about parking on 9N. If that is where the residents used to park, that will have less traffic than if it is commercial. Knowing the way people tend to park at farm markets, if those 4 spaces are filled, people will park along the side of the road. E. Huntley states that she spoke with a very adamant secretary at DOT who gave her a long lecture on how this had nothing to do with them and that it was up to the Town. C. Baker will contact DOT. T. Yasenchak questions that this will be limited to just inside during the summer and they are not planning to have any sales outside where people will be walking around looking at flowers or produce. E. Huntley states that what they would like to do is simply put back what was there. They are not looking to expand it or change it. The space inside is exactly as it was left and the way the Donohue's ran it. T. Yasenchak states that she would be uncomfortable having people poke around outside. G. Dake reiterates that the applicant should verify with the engineer that the dotted line is actually the wetlands boundary; take a look from a logic standpoint as to whether it makes any sense to do the lot line change on Spier Falls Road, as the Board is very uncomfortable with the parking on Route 9N, so anything that can be done on Spier Falls would be beneficial; the Board could do a site visit after we have a chance to look at that information.

JEANNE VAN PATTEN & SARAH ROSCHINSKI – Site Plan Review

Locust Grove Road

Jeanne Van Patten, Robert Reed, and Jill Cunningham are present for this application. G. Dake recuses himself as he is a neighboring property owner. T. Yasenchak states that this property was before the Planning Board this past spring for a subdivision. R. Reed explains the maps included with the application and states that the question they really have before getting to far into this is whether S. Roschinski would be allowed to have all her animals on this property. T. Yasenchak reads from G. McKenna's notes that the applicant is seeking a Site Plan Review on 10 acres for an agricultural use. This is the LDR district and if the applicant had 20 acres a site plan review would not be required because agriculture is allowed in the LDR

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district with 20 acres. The Town of Greenfield does not have regulations regarding the number of animals per acre. She states that the Board has asked applicants in the past to do some research on what some standards are maybe from the Cooperative Extension or a national organization so that the Board can have an idea and to satisfy neighbors. This will allow the Board to understand that they are not allowing something that is going to be too dense. R. Reed refers to the third page of the narrative that contains information regarding the Alpacas. J. Cunningham comments on the existing pasture areas. T. Yasenachak asks if the chickens are free range. J. Van Patten states that they are. R. Reed states that there would be a chicken coop where they would lay their eggs. He states that they would do whatever the Town wants as far as fencing to keep them contained. T. Yasenachak states that obviously if they are free range it is a little harder to clean up after them. J. Streit states that if the applicant has a garden, chances are that is where the manure will go. T. Siragusa states that he did read the comparative information and the thing that scared him the most was that a chicken can produce a cubic foot of manure. He asks why 21 Alpacas. J. Van Patten states that she is breeding them but not selling them. She had 4 more babies this spring. R. Reed states that she was given two of the Alpacas from another family who just didn't want them anymore. T. Siragusa asks if the intention is to breed and sell. J. Van Patten states that they keep asking her that, but they cannot figure out how you make money. S. Roschinski explained that you have to show them because it is the fiber that is graded and is worth money based on the grading. R. Reed states that she would eventually like to make money with this. R. Reed and J. Van Patten would like her to be able to move closer to home, help her run her business, etc. He states that he does not see her getting bigger. Alpaca breeding is very regulated and she is not going to run a breeding business. J. Cunningham states that she has given S. Roschinski the name of a person in Ballston Spa who also raises Alpacas. T. Siragusa asks if there would be any crossing of the wetlands for access to the back of the lot. R. Reed states that there would not, that he would clear additional property in front of the wetlands if the Board would like, but they would not get too close to the wetlands. J. Cunningham states that there is additional pasture area behind the barn. B. Duffney explains that we do have Northwind Alpacas is located in the Town of Greenfield on Grange Road. They have shown the Alpacas and one placed 3rd out of 10,000. He states that it is the fiber that is the most valuable. He states that he has 78 chickens who roam his 40 acres. He asks how much property S. Roschinski is currently working off of. J. Van Patten states that her daughter is currently renting a 6-acre farm in New Hampshire. R. Reed states that they only use about 2 acres of it. J. Cunningham states that she has had up to 8 polo ponies on her property with no problems. B. Duffney states that then the applicant is managing all these animals on less than 10 acres now. He states he is pro-farm, pro-animal. As he has said previously, if he had his way everyone in Town would have a farm animal to give people responsibility and compassion. R. Reed states that S. Roschinski really does care about these animals – this is her little family. B. Duffney states that he has no issues with this. J. Cunningham states that the thing with the building lot is that it would have to be rescinded at closing. What they had talked about was a lease with a temporary closing and then it can be in the contract that per the Planning Board they would have to rescind the 6 acre building lot. R. Rowland states that J. Cunningham has not filed the subdivision so it does not exist. What she has is one 10-acre lot. R. Reed states that then they do not have to change anything. J. Cunningham states that technically no, but yes. T. Yasenachak states that the subdivision approval expires if it is not filed. R. Reed states that they love the house, the barn, the property and Greenfield. They just want to get S. Roschinski closer to home and will do what is necessary. L. Dupouy states that she is in favor of the application. J. Streit states that he is familiar with the property and used to hay the fields just to the north of this. He questions whether or not this is two properties. T. Yasenachak states that a subdivision was approved for this property into two lots. M. Gyarmathy states that it looks good to him. C. Baker states that he does not believe that the subdivision exists because it was not filed. There is no subdivision. T. Yasenachak states that it should still be mentioned because there is a letter out there saying that the subdivision was approved. She states that as a site plan review, a public hearing is a 'may' and not a 'shall'. We don't know what the neighbors feel, obviously the neighbors to the north have horses. Obviously the other neighbors have not had that many animals on the property. She states that it would be a good idea to have a public hearing because of the pure number of animals. It will be a change in the character of what your neighbors are used to now. A public hearing is set for September 28, 2010 at 7:00 p.m.

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MICHAEL HICKAM – Major Subdivision
Medbury Road

Michael Hickam is present. G. Dake states that the applicant received subdivision approval in October 2006 and has received three extensions. G. McKenna's notes question why the applicant was granted 1 year extensions as a subdivision lapses after 180 days if it is not filed and states that zoning has changed since the original approvals. G. Dake states that the applicant has asked for the extensions to be a little more open ended without doing all the conditions of an approval which would include some of the infrastructure until he has a buyer because he is actively trying to sell this. G. Dake states that one of the reasons we have been keeping to one-year extensions is because we want to make sure it doesn't just get ignored and forgotten, and we want to make sure that M. Hickam is still continuously trying to actively sell this subdivision. M. Hickam states that it is still listed, he has had prospective buyers looking at it. He now has one builder who wants it but wants M. Hickam to be partners with him and M. Hickam is still checking that out. C. Baker questions if this had DOH approval. M. Hickam states that it is stamped 2/07. C. Baker states that he believes it is still good, but we are going to get to a point where it will become an issue. We could be at a point right now where storm water is an issue because the storm water manual has been updated and changed. There is a good possibility that the storm water system does not comply. He is unsure how to advise on this. He understands the applicant's frustration in trying to sell, he is not alone, the economy right now is not good. M. Hickam states that the cost of the infrastructure is the main problem. C. Baker states that he feels that the Town has been very fair to date. G. Dake comments on some of the items regarding this subdivision: cul-de-sac diameter is not what we would approve today; drainage system he believes is not what we would approve today; well and septic locations are DOH issues; the approval contingencies. One thing in M. Hickam's favor is that when you look at the surrounding neighborhood, while this is very non-compliant with existing zoning, it is not out of character with the surrounding lot sizes. On the other hand there is the dilemma of how long do we do this? It certainly has been a tough time for M. Hickam to be in this process. His inclination would be to give the applicant another extension, as he does believe that he is trying very hard to make this sale. He knows that every time he comes in here the possibility exists that he will not be reapproved and extended. B. Duffney states that this has been a tough year for everybody, businesses are all in survival mode. He states that with Global Foundaries, next year there may be someone who comes along who wants to buy the whole thing. B. Duffney states that he is in favor of another extension, at least one more. M. Hickam states that it could take two or three years before Global Foundaries is up and running. L. Dupouy states that everything that we have ever asked of M. Hickam, he has always complied and he is very actively trying to sell the property. At times the Board has given consideration to people who have done less in complying with what has been asked of them. J. Streit states that he does not see any way that the interest of the Town could be negatively impacted by granting this for another year. T. Siragusa agrees, he sees the sign up there. M. Hickam has been a good applicant and done everything asked of him.

RESOLUTION – M. Hickam, Major Subdivision

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board extends its approval of a major subdivision to Michael Hickam for property located at Medbury Road, TM#137.-1-14.111, contingent upon:

- **Extension for an additional year to October 10, 2011**
- **All of the same conditions including DOH approval and road bond being in place**
- **The road bond dollar amount will need to be updated to a current cost at whatever time the road bond is put in place**

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

ZBA REFERRALS

Gerald & Rhonda Mahay - The applicants are seeking an area variance for frontage. No Planning Board issues.

Anita Harding – Area variance to build a garage. No Planning Board issues.

Samuel Chandler – Area variance to put a mobile home on his property. The Planning Board has approved a Special Use Permit for the applicant.

Anthony Vaccarielli – Area variances for frontage for the lots he wishes to subdivide.

Charles Dake – Area Variance. No Planning Board issues. G. Dake and T. Yasenchak recuse themselves. T. Siragusa questions how a building lot becomes approved if it is not a building lot. C. Baker states that the zoning has changed, this subdivision was done in the early 1990's and that was a struggle. He was serving as the engineer at that time. Wetlands were delineated differently back then than they are today and that is probably the biggest difference. He states that there are significantly more wetlands on the property than there were when it was subdivided. B. Duffney states that bottom line, it is a pre-existing lot before the zoning changed. T. Yasenchak concurs that what probably happened is the change in the wetlands.

Meeting adjourned 8:33 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland