

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**MAY 13, 2008**

**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, Lorna Dupouy, Michael Ginley, John Streit, Michael Thraikill and Nathan Duffney, Alternate. Thomas Siragusa is absent. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

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**APRIL 29, 2008 MINUTES**

MOTION: M. Thraikill

SECOND: L. Dupouy

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

VOTE: Ayes: Dake, Yasenchak, Dupouy, Ginley, Streit, Thraikill, Duffney

Noes: None

Absent: Siragusa

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**ADIRONDACK ADVENTURES – SITE PLAN REVIEW**

Brigham Road

Greg Beswick, Tommell & Associates; Ray Shepard, owner; and Forest Duckett, Excavator are present representing this application. A public hearing is opened at 7:01 p.m. Greg Beswick explains that the applicant is requesting a site plan review for a new sanitary sewer system, no work is currently proposed or required for the existing water system. They are addressing the EDP comments received April 29, 208 and they are planning to submit to DOH, DEC and EDP next week. Andrew Taylor, Brigham Road, states that he thinks it is a great idea as long as it is not in preparation for a mobile home park, which no one has suggested. There being no further public comments, the public hearing is closed at 7:03 p.m.

T. Yasenchak questions that the applicant is still seeking a variance from the separation distance to ground water. G. Beswick states that they may still pursue that. Kurt Bedore is currently in Greenland as he is in the Air Guard and G. Beswick will discuss that further with him on his return next week. The long form SEQRA is reviewed and part 2 is completed. T. Yasenchak states that at the last meeting the SWPPP was discussed and asks if it is going to be required. G. Beswick states that they will be preparing a SWPPP.

**RESOLUTION – ADIRONDACK ADVENTURES, SEORA**

MOTION: T. Yasenchak

SECOND: L. Dupouy

RESOLVED, that the Planning Board resolves to check Box A, Negative Declaration, for the application of Adirondack Adventures, 265 Brigham Road, TM# 126.-1-81.1.

VOTE: Ayes: Dake, Yasenchak, Dupouy, Ginley, Streit, Thraikill, Duffney

Noes: None

Absent: Siragusa

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G. Dake states that we need to have the EDP issues resolved. C. Baker asks if lead agency letters were sent. They were not. Discussion takes place that both DEC and DOH will be reviewing this project in depth and therefore lead agency letters will not be done. G. Beswick states that they would like to request a conditional final approval as the comments from C. Baker are engineering based and they will need the DEC and DOH permits prior to beginning the project. Board consensus is that this is an improvement and that the remaining issues are engineering. C. Baker questions that the applicant has no plans to begin any work prior to receiving permits. G. Beswick states that is correct.

**RESOLUTION – ADIRONDACK ADVENTURES, Site Plan Review**

MOTION: M. Ginley

SECOND: N. Duffney

RESOLVED, that the Planning Board approves the application of Adirondack Adventures for a septic improvement for property located at 265 Brigham Road, TM#126.-1-81.1, contingent upon:

- **Satisfaction of EDP's engineering review letter**
- **Approval by DEC**
- **Approval by DOH**

VOTE: Ayes: Dake, Yasenchak, Dupouy, Ginley, Streit, Thraikill, Duffney

Noes: None

Absent: Siragusa

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**STEFEN STRAKOS – Minor Subdivision**

Greene Road

Stefen Strakos is present and states that he would like to subdivide one lot for a new house. He has an existing home and promised his son and daughter-in-law that he would rent it to them for a couple of years. He points out a minor change to the subdivision map from the one originally submitted. In the future he plans to remove the old house and recombine the two lots. Lot 2 is a keyhole lot and lot 1 is a conventional lot. G. McKenna states that he has no issues other than the keyhole lot note needing to be added to the plans. C. Baker questions why there are 2 wells on lot 1. S. Strakos states that one is an old hand pump well. T. Yasenchak questions that a barn and shed are being removed. S. Strakos states that he is moving them across the street. B. Duffney states that he has walked the property, some time ago, and there are no major drop-offs, etc. M. Ginley questions the frontage on lot 1. G. McKenna indicates on the plan where it is noted and that it complies. G. Dake questions that C. Baker has any concerns about septic as there is an edge of wet in the back section. C. Baker states that Greene Road can be hit or miss, but the lot is big enough that they should be ok and he is not overly concerned. Discussion takes place regarding a public hearing and one is set for May 27, 2008 at 7:00 p.m. T. Yasenchak states that the typical notes and keyhole note should be added to the plans.

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**JAMA PEACOCK – Amendment to PUD**

Wayside Inn, Wilton Road

Dr. Jama Peacock is present and explains that she would like to amend the current approved PUD for the Wayside Inn to be able to continue her medical practice in Greenfield at that location. G. Dake questions that the only change would be to add item #13, Professional Medical Services and Facilities, to the permitted uses. He refers to the Code Book, Section 105-129-C-6-A that explains what the Planning Board has to do. The Town Board has already taken a look at this and referred it to the Planning Board for a recommendation. There are to be no physical changes to the outside of any of the buildings, the parking is there, the screening

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is already there, this was approved to be banquets and things that are more intensive than what Dr. Peacock is suggesting to add to the site. G. Dake reviews the required items. L. Dupouy states that she has no problem with reaffirming the SEQRA as long as it is noted that there will now be hazardous waste materials and as long as those are handled properly. Dr. Peacock states that she has a company come in and remove bio-hazardous materials.

**RESOLUTION – Karen and Dale Shook and Jill Shook Richbart, SEORA**

MOTION: J. Streit

SECOND: M. Ginley

RESOLVED, that the Planning Board reaffirms its SEQRA finding of a Negative Declaration of April 25, 2006 recognizing that there will be some change in the nature of waste removal which the Planning Board feels will be handled in an adequate manner as it is regulated by the NYS Department of Health.

Public hearing is discussed and that will be up to the Town Board to set and conduct. T. Yasenchak states that she is in favor of this application and that at there was public comment previously. She believes that this is less intensive and does not foresee any problems. M. Thrailkill questions that this action will not allow the parties or catering, etc. G. Dake states that it does not remove anything, it just adds one activity and does not preclude anything.

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

Noes: None

Absent: Siragusa

M. Thrailkill asks where the medical office will be located on the premises. Dr. Peacock states that it will be in the old milk house. M. Thrailkill asks if the main house will be used for this. Dr. Peacock states that it will not, it will be in the small meeting room. She is downsizing considerably and just using enough space to keep her practice functioning until such time as she needs to look at what comes next. The house will remain a Bed and Breakfast, the banquet facility will remain for now. J. Streit states that he is very happy to hear about this venture. Discussion takes place that the bed and breakfast, the apartments, banquet facility will all remain in addition to the doctor's office. J. Peacock offers to take anyone through the property and she will not be running the other activities. J. Streit asks about any historical remnants of the Underground Railroad. Dr. Peacock states that she believes there very well may be, but she has not ventured downstairs, but certainly if there is anything historical they will work very hard to conserve and preserve them. G. Dake states that he believes that is in the main house.

**RESOLUTION – Karen and Dale Shook and Jill Shook Richbart, PUD Recommendation**

MOTION: M. Ginley

SECOND: J. Streit

RESOLVED, that the Planning Board makes a favorable recommendation to the Town Board for the Amendment to the PUD of the Wayside in to add Professional Medical Services and Facilities use on the grounds that items 105-129-C-6-A, 1-8 have all been satisfied, for the application of Karen & Dale Shook and Jill Shook Richbart for property located at 104 Wilton Road, TM#138.-2-71 and TM#138.-2-72.

G. Dake reiterates that the Town Board will go back and have a public hearing on this, deliberate on the word-smithing of the definition of the use, etc. T. Yasenchak asks if the property will remain for sale and Dr. Peacock is renting the space. Dr. Peacock states that she currently has a lease with option to purchase. It is her intent that when she is in a position to purchase it she will. T. Yasenchak questions if it can be sold to someone else. Dr. Peacock states that is not currently an option.

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

Noes: None

Absent: Siragusa

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## **ZBA REFERRALS**

**Anthony Vaccarielli – Area Variance** – G. McKenna explains that this is the subdivision known as Triple J Way. The applicant had been in front of the Board years back and again recently. A. Vaccarielli would like to subdivide the remaining 12 acre lot. The previous zoning was 3 acres and was changed in March of 2007 to 6 acres. C. Baker states that there is still no bond on the road, there are still some outstanding engineering issues, this is a private road at this time. G. Dake states that then the applicant would be seeking 100% frontage variances also. G. McKenna states possibly even setbacks. M. Ginley states that he does not know how legally binding the self-created hardship part of an area variance is versus a use variance, but he does not see how this cannot be self-created. Sometimes we get applicants who are not experienced developers, but this applicant should have known better. C. Baker suggests perhaps some kind of a time frame if they do allow these variances again. G. McKenna states that these are completely new variances. There were previous variances which were reissued a number of times, but those lots have been built. Area Variances expire in one year. C. Baker suggests possibly ‘no renewal after one year’. G. Dake points out that if they are granted the variances, they still have to come to the Planning Board for the subdivision approval.

**Recommendation** – This is a zoning issue, however the Planning Board has concerns that the road does not have currently meet Town specs, does not have a road bond and therefore it also does not provide any frontage.

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**Jim Zeigler – Area Variance** – G. McKenna explains that the applicant would like to build a shed and this property is across from Dr. Leary’s on Grange Road. There is a bank about 5’ off the road and the applicant wants to put the shed up there. He will need a 25’ frontage variance and 5’ side yard variance. C. Baker asks if this will effect the sight distance off of Anna Crest. G. McKenna states that he does not believe so. Although it is close to the road, it is 6-7’ above the road. B. Duffney states that he drove by there and stopped. It will not be in the sight distance.

**Recommendation** – No Planning Board issues.

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## **DISCUSSION**

C. Baker states that Pat Guarnieri has requested of the Town Board to basically follow the same route that Alec Stephens took. Instead of posting a bond as she is having trouble finding a financial institution that will allow her to do that so she is going to petition the Town Board to allow her to build the road and post a smaller bond after the road is built. C. Baker states that this might be something that the Town Board might see more often with the housing sales the way they are right now. He states that it is his understanding that the banks are not readily handing out these letters of credit like they used to.

G. Dake states that he has not heard anything from Polo; he called Lisa Nagle today and did not hear back from her; he will call M. Bucci if he has no response. He spoke with W. Barss yesterday. The neighbors are anxious to get the road work started and there is coordination required with the road construction and the water line. If they will not be proceeding this year, it would be nice to know. The road is not in good shape.

L. Dupouy questions C. Baker’s comments about P. Guarnieri because she was at a Town Board meeting and does not know if she necessarily agrees that there is a trend going on. The meeting she was at, P. Guarnieri asked the Town Board to tell her where to go to get financing. They told her that they could not tell her that and that she should have legal representation. She believes that this is a case in and of itself, it does not necessarily to her represent a trend. G. Dake states that C. Baker’s point is that in looking at what is

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going on in finance today, we are seeing more banks being much stricter about what they are doing with financing. Unfortunately, the unsophisticated developer is going to find it harder and harder to find ways to make these things work. The Planning Board has done a lot of small subdivisions, helped a lot of small guys who are just trying to do a little subdivision and put in a couple of houses, but the math is getting worse and worse and working against them. The lending "crisis" is making it harder for them – the guy who isn't an established developer – to go out there and establish that kind of credit or for a bank to guarantee the payment. M. Ginley states that an applicant's better argument would be to bring in a number of rejection letters from banks and to show proof and then ask for relief. C. Baker states that he is not comfortable with this whole approach, but it is ultimately the Town Board's decision. They are trying to work with the residents. G. Dake states that he thinks that C. Baker is just warning us that we may see more of these requests. L. Dupouy states that if an applicant comes to the Town to do something and does not have what it takes, whether that is mental faculty or financial ability or whatever, the onus is not on the Town to help the applicant get it done. Fred McNearly states that he has done some subdivisions and if he had known that avenue was available, being a developer, he probably would have taken it. To get a letter of credit and then to get it released by the Town, is jumping through quite a few hoops. This is probably going to become very popular with developers and he suggests that it get recommended and put before a board to look at how subdivisions are approved and if it should be approved this way. C. Baker states that he would not recommend that we do something like that because there will be a whole host of problems that will come down the road with that type of approach. When you get an unsophisticated developer, there is a reason the banks are not comfortable. T. Yasenach states that we were lucky with the way it worked out with Alec Stephens because he was knowledgeable and had things in place already, but the problem with someone who does not understand is that they will put in a road that will get them two lots sold and we will have the same problem with houses not on public roads. C. Baker states that what he tried to make real clear to P. Guarnieri, and he does not think she really understood, is that she has to build that road and the drainage system so that it is 100% complete before any building permits are issued. So she still has to come up with a considerable amount of money to build that and if she can't do it to get the letter of credit, he has serious questions whether or not she can do the road. G. Dake states that this is not an issue that we need to decide this evening, but it is a good point to think about.

C. Baker states that the MS4 Report for 2007 has been completed and it is going to be posted on the website this year in lieu of having a public hearing. Anyone who wants to read it, it will be on there in the next week or so.

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Meeting adjourned 7:53 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary