

TOWN OF GREENFIELD

PLANNING BOARD

MARCH 9, 2010

REGULAR MEETING

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

MINUTES – February 23, 2010

MOTION: B. Duffney

SECOND: T. Yasenchak

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of February 23, 2010, as submitted.

VOTE: Ayes: Dake, Yasenchak, Duffney, Dupouy, Siragusa

Absent: Streit, Thraikill

Noes: None

T. Yasenchak questions that we should re-approve the minutes of February 9, 2010 as she had abstained.

MINUTES – February 9, 2010

MOTION: T. Siragusa

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of February 9, 2010, as submitted.

VOTE: Ayes: Dake, Duffney, Dupouy, Siragusa

Absent: Streit, Thraikill

Noes: None

Abstain: Yasenchak

PLANNING BOARD CASES

KENNETH MERCHANT – Special Use Permit

South Greenfield Road

No one is present for this application. The public hearing is reopened at 7:02 p.m. There being no further public comment, this public hearing is closed at 7:03 p.m.

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DONNA REYNOLDS – Special Use Permit
Barney Road

Donna Reynolds is present and explains that she has submitted a request for a Special Use Permit for a Home Occupation, Type II. Her plan is to start a therapeutic riding program at her home. She is currently zoned Low Density Residential (LDR), she owns 30.96 acres and according to the site plan she submitted she has two existing pastures. The only addition to the property would be an outdoor riding arena. She has a driveway out to the area where the arena would be and an access road, so she has two entrances at this time to Barney Road. She states that the character of the area is rural surrounded by State land, there is a small piece of wetland and she does have some neighbors. There will be no increase in residents; she may have an increase of employees of 1 to 2 people. There would be volunteers there, perhaps 3 or 4 at the time that the riding program would be in session and there would be clients and caregivers, perhaps 3 to 6 at a time. The proposed outdoor riding arena would be anywhere from $\frac{3}{4}$ to 1 acre and will be located adjacent to existing live stock pastures. Parking will be by the riding arena and she does have to have one space that will be handicap accessible. Other than the enclosed area for the arena, she will have to have a mounting ramp for clients in wheelchairs. Her plan is to rent a handicap accessible port-a-potty for the season to be removed at the end of the season. C. Baker states that this is a low traffic road; he sees no engineering related items. B. Duffney states that the applicant has plenty of property and everything is laid out, he sees no problem. T. Yasenchak states that she thinks it is an awesome idea and asks how many horses. D. Reynolds states that currently she has two horses and they may be expanding. She states that she is an occupational therapist, currently recognized as a Level I Therapist by the American Hippotherapy Association. She states that she would be doing therapy using a horse as a therapy tool, as well as providing therapeutic horsemanship. The American Hippotherapy Association does have very strict guidelines on how many hours a day the horses can be used, so she may have to get one or two more horses depending on how this takes off. T. Yasenchak states that she has heard good things about these types of programs and she thinks it is a really great idea. G. Dake states that he concurs that this is a good idea and states that special use permits do require public hearings. Sara Lieberman, Environmental Commission, asks about manure management. D. Reynolds states that it will remain as it is right now. She has a manure pile, they use it for compost and they also give it to others. She states that with 30 acres and two horses it is really not a problem. S. Lieberman questions that they will get more horses. D. Reynolds states potentially, if this program doesn't take off they will not get more horses. A public hearing is set for March 30, 2010 at 7:00 p.m. G. Dake suggests that the applicant discuss her plans with her neighbors so they know what she is proposing.

MELISSA DIGGINS – Minor Subdivision
Allen Road

Melissa Diggins is present. G. Dake states that while Ms. Diggins works for the same company that he does, he does not think that will impede his judgment. M. Diggins states that she has a person interested in purchasing 6 acres. G. Dake states that the Board has seen this property before when these 13-plus acres were subdivided from the property across the road. That was considered to be a natural subdivision along the road. At that time the Board did discuss the idea that because it was a natural subdivision, while the Board could not waive the 5 year rule in advance, it was likely that the Board would be willing to do that in the future. C. Baker asks what the purpose of the 50' driveway is. M. Diggins states that the property is low along the eastern side and there is a drainage area along that side. B. Duffney states that he is familiar with this property and concurs that it is low. G. Dake asks if it is an existing driveway. M. Diggins states that they just put it in for the house she is building. C. Baker states that these are good size lots and there should be no problem finding locations for the well and septic. T. Siragusa asks if sight distance should be looked at as the driveway is near a corner. B. Duffney states that he believes there is plenty of sight distance. G. Dake states that the frontage on that side is approximately 560' to the corner. Public hearing is discussed. **The Board completes Part II of the Short Form SEQRA. All questions are answered "no". T. Yasenchak makes a motion to check Box B, indicating that this will not result in any significant negative**

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environmental impacts. L. Dupouy seconds the motion. All present in favor. T. Siragusa asks if we have to formally waive the 5-year rule. As the Board needs to wait for an official map, a public hearing is set for March 30, 2010 at 7:00 p.m.

KENNETH MERCHANT

South Greenfield Road

K. Merchant is now present. G. Dake explains that the public hearing was reopened and closed as there was no comment. He states that while he missed last meeting, he did read the minutes. He asks the applicant to talk to the Board about the septic system or have we received a letter or anything new since the last meeting. C. Baker states that he has received nothing new regarding the septic. He states that since we have conflicting information, his recommendation would be to get another opinion. He states that there is a rather lengthy history of minutes provided to the Board regarding this property, the septic is mentioned numerous times. At the last meeting James Fox had photos and first hand information as far as his observations, questioning the certification that E. Gailor had provided. C. Baker states that he thinks that there is enough doubt cast on this to ask for something a little more detailed. G. Dake states that having someone else re-certify this would put the matter to rest. K. Merchant asks what he would need to do. C. Baker states that he would like to see something more in the way of an "As built" plan with details and measurements, expose the tank, the distribution box, etc. B. Duffney states that in the photos that J. Fox showed the Board, they showed one line with 10 lengths on it, which would be 60'. B. Duffney's question on that was whether that was at the beginning of the septic system going in, it did show where it went by the power pole and he did question where the property line was. He states that putting in septic himself, you dig a line, put in the stone and go to the next line digging from the D-box back and keep setting the dirt over. He questions if J. Fox just got a picture as the first line was going in and not the whole system. K. Merchant states that he did not put the septic in and that he hired an excavator to dig it up and then hired Mr. Gailor to certify it. T. Yasenachak states that when they do septic, they will dig up one and the ends of the others. K. Merchant asks when the photos were taken. B. Duffney states that the photos indicated "12/05" and he asks if three lines were put in because the photos only showed one line. K. Merchant states that he honestly does not remember. He states that it was dug up and he got the letter and thought it was ok. B. Duffney states that if the snow is gone you can usually tell where the lines are. K. Merchant states that this has not been used in 5 years. C. Baker states that the other thing we need as part of that certification, since the neighbor's well is down gradient from this system, the State requires a 200' separation distance, which he believes that K. Merchant does not have. That is something that the Planning Board cannot waive. That would require a waiver from the NYS DOH. G. Dake asks if that would only be on a new system. C. Baker states that is the problem, this system was never put into use, there was never a CO issued for this building, it was never legally inspected, etc. It does not technically exist. K. Merchant states that he is working on dates of when it was built. He states that it was built before April 1984 when there were no CO's. He states that the building was built before that, but they do not know if the garage apartment was before that. C. Baker states that with the past history and the litigation that has gone on, you can almost be guaranteed that whatever decision is made, will be challenged. G. Dake states that if we have conflicting information and our professional engineer is saying that we need to get a tie breaker, we will need the applicant to hire another PE to go back and create an "as built" to show where it is, where it is in relation to the neighbors well, and prove the case. He states that it may be more work than it is worth. K. Merchant states that he does not believe that the house's septic system is 200' from the well. G. Dake and C. Baker state that would be an existing system and use. K. Merchant asks about tying the garage apartment into the house's septic system. G. Dake states that would need to be certified in order to do that. B. Duffney asks how old that one is. K. Merchant states that he does not know, probably from when the house was remodeled. He states that the barn was built in 1890 and then converted into a house mid-1970's early 1980's. He states that Chris Cuccio did it and he doesn't remember. G. Dake asks if any of the Board members have any other issues other than the septic. T. Yasenachak states that it seems like the neighbor's only problem was the septic, also. L. Dupouy had asked him specifically if it was the apartment and he stated he had no problem with that, only the septic.

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K. Merchant states that he will not be able to get the 200' and asks if there is a way around that. C. Baker states that the applicant would have to go through the waiver process with the DOH. C. Baker thinks the applicant is faced with the same problem as far as expanding the existing system. The applicant is trying to take a use that has not been approved and add it to that system. He is not sure how that would be viewed as well; he is struggling with this himself. G. Dake states that this is an unusual circumstance, not something we run into on a daily basis. He states that at some point it gets kicked to the DOH for input. The question is whether K. Merchant wants to do that himself or do you hire some PE to go in. K. Merchant questions for a one-bedroom studio how many feet of leach line do you need. T. Yasenchak states that it all depends on the soil. G. Dake states that he should speak with an engineer.

ZBA REFERRAL

Carl Hulett, Area Variance - Planning Board has seen this applicant for a special use permit. No Planning Board issues.

Kenneth Merchant, Area Variance - The ZBA will get a copy of our minutes and the issue becomes the question that the Planning Board does not have a problem with the zoning issues, there are just some engineering issues that may or may not be able to happen.

JAMI AND BRUCE KENISON – Lot Line Adjustment

Greene Road

G. Dake states that the Planning Board does not normally see lot line adjustments because most of them are pretty benign and the Town Board empowered G. McKenna and G. Dake to take care of them administratively. This particular request is for Green Tree Lake, which is a 260-acre site on Greene Road. On the first map they came in with they had created a little bit of a problem with what they were proposing to do so G. Dake suggested that we just bring it before the Board. G. McKenna called G. Dake to state that they had re-drawn it and thought they had solved the problem. The applicant is proposing to take an existing lot which is less than one acre and enlarging it to a 6 acre lot. All of this property is owned by J. & B. Kenison. The initial map was taking two lots and making them larger and would have restricted the access to the back. B. Duffney states that this property was once also accessed by the Old Delaney Road from Brigham Road. That road was abandoned and there is some discrepancy in who owns the roadway. T. Yasenchak questions what kind of wetlands are in the middle of the lot, they are not labeled. G. Dake points out that there would still be a decent building envelope regardless of that wetland. B. Duffney states that that area is all hilly and then there is a low spot. B. Duffney states that he is basically just expanding his own piece of property on his own property. G. Dake reiterates that he is swapping from one piece of his property on to his other contiguous property. T. Yasenchak states that she is kind of split because it adds to the density, even though there is not much on that road because of all the wetlands, if there is a house on the property to the east. She states that right now they have this huge piece of property next to them that one person owns and another little piece that no one can build on. If it were her, she would not be worried that someone was going to build next to her house, because they probably wouldn't because they have all this property, but now the Planning Board has created a house in their backyard. G. Dake states that someone could have built in that area and not somewhere else. T. Yasenchak states that she understands, but to make that decision without letting other people know about it, without making it more of a public thing. B. Duffney states that it wouldn't be anymore than anyone doing a subdivision, if they have the road frontage and the acreage. T. Siragusa states that we would then have a public hearing. L. Dupouy states that she sees it as having all these little pieces and you are now making it nice and neat. T. Yasenchak states that she understands and respects that, but from the other perspective, if she were the neighbor, she would like to know that that was going on next to her. B. Duffney states that at one time the Kenisons were talking about going up the right-of-way past his property from Brigham Road and B. Duffney told them he didn't have a

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problem with that. If they wanted to build 50 houses in there and put in all kinds of traffic, then he might have a problem. G. Dake states that we are looking at a 6-acre lot on a lightly traveled road. C. Baker states that there is nothing to say that that person couldn't come in and subdivide that off as a 6-acre lot anyway. B. Duffney states that to the north of this there is a lot of State property. To the western end of this property there are a couple of houses. He states that it is really low density around there. L. Dupouy states that she sees both sides. T. Siragusa states that he thinks it is ok. He sees T. Yasenchak's point because it is as if something is appearing where it had really not been before and it becomes something for a neighbor to think about. On the other hand, there really isn't much change there; it is the right direction from a small unbuildable lot to something that is useful. It doesn't change the access. He doesn't see anything major there. So he is ok with just doing it.

DISCUSSION

G. Dake states that the Town Board has appointed Butch Duffney to the Planning Board vacancy and has asked the Planning Board to review the applications for the alternate position. He states that he has met all but one of these people. The Town Board would like two or three names for them to interview as finalists. G. Dake asks when and how the Board would like to do interviews. This would be done as an Executive Session. Discussion ensues and the Planning Board decides to ask the candidates to come to the next Planning Board meeting. We will try to set up two interviews for 6:30 and 6:45 and then ask the others to stay for the end of the meeting.

Gary Waters, high school student, is present for his Participation in Government class. He asks the Board members what got them interested in participating in local government, why they feel it is important to be involved in local government, what is one of the most unexpected things the Board has dealt with, etc.

Sara Lieberman, Environmental Commission, provides information to the Board regarding invasive species of plants in the Adirondacks.

Meeting adjourned 8:05 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland