

## TOWN OF GREENFIELD

### PLANNING BOARD

FEBRUARY 12, 2008

#### EDUCATION

Michael Chandler, Assistant Chief, and Brian Bishop, Commissioner, Greenfield Fire Department, are present. M. Chandler states that he is the Liaison between the Fire Department and the Planning Board. He has spoken with Walt Barss, who would be speaking to the Town Engineer, about trying to get driveway entrances standardized, especially so that they have access off the road. They need to get one truck off the road so that they can set up the portable ponds, which are a rubber pond with a steel basket around it that they set up, fill and then pump out of. They hold 3000 gallons and there are two in the district. That is why they are trying to standardize a width or radius points off the black top. The biggest issue, that B. Bishop is going to talk about, is the Lake Desolation problem. They know that they are private roads, but at this time of year there is zero access for the Fire Department. The area is getting grown up more and more, and people are starting to live there year round. When it was camps it was not a big issue, but it is becoming an issue. B. Bishop states that this basically came about due to a couple of incidents they have had at the lake where access has been a difficulty mostly during this time of the year when the roads are not in the best of condition. He thanks the Board for allowing them the chance to speak and bring these issues to light. The problem is that over the years trucks have gotten larger and larger, and the roads up there have stayed the same. Since they are largely private roads, the condition of the roads sometimes are not optimal for the Fire Department to get equipment back there. The main issues are, first the size of the roads, but there isn't much that they can do about that, and second is the condition in which they are kept as far as being plowed, sanded and salted. They actually had their most accessible truck, which is a 4-wheel drive, basically an overgrown pickup truck, that actually got stuck going to the back side of the lake, the north shore. The other issue is that a lot of the roads up there change names over the years as the houses are purchased and change hands depending on who bought the camp. They have drafted a letter to send to the residents at the lake to meet with them and try to address those issues on a personal level rather than having something enacted that they have to follow, but in order to have that kind of accessibility they thought it would be best to have the Board informed as to what is going on. Something that we can also look at is the access bridges that are back there. As M. Chandler said, the camps are getting bigger and bigger and now year round houses, and that becomes an issue of getting trucks back there and turned around. G. Dake asks about the fire station at the lake, he has heard that it is not an active part of Greenfield Fire Department. M. Chandler states that it is not part of the fire department. B. Bishop states that it is a private fire brigade. They have one truck, which sometimes the truck works and sometimes the pump works, but they don't usually work in tandem, which can be problematic. They are not recognized by the State as a fire protection agency. Essentially they are a social club for a lot of the folks up at the lake. They are not equipped or recognized as a fire protection agency, so Middle Grove covers that area. They do not get called when 911 gets called. Another question B. Bishop wanted to ask is that they are looking into, and he is not sure if the Board has any jurisdiction, setting up markers along the roads for distance for when they are laying their 5" supply hose to basically mark out the distance so that one truck can come in and know that they are at the second post and that is where they lay from, etc. They would be made from regular standard road signs marking the distance or some other kind of color-coded post. B. Bishop states that he does not know if that falls under the Planning Board's jurisdiction or if they could bring that up in a meeting with the people up there. G. Dake states that if they are talking on the private road section, that becomes an interesting question. He states that there are a lot of areas where the Planning Board does not have direct control, but if someone is coming in asking for permission to do something, suddenly they are very interested in the Planning Board's opinion. Perhaps that is one of those things on some projects that the Board could come up with something. Although he thinks that their first line would be to go back to the owners and he assumes on some of those private roads there is either multiple

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ownership or the last guy in owns it. He is not sure how those private roads are owned. B. Bishop states that these are the major issues and mainly it is an access issue of being able to protect what are now upwards of sometimes million dollar houses that are going up, being able to get the equipment back there and to protect those properties and those people. There has been concern and they want to be pro-active about it. G. Dake states that one of the last times he was up there, we had a subdivision in front of us – Ferris/Sanita – and it was a fairly large lot so from a planning perspective we looked at the septic and things like that. We talked about the road and they gave us plenty of ‘yes’s’ that it was fine and passable. He asks if the back side, the north side, is a bigger problem; is the south side, Happy Hill, which is a bit more heavily traveled; are both sides a problem; is one side a bigger problem? B. Bishop states that both sides are. What is happening is that they are going further and further back. Those camps that are in the first area are pretty accessible. Main Street makes a pretty good loop around by the beach and is pretty accessible there. Once you get up Happy Hill it just branches off into all these different little smaller roads, that is where the accessibility really becomes an issue. On the back side it becomes narrower and narrower as you head back. The other issue is that there is really no turnaround area. So if you can imagine taking one of those fire trucks in there and then having to back it basically two miles back out to the road. That might be something that can be added when looking at a project, at least a turnaround area. That would make life much easier. G. Dake states that on new construction or someone who is coming in because there is additional review, that is the kind of thing that we can ask for. He states that our new driveway specs for a long driveway actually have that requirement. C. Baker confirms this. G. Dake states that we have seen a tremendous trend towards longer driveways and driveways where no one ever dreamed that someone would try to put a driveway. We also require certification of being able to handle a 50,000-pound vehicle. B. Bishop states that has been an issue most recently at the fire on Lester Lane. It was a very long driveway and wove back and forth a little bit. Also, marking of driveways is another issue. They had talked about possibly setting up a small, standardized sign, basically a small green sign with the house number on it that is reflective, that is easy to be seen. If residents have a house number and they are 1500 feet off the road, it does the Fire Department no good. Sometimes at this time of year mailboxes are covered with snow, etc. and mailboxes do not always align with driveways. G. Dake states that something like that may be a Town Board action, but he has seen it in many communities and it looks very effective. B. Bishop states that it helps them find who they need to find in a more timely manner. M. Thraikill asks if, in the winter, they can make any recommendations for any more plowing by the residents. B. Bishop states that the issue is more with the size of the road, the width of the road itself. What happens with any road is that there is not a lot of place for the snow to go. Like this year, although it has not been overly snowy, there just is not anywhere to put it anymore. M. Thraikill asks who is plowing. B. Bishop states that they have their own private plows and that goes back to who owns the road, who is contracting for the plowing, and that is why they want to meet with the residents to express the concerns of the Fire Department and see if they can get something going. G. Dake asks, playing Devil’s advocate, what if he were a homeowner up there and stated that it is his personal property and if it is going to burn down it’s not the Fire Department’s problem, it’s his own problem. B. Bishop states that his answer, speaking for himself, is that it is the Fire Department’s job to help protect you. They cannot force protection on the residents, but for the resident’s best interest he would feel very bad if at 2:00 in the morning a house is on fire and all they can do is sit at the end of the road and watch it. They want to be able to do their job to protect the residents. If a resident chooses not to take that protection, they are well within their rights, but they would advise the resident to allow the Fire Department to do what they can to help them out. M. Chandler states that, as Assistant Chief, the only thing at a fire that he is legally bound to do is to investigate. They are morally, more or less, bound to put the fire out, but not legally bound to do so, and once they start an action they have to finish it. M. Ginley states that he would think that there would be some kind of warning to residents that maybe their homeowner’s insurance might not cover them if there is not sufficient access. M. Chandler states that that has been a discussion among the officers also. M. Ginley asks if there is any homeowner’s association at Lake Desolation. B. Bishop states that, to his knowledge, there is not. He is unsure on the north side as there is one main private road and he is not sure if that is a group ownership kind of thing. The south side is mainly just private camps and the roads have been there since the beginning of time, basically, and who knows how they got there, who they belong to, etc. G. Dake asks A. Janik, T. Conard or D. Rowland if they know how it works, if they are just extended right-of-ways and the property

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line goes through the road? A. Janik states that there is no road, if you will, because the property lines generally are the centerline of the road. There is a right by use and the Town never maintained them. L. Dupouy asks how it comes into it legally, as the camps are really close to one another, if you want to let your camp burn down fine, but what about if a spark from a fire blows over and causes a fire to burn the camp next door. M. Chandler states that any fire that crosses a property line is subject to DEC, who can write tickets and enforce them at that point. If it stays on your own property they have no say, but if it crosses a property line anywhere, even a grass fire, DEC has a right to issue tickets, they may not, unless it turns into a structure fire and the homeowner where it originated is responsible. L. Dupouy states that right here we already have two things – their insurance and you don't want it to go to your neighbors. B. Bishop states that there is a new breed of residents that are coming up there who are not the standard guys who are living in the 10 x 10 camp and get together at Tinney's. L. Dupouy agrees that the complexion has changed. B. Bishop states that there is a whole new crowd of people who are making it their year round residence. He states that we would hope that they would defer to their better judgment in these issues and do what they can to resolve them. M. Thrailkill asks if the Fire Department has met with any of the residents yet. B. Bishop states that they have not, they have the letter drafted and ready to send. They wanted to meet with the Planning Board first and discuss it and see if there is anything on the Board's end that can be done and where we can go from there. They want to be proactive with the residents and not have it come from the Planning Board or anyone else, have it come from the Fire Department directly. G. Dake states that on the Lake Desolation front, the Board's hands are tied on what already exists, we are a permitting not an enforcement body, and if it is a matter of something new coming in front of us, we can encourage people to widen roads, we can do a lot of things and require things. The Board can deny based on unsafe access because he would assume in all those cases they do not have frontage and would need a variance to build anyway. Frontage is on a road maintained to Town specs, which is something that was changed probably 10 years ago. He states that the only approach with the people who are currently there, is to try to appeal to their judgment and self-interest in trying to maintain it. Knowing about these things will certainly make the Board more cognizant of them. G. Dake asks outside of the Lake Desolation area, what are the other things that we can do? He states that C. Baker works very closely with W. Barss in trying to make sure of road geometry and such. This Board doesn't often look at what the driveway spec is going to be for every single house because we assume that the Highway Department is looking at that. M. Chandler states that he has known W. Barss for a long time, he has talked with him about this issue, and W. Barss was going to talk with C. Baker. At this point he and W. Barss are discussing a 30' minimum with 30' radii on the ends to allow at least access off the road. He states that a lot of times people put in 20' culvert and depending on the depth, you may get a 10 or 12' driveway straight off the blacktop which is impossible for the Fire Department. B. Bishop states that coming off the road a driveway may be at an angle that is easily accessed from one direction but if you are coming from the other direction you cannot make the swing to get into the driveway that way. So having the longer radius, accessible from either direction, would really help out. G. Dake states that he thinks that a driveway spec already exists, at least for the culvert section, but we could look at the first 30' in or something. C. Baker states that he thinks that 30' would be met with a lot of resistance, most people do not want a 30' driveway. M. Chandler states that they don't really care if the driveway is 30', they would like the access off the roadway to be. C. Baker states that it might be difficult to do in a lot of cases. M. Chandler states that most of the pumpers are 35-38', single axle trucks. They have several tankers that are tandems and most stay on the blacktop, they just need the access for the pumper to get off the road. C. Baker states that he will certainly talk to W. Barss to see what can be done to improve that. G. Dake states that just what they have done tonight with their presentation to the Board will make the Board more aware so they have already accomplished something. Now the Board can talk with any applicant who comes in with their ½ mile driveway about fire protection and will know to look at. G. Dake states that the Town has a height restriction on buildings of 35'. Some of that is an aesthetic issue, some of that was put in as a fire protection issue. He states that he is told that there is at least one ladder truck in the Town, regardless of the issues with that truck, is there a realistic concern with fire safety for a structure higher than 35'? M. Chandler states that most of time the ground ladders that the Fire Department uses are 35'. It is a three-section ladder that usually takes 2 to 3 men to move and set up. Anything higher than that would be rather cumbersome for them. G. Dake asks if someone is in District 4, where he believes the ladder truck to be, would they have less of a concern

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about that. M. Chandler states possibly, depending on access from the road. That is a rather large and heavy truck. B. Bishop explains that the main issue with the ladder truck, and part of the issue they have had using it in this part of town, is that once you get off a paved road you really can't put it up because you are going to soft ground and it is very unstable. So where you do have to get it back on the driveway, far enough away, it is usually not long enough to get to where it is serviceable for the fire. G. Dake states that he had a pre-application conversation with someone who is contemplating a condo development in Town, and they want to go more than 35'. He explained that 35' is the restriction and that he would ask the question, and we should think about if it is possible to build in the capacity to do it. M. Chandler states that it is possible and if we can have a working relationship, they as the Fire Department, would like to look at that and the accessibility for the truck. If that is not an issue, they can say, yes it's ok, on their end of things. That kind of project would be more commercialized and that is what the truck is designed for. G. Dake asks who would be the best contact within the Fire Department. M. Chandler states he is. He states that he has been in the construction field for over 25 years, he is a supervisor for Gallusha and Sons Construction Company, he has done from residential to heavy highway construction and he is the liaison to the Planning Board. He gets all the minutes from the meetings and brings the information back to the Commissioners. G. Dake states that once or twice a year we get something where we ask someone to get input from the Fire Department. Brookview Mobile Home Park is an example. We asked them to get a sign off, because that is one that is obvious that there is a potential fire risk. M. Chandler states that on that project he got a copy from R. Rowland and took it to an officer's meeting and all the assistant chiefs and several commissioners looked at the whole project and then sent a letter. That worked out very well. T. Siragusa asks regarding Lake Desolation, how 911 locator works up there. B. Bishop states that is where the issue of the naming of the roads comes in. They have a map that has one thing and the residents call 911 and say that it is a different name road. They have changed the names and numbers. That is something they have done on their own that has fouled things up on the Fire Department's end. T. Siragusa asks who the enforcement agency is. G. Dake states that the County would be. B. Bishop states that the assistant chief and captain have gone up and remapped, renamed and renumbered the area as to what it is now so that when they have the meeting with the residents they can match it up with what the 911 map is. G. Dake thanks M. Chandler and B. Bishop and states that the Board will be a little bit smarter in deliberations on projects when it comes to fire safety and that can only help all of us and make our residents safer.

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## **REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Gary Dake at 7:30 p.m. On roll call, the following members are present: Gary Dake, Lorna Dupouy, Thomas Siragusa, John Streit, Michael Thrailkill, Tonya Yassenchak and Michael Ginley, Alternate. Gerry McKenna, Zoning Administrator is absent. Charlie Baker, Town Engineer, is present.

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## **JANUARY 29, 2008 MINUTES**

MOTION: T. Yassenchak

SECOND: M. Thrailkill

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of January 29, 2008 as submitted.

VOTE: Ayes: Dake, Dupouy, Ginley, Siragusa, Streit, Thrailkill, Yassenchak

Noes: None

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**EILEEN LEARY-KELLY – Special Use Permit**  
Bockes Road

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Dr. Eileen Leary-Kelly is present. A public hearing is opened at 7:31 p.m. Dr. Leary-Kelly states that they want to purchase this property because it has additional acreage and would allow them to have a barn, paddock, and therapeutic animals. She states that she works with trauma victims and people who are dealing with very complicated bereavement, and it has been statistically shown that working with animals facilitates the healing process for people in these situations. She would like to be able to offer that to her patients. John Reddy, Bockes Road, states that he would like to know where the barn and paddock will be. Dr. Leary-Kelly states that the barn and office will be close to the house so it will be far from the creek. G. Dake states that at the last meeting we had discussed changing this so that the applicant was not going for the barn now and would do that later. He asks if the applicant is going to apply to have the barn now or just the home occupation. Dr. Leary-Kelly states that they are applying for the home occupation and they have to build an office adjacent to the garage on the house, and then they will come back and apply for the barn. The whole purpose for buying this property is so that they can have the barn and her understanding is that if they have 5 acres of land in Saratoga County and enough frontage that they would be entitled to have a barn and a stable. G. Dake states that is a relatively broad interpretation. G. Dake states that then the applicant wants to apply for the right to have horses at this point. Dr. Leary-Kelly states that she would defer to the Board's recommendation. G. Dake asks if the map answers J. Reddy's questions. J. Reddy asks if the office will be coming off the left side of the house. Dr. Leary-Kelly explains that the driveway sort of ends at the garage and the office would be there. She states that they cannot tell him an exact measurement because it is not her property yet and it is also snow covered, but the barn would be behind that. J. Reddy asks where the parking for the office would be. Dr. Leary-Kelly states that the parking is adequate as it stands, she is a solo practitioner, she has one client an hour and sees about 30 people a week. The parking would be on the garage side of the driveway. M. Thrailkill asks J. Reddy where his house is located. J. Reddy states it is on the right side of the property and is set at about the same distance from the road. He states that his dining room is probably about 35 yards off the property line. Dr. Leary-Kelly asks what J. Reddy's objection or concern is. J. Reddy states that his concern was where the parking would be located and whether they would be clearing trees for a parking area. Dr. Leary-Kelly states that they are not going to do that, there will not be any clearing of trees except in the back. J. Reddy states that they are both therapists so they have no problem with the therapy practice. J. Reddy asks how far back the barn will be. Dr. Leary-Kelly states that she cannot walk the land at this point, but it will be far enough back from the house that it probably would be visible through the trees from the back of the house she would like to buy, but it is not going to be very readily visible from the street. She states that she wants it back far enough so that it is not an intrusion or noise problem for any of the neighbors, but she wants it to be far enough away from the creek so that they do not contaminate the creek. J. Reddy states that he does not know what the regs are for how far that has to be off a property line and he had some questions about manure and how many horses, etc. He states that his backyard floods in storms. The creek overflows its banks and he has a pond, and it can get flooded maybe a couple of times a year. So if the manure was in a low area he would definitely be concerned about that. He is not sure that the subject property floods. N. Duffney states that as far as having the animals on that property, former Gov. Pataki, he believes 5 or 6 years ago, signed a right to farm law in New York State with 5 or 6 acres. G. Dake states that under our zoning code you still do need a Special Use Permit or Site Plan Review to do that, in most zones. T. Yasenachak states as well as the difference between whether it is agricultural or whether you are using it as part of a business. There being no further public comments, this public hearing is closed at 7:28 p.m.

G. Dake states that we are back to the same dilemma we discussed at the last meeting, which is that if the Board is going to approve a barn and a paddock area, we need to know an exact location. The applicant cannot give us an exact location so the applicant's choices would be to withdraw the barn portion of the application at this time, which does not preclude her from coming back with an application to add horses, or to wait until the applicant can decide where it is going to be, at which point the Board would act at that time. Dr. Leary-Kelly asks if the Board can approve the home occupation and allow them to locate an office structure, and then do the barn at a later point. G. Dake states yes, we can segment that out. That brings up still a different question. There are limitations as to the square footage of space and the percentage

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of space within a home that the home office can be to still qualify as a home office instead of qualifying as a commercial structure. If the applicant is looking for the shortest route to approval, that would be taking the existing footprint of the existing building and getting permission to open an office in an area within that existing footprint. Dr. Leary-Kelly states that she cannot really do that as the only space that would be available would be the basement which is not at ground level and she would not be able to be handicap accessible. G. Dake states that then we will need exact locations of that office and the dimensions of the office space. Dr. Leary-Kelly states that at the last meeting G. McKenna had stated that it could be the size of a two-car garage and she has specs for a two-car garage and a materials list. She states that that is what they had envisioned - putting essentially another two-car garage right at the end of the driveway. M. Thrailkill states that the previous minutes state approximately 561 square feet. G. Dake states that we will need to know exactly where it is going to be, the distance from the side yard, the exact location of the new structure. If you are just moving into the existing building that is just a home occupation. If you are adding on to it in order to do it, you are either going into a mixed use building or a commercial building or home occupation, so we will need that shown on the map. Dr. Leary-Kelly states that it will be exactly at the end of the driveway, exactly the size of a two-car garage and she can provide the blueprints from Curtis. She states that this is keeping her from being able to close and until she owns it she cannot do anything about it. G. Dake states that she will have to show how far it is going to be off the property line to make sure that she meets zoning. The application, as it exists, doesn't show any new structures. While we talked about it, he states that he mistakenly left the last meeting thinking that we were just going to move into the existing building. Dr. Leary-Kelly states that initially she will have to work out of her home until she can build an office that is appropriate. The house building is not handicap accessible, there are stairs either through the garage or the front door and she has elderly patients for whom that would be a hardship. T. Yasenchak states that, as she stated last time, she thinks that the project is a good idea but we do have regulations in our Code that state that we need certain information and it is something that we do make everyone do. One of those is the location, size, etc. of the office; the amount of screening, etc.; because it is changing the use of the property. She states that the Board is not trying to be difficult, but we do have regulations. Dr. Leary-Kelly states that she wishes she had been told that the Board needed the exact specifications of the building as she would have brought the blueprints. T. Yasenchak states not just the building, but knowing where it will be located, etc. She states that we did ask for that the last time and she knows that it is difficult because you cannot go out and site it exactly right now. She states that the Board is bound by a certain amount of information that we need to have. G. Dake explains how far the building needs to be from the property lines. L. Dupouy states that all this information is right on line, so that the applicants can look up all the rules and regulations. M. Ginley asks if we need a survey. G. Dake states that we have not historically required a survey as long as we have a good map. T. Yasenchak points out that the house is located on the map provided and it has the setbacks. M. Thrailkill states that he is confused as the previous minutes state that the applicant was going to practice from home. Dr. Leary-Kelly states that at this time of the year she could not put up a building even if she had permission, so initially she will practice out of the house until spring when she can do something about an office. She states that her intention was always to put up a separate building. C. Baker states that this is more complicated than most of the special use permits we have been looking at over the past few months, especially for the future use of the barn. He states that we would need a fairly decent site plan showing the location, the separation from the stream, stockpiling for the manure, etc. If that is not on the table now, it would be relatively simple to show the location of the office on the plans. For the barn he would want to see topo if there are lower areas; there are wetlands that need to be concerned with, but those can be something that would be in the future. M. Ginley asks if the Board would need to see, if the new office will have bathrooms, how it ties into the existing septic system. G. Dake asks R. Rowland, since G. McKenna is not present, if someone has a home occupation, and they decide to put an addition on their structure, they already have a home occupation and just want a building permit to increase the size of the house, they still meet the square footage rules, the percentage rules, does he just get a building permit? R. Rowland states that she believes that if someone has a use variance or a special use permit that would be correct. If they are expanding the business, they would need to come back to the Planning Board. G. Dake states so if Dr. Leary-Kelly buys this house for a home occupation, works inside the house, the Board grants her a Type II Home Occupation to work within the house, because we are evaluating the use, and then she

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comes back several months hence asking to put an addition on her house in order to move the office out of the basement, still meeting all the percentages and square foot limitations, she would probably not have to come back to this Board for the office. When the horses come in we have a new use, which will have to be dealt with, but the principle of the home occupation regs is more about what is going to happen than the structure. The questions we have been asking about side yard setbacks, etc., are things that anyone coming in for any building permit is going to have to deal with with the Building Department, not with the Planning Board. Dr. Leary-Kelly wants to be able to move and start her practice on Bockes Road. M. Thrailkill states that she is not looking to expand the business, it will be the same as on Grange Road. G. Dake asks if Dr. Leary-Kelly would be willing to limit herself to having no additional therapists working there, and not expanding the business from what it is today. Dr. Leary-Kelly states that she is the clinician and she has a part-time secretary. G. Dake states that if the building gets built, the impact on the neighbors is not increased. The Planning Board's job is to evaluate the impact on the neighbors. G. Dake asks if that sounds logical to the applicant, that she would have to come to the Town for a building permit when she decides she wants to do the office, then come back to this Board when she is ready to do the barn and the horses, but at that time she will be able to identify the location and the neighbors will be able to identify whether or not she is impacting them with the practice that is there. G. Dake states that we may end up doing a better job segmenting this into pieces. The Board agrees with G. Dake's suggestion. G. Dake reviews that this would be a Permanent Special Use Permit for a Type II Home Occupation. T. Yasenchak states that hours were discussed at the last meeting – 8:00 – 4:00 and some evenings. Dr. Leary-Kelly states that she does not see patients everyday because she also teaches college so there are days when she might see just one or two patients. G. Dake states that given the nature of her business, does the Board care dramatically about her hours? He states that he does think limiting it to herself and one support person would be something that limits the potential expansion and that would be a concern he would have if he were a neighbor. There will be no additional paving. Dr. Leary-Kelly reiterates that they will be taking down as few trees as possible. She will be using the same sign she currently has.

**RESOLUTION – Eileen Leary-Kelly, Special Use Permit**

MOTION: J. Streit

SECOND: M. Ginley

RESOLVED, that the Planning Board grants a Permanent Special Use Permit for a Type II Home Occupation to Eileen Leary-Kelly for the property located at 308 Bockes Road, TM#124.-3-29.21 to continue a private psychotherapy practice limited to herself as the only therapist plus one staff person.

VOTE: Ayes: Dake, Dupouy, Ginley, Siragusa, Streit, Thrailkill, Yasenchak

Noes: None

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**WILLOW POND PROPERTIES LLC – Special Use Permit/Site Plan Review**

Grange Road

Donna and David Shorkey, Willow Pond Properties, are present and a public hearing is opened at 7:59 p.m. David Shorkey states that they would like to buy 105 Grange Road and have a medical office in the ground floor with the second floor as a residence. They have a doctor who would like to occupy the building and have a practice down stairs. The parking area as it is will be modified to include two handicapped parking spaces. They may open the driveway area and make it wider so it is safer to have two cars come and go at the same time. There will be no change to the footprint of the building and the sign will be the one from the former location. Nicole Sesera, Grange Road, states that she is really concerned about this as the hill is treacherous. There was an accident there on Wednesday. She is concerned about the increase in traffic, what kind of medical office it will be, the number of patients, etc. She states that this is literally in her backyard. She states that Dr. Leary-Kelly now sees minimal patients a week and it is not a problem or concern being such a small practice. Greg Sesera, Grange Road, asks if the applicant is the doctor or if they are going to lease it to a doctor, if the doctor is going to live there and if the applicant is

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going to live there also? He states that he has a concern with the traffic on the road. He imagines that it wouldn't be so bad once everyone figured out where it was. N. Sesera states that people are lost, stopping in the road with cars coming up over the hill, etc. G. Sesera states that they have people knocking at their door looking for 105 Grange Road. Tom Swenor, Anna Crest Drive, states that Anna Crest is a shortcut to Grange Road. He lives right on the hill and if he looks out his driveway he looks up the hill. He has a 6-year-old son who gets on the bus for kindergarten. There has not yet been a close call. Anna Crest is a very narrow road with no speed limit posted, it doesn't even have a sign for a school bus stop. He states that he had to petition a different Board a couple of years ago to try to get a speed limit posted on that road and the best he got was "Warning Children at Play". The increased traffic with this proposed doctor's office with 800+ patients – when is it going to be a near miss with a school bus that stops on a blind hill – you can't see it. There have been accidents at the intersection of Grange and Anna Crest. He states that he is opposed to increasing all this traffic with a doctor's office and might see 6 to 10 patients an hour. Donna Shorkey states that the doctor sees approximately 20 patients a day with 3 to 4 cars at a time. T. Swenor states that is scheduled, but then you have people who show up who are not scheduled. He reiterates that his concern is the added traffic and that there was a survey done on Anna Crest a couple of years ago and that no one did more than 45 – 47 mph. The road is less than 2/10ths of a mile and 45 is a pretty good clip when you are going up a hill. He reiterates that he is opposed to this. He states that his insurance premiums were raised because of their blind driveway. Jim Zeigler, Grange Road, states that he is right across from the property that we are discussing. If this is turned into a commercial facility, would there be potential for more than one doctor to be in there. G. Dake states that the property is currently zoned Town Center which allows commercial activity with a Site Plan Review. If a doctor's office is permitted, unless the Board puts a restriction on the number of providers, that could theoretically happen. J. Zeigler states that the way it is right now he does not have an issue with it, but if we increase from one doctor and go from 800 patients to maybe 1200 or 1600 patients, that would be a huge concern for him. He understands 4 patients an hour, which is still a lot of traffic, but it is not 800 people every day. He states that he would just not want it to be such a large amount of traffic coming through there that it would create a problem. The driveway is almost directly across from his and they are both just over the crest of the hill and it is not a very safe place anyhow. If the traffic is increased he thinks the potential for accidents will increase. He states that they fought to get the speed limit down to 45 mph and he is sure that they would not be able to get it lowered more than that. There being no further public comment, this public hearing is closed at 8:08 p.m.

G. Dake states that the speed limit is something that given the Town of Greenfield's size, the Town Board, Planning Board nor Highway Department has the right to set speed limits. That is something that the State of New York has to allow. Much to the Planning Board's and Town Board's chagrin, there are many places in this town where we would love to have a lower posted speed limit. Four members of the Planning Board did make it out for a site visit on the property after our last meeting and there is some concern as to just how much sight distance there is coming out of that driveway. One of the things we would normally request is some sort of a sight distance study. We have asked other applicants to be able to that, it is not something that is rare for us to ask for in this town because there is a potential safety issue not only for cars turning out, but turning into the property. He states that the other issue that they saw, and it was very difficult because there was recent snow, was exactly where the boundaries of pavement were. He asks if there will be additional paving or additional impervious surface on the property. David Shorkey states that there will be some. C. Baker states that he has driven that section of road quite often and has had a close call personally himself. He does believe that sight distance is an issue and it should certainly be looked at first and foremost. He thinks there is a lot that is going to happen on this lot if it is built out the way it is shown. Drainage is something that we would want to take a look at. He would recommend that the sight distance be looked at first, because if it is found that that is critical, that might be the end of the application right there. If we get to continue on and sight distance is proven to be adequate, then we are going to want a detailed site plan which would show drainage, septic system, wells, etc. G. Dake states that he thinks that per C. Baker's advise, what we would ask is to have a traffic engineer state that the distance coming out of that driveway is going to be safe for turning both in and out in both directions. David Shorkey states that they have done that and have a letter. Donna Shorkey states that they received it today. C. Baker reviews the letter and states

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that he is not prepared to comment on it at this time. M. Thraikill states that he has no comments until the sight distance issue is resolved. J. Streit states that he only has a question regarding the setback of the parking lot. G. Dake states that there is also an application before the ZBA for an area variance. The request is for total acreage. He suggests that we make a recommendation to the Zoning Board that we are reviewing the viability of the project because of concerns about sight distance on which information has been provided to the Town Engineer but has not yet been reviewed. There are additional questions about stormwater management based on increasing the parking. G. Dake states that he does not believe that there is a setback for parking but there is a screening requirement. L. Dupouy states that she adores the doctor and hopefully this will work out. She states that at the last meeting she disclosed that the applicants are her accountants and she does not feel that his will sway her judgment on this project. She has enjoyed meeting Dr. Leary-Kelly in her application. When she sits on the Board it is more than who she likes or how she likes a project, she has a commitment to the community that she has to do the right thing for all her neighbors. She states that she does not know whether it is illegal but at least at a minimum it smacks of cheating. When they went on site there was a note on the door that said that patients of so-and-so are here at 105 Grange Road and there are telephone calls and patients being met somewhere. That should not be going on and if it is going on that needs to be stopped. She does not know if it is illegal, that should be for Code Enforcement, but there should be no patients being seen at 105 Grange Road by the proposed project. She feels that the process has to stay legal, it has to stay right and she does not want to see it done any other way but the right way. This is how we make every citizen in this Town do it and there are no exceptions. G. Dake states that he did not read that note and asks R. Rowland to ask G. McKenna to follow up on that. He states that there is a provision in the code that would state that we cannot take action on a property that is currently in violation. If patient's are being seen there in violation of current approvals, that would preclude the Planning Board from being able to act on it. T. Siragusa states that he believes that everything has been covered including the general request for detailed site plans. Just one other thing to include would be lighting on those plans. David Shorkey states that there is lighting on the building and they would comply with whatever is required. G. Dake states that it is up to the applicant to propose lighting. One of the things that is very tricky about lighting on any commercial project is making sure that the applicant is providing enough light for the safety of the patient/customer, but not so much light as to be affecting neighbors. There are different light fixtures that are available with a variety of things such as cut off lighting. He asks for the existing lighting to be identified. T. Yasenchak states that most issues have been covered. She refers to the site plan review requirements. She is still not exactly sure because of the snow that was on the site where exactly the new parking will be. David Shorkey states that the two handicapped parking places will be new. Most of the pavement, 90% of it, is already there and it extends to the shed. T. Yasenchak states that there didn't seem to be enough, and that might have been because of the snow. David Shorkey states that by putting the handicapped spaces on the left side it gives room to pull in perpendicular to the right. He states that the engineer who did the traffic study will do the topo, stormwater, etc., once the traffic/sight distance issue is taken care of. T. Yasenchak comments that there is a buffer required between an office area and residential. She states that she is extremely concerned about the sight distance. G. Dake states that boundaries of existing and proposed paving will be an issue if we proceed. David Shorkey points out two typos in the engineer's letter. T. Swenor asks about the location of a dumpster on the site.

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**MICHAEL CZUPIL – Special Use Permit/Site Plan Review**

Bockes Road

Michael Czupil was unable to attend tonight as he was called in to work.

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**ROBERT RICKARD – Special Use Permit/Site Plan Review**

Braim Road

Robert Rickard is present. G. Dake states that this application is under Section 105-22-C-3. G. Dake

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explains that this section of the Code allows for an exiting activity to continue, whether permitted in the zone or not, it does not allow for an expansion. R. Rickard states that means that he cannot apply for a special use for a construction company. G. Dake states that it does not mean that he cannot apply additionally, but not under 105-22-C-3. R. Rickard states that he is not interested in expanding, he just wants to continue doing what he originally started out to do and is allowed for him to do from the beginning. He states that he stores and maintains his equipment, the stuff that he uses in his construction company. He states that he has a small construction company, he has lived there for 16 years, applied for and received a building permit 10 years ago to build a shop to house and maintain his equipment. He states that he submitted blue prints, was issued a building permit and received a certificate of occupancy for that building. To this day all he does there is maintain and store equipment. He does not have patrons, he does not have a sign, he does not have a telephone. He and his brother-in-law are involved. He reiterates that he maintains his equipment and stores things there and that is what he wants to continue. He reiterates that he does not want to expand, he is not interested in having a construction company there. He states that they work 100% off the property. Every single one of their jobs is off the property. The area around him has built up and he will leave time for the opposition. He states that he does not want to do anything different than what he asked for 10 years ago from this town and he has been battling this battle for a long time. G. Dake reads from G. McKenna's notes that the applicant has applied under 105-22-C-3; he has 3.01 acres with 351' of frontage on Braim Road, 435' on Copperfield Road; the Town has received several complaints about this existing use and a violation was issued on 9/7/04 and satisfied on 11/12/04 through attorney Matthew Jones, copies of which will be provided prior to the public hearing; currently no violations exist on this property as of 2/7/08. T. Yasenchak states that she does not know what the use is. It appears that it might be contractor's storage. G. Dake states that it doesn't necessarily have to meet any because as section 105-22-C-3 states "the mere fact that the type of use is not specifically listed as a special use in the regulations... shall not preclude it from obtaining a special use permit." Section 105-22-C-3 kind of says whatever is there doesn't have to fit in the box if it is pre-existing and it is kind of up to the Planning Board to define it. If it is said that the applicant is doing less than what is allowed in contractor's storage yard, and we said contractor's storage yard you could be conceivably increasing the use. The Planning Board's approval wants to specifically identify the types of activities and the area on the site where those activities take place, etc. T. Yasenchak states that the reason she asks that is because it helps her to put things in perspective as far as what is allowed in the LDR District. A small contractor's storage yard is allowed as a principle use in this district so it is helping her to compartmentalize things in her mind. A large contractor's storage yard is allowed in this district with 6 acres. She states that if it is being operated as a small contractor's storage yard where the work is not actually being done there, she does not have any questions, because it seems that it would be permitted. There is no map in the file showing exactly where the applicant stores the equipment. T. Yasenchak asks if it is all in a building, do they have any raw materials that sit out? R. Rickard states that he does not have a map. He states that in the application it states that concessions were made years ago with the fact that he has more equipment. To try to smooth things over he moved a lot of the equipment off the site, so he made concessions to that degree that there would be little equipment on the site. He states that he owns other property on Braim Road and he is allowed to bring things in and out to do work on that property and/or maintain the equipment. As far as materials, like building materials, there is a removable out building that stores things like tires and things of that nature, which is hidden in the woods. He states that he has done everything that he can to make the property not an eyesore. T. Yasenchak states that it would be a little more helpful because usually the issues that we have in reviewing something of this nature is to know how things are screened or how they are laid out. R. Rickard states that it is just one building and everything is in that building except for his RV and a small tractor. He states that up and down Braim Road there are backhoes, trailers and trucks, etc. He states that he is allowed to have one truck on the property at a time and that truck is inside at all times. He states that he has had his picture taken taking it out to wash it. He has had issues of that nature, but then it goes right back into the garage because his name is on the side of it and he didn't want to have his name sitting out there. T. Siragus asks what the vehicle is and how often it is used. R. Rickard states that it is a dump truck which leaves to different sites – leaves at 5:00 or 6:00 a.m. and returns at 4:00, 5:00, 6:00 p.m. T. Siragus states that the applicant mentioned that he has been fighting a battle and there

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will be a public hearing, he asks what types of things the Board might hear and what actions has he already taken. R. Rickard states that the action he has taken is that he down sized. He took two of the trucks, he owns a backhoe which he does not keep at this site, but there are 3 other backhoes on the street that are in plain view. He owns a bulldozer and does not keep it on site. He does bring it to this site periodically and that is part of his agreement that he can bring it to work on it or do some work next door or something of that nature. He has a paver, he doesn't use it very often, but that is kept off site. The barn houses the big truck and all of his hand tools. There is nothing outside the barn that deals with the construction business. T. Siragusa asks if the heavy equipment is on the other property the applicant owns on Braim Road. R. Rickard states that it is not. The issues that he has come across are that – when he leaves for work in the morning he is going to run over a kid waiting for a school bus; he has been accused of speeding, he states that there are cars that go up and down that road at 60 – 70 miles per hour; a lot of high end cars that go up and down that road; he has had two of his dogs killed on that road; he states that when they leave they go slow and when he leaves, hopefully, there are no kids in the road at 5:00 a.m.; when they come back they are very cautious of that stuff. He states that they do everything they can do to not be seen, but the Board is going to hear a different side of the story, a lot of it is not going to be true and it is up to the Board to determine which is the truth and which is not. He reiterates that he has been fighting this battle for a long time and he states that he would not have built there if Greenfield had not issued him a building permit. He states that he would not have invested the money to build there, it was all legitimate in the beginning and since that time he has made concessions to make everybody happy. He states that he is never going to make everybody happy so he has to stand up for himself and what he believes in. M. Ginley asks if, as far as the agreement he entered into, there is something in writing that he signed with the neighbors. R. Rickard states that he did not sign with the neighbors. G. Dake states that the Town has a copy and he thinks that is what G. McKenna was referring to. Years ago the Planning Board at that time received copies of that. J. Streit questions that the garage exists, all repairs are currently in the building and all vehicles are stored within the building except for the RV and the small tractor. He asks how far back the building is off the road. R. Rickard states 80' from Braim and about 100' from Copperfield. M. Thraikill states that without the benefit of a map he would like to go out and take a look and suggests that maybe all the members should do that. G. Dake states that he does not know that we need a site walk necessarily but he would encourage the Board to drive by there. It is relatively obvious at the corner of Copperfield and Braim. R. Rickard states that he designed it to be low in the ground, he dug into the ground, did everything that he could do, not just for himself but for the neighborhood. He dug deep because of the height and it does not look as big as it is from the road. He turned the doorways away from the neighbors and towards the woods. He states that the Board will hear complaints about his pressure washer being loud; about back-up alarms and it wasn't him, it was another neighbor and the backup alarms were going off all day every day and he is not there during the day. M. Thraikill asks if the neighbors were there when he got there or did they move in after he did. R. Rickard states that one neighbor was there renovating the original Braim farm and hadn't moved in yet. C. Baker asks what is done with the fluids from the vehicles. R. Rickard states that they are recycled for waste oil furnances. It is stored inside also. He does have an outside fuel tank, 500 gallons, and he did have 1500 gallons which is legal, but pulled the 1000 gallon tank out. G. Dake states that he would encourage the Planning Board to drive by and take a look and look at Cooperfield Road also. A public hearing is scheduled for February 26<sup>th</sup> at 7:00. G. Dake states that it is rarely productive for the applicant and the neighbors to engage in a debate. If there are questions of fact, asking about procedure, those are fine interactions, but very rarely has he seen productive discourse, and to answer questions that the applicant can help with.

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## **ZBA REFERRALS**

**Daniel & Dawn Rodecker** – This is an application for an area variance for total acreage. This has also been before the Planning Board.

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**Gerald & Rhonda Mahay** - This is LDR and KROD, requires 250' of road frontage and has none, only an easement. This is up by Lake Desolation and is exactly the type of project the Fire Department was talking about. Per G. McKenna's notes this property could also end up before the Planning Board if the proposed house is larger than 1399 square feet. The easement is an issue with adjoining property owners. R. Rowland explains that this is not up in Lake Desolation, but further down near Dan Cochran's property. G. Dake suggests we comment that the Fire Department has expressed concerns about access and we would encourage the ZBA to make sure they are taking a look at that. J. Streit questions the easement issue. R. Rowland explains that the applicant has an easement across the property that borders Lake Desolation Road.

**Carol Richmond** – This is a request for Area Variance for both side yards. No Planning Board issues.

**Witt Construction** – Old Stone Ridge Road, request for a rear setback variance for a detached garage. G. McKenna's notes indicate that it might be solveable by a lot line adjustment and he is going to encourage them to look at that. G. Dake explains that this lot borders the green space and not another building lot. J. Streit asks about the 5 year rule. G. Dake states that a lot line adjustment can be granted within that period.

**Willow Pond Properties** – This area variance is for total acreage. G. Dake suggests telling the ZBA that there are a number of concerns about the viability of the project due to sight distance and storm water management concerns, and that a full engineering review has not been done. The variance they are looking for is .87 acres and the lot may not be large enough to support stormwater management.

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## **DISCUSSION**

G. Dake states that the Town Board conducted 6 interviews on Saturday for the Planning Board position and there are 3 more to be interviewed on Thursday. The Town Board will determine what actions they wish to take. He states that barring any immense surprises, he will recommend to the Board that Mike Ginley be appointed to the full Board spot vacated by Dan Cochran and that one of the other applicants would take the unfilled alternate vacancy.

G. Dake states that the Rickard public hearing will be emotionally charged as he has met with these folks before. There is absolutely no value in getting into a debate. He states that he thinks we want to clarify their position, if they make a statement that you want to understand better that is fine to engage them, if we want to disagree with them we will be here all night and won't be any further along. Understand their position, it is a valid position, it does not make it correct, it does not have to be any of our positions, but they are entitled to their opinions and we need to respect those opinions, but arguing the validity of those opinions will not serve a great purpose. Discussion takes place as to the location of the neighbors of the Willow Pond Properties project and the neighbors of R. Rickard. G. Dake reiterates that all the neighbors are entitled to their opinions but that Braim Road does not have a different zoning classification than Miner Road or Coy Road or Locust Grove, etc. We are all equal in the eyes of the code regardless of the size and cost of our houses.

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Meeting adjourned 8:58 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary