

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**JULY 10, 2007**

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

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**JUNE 26, 2007 MINUTES**

MOTION: M. Thraikill

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of June 26, 2007 as submitted.

Discussion: T. Yasenchak questions that the motion made to approve Ryan Christopher's Special Use Permit/Site Plan Review states that the applicant would continue to limit himself to "no 2<sup>nd</sup> employee". R. Rowland states that is what G. Dake stated and it was questioned at the office also. Discussion takes place that the minutes are pretty clear that this was discussed with the applicant who stated that he does not have any employees and does not intend to, and that was the intent of the motion that was made.

VOTE: Ayes: Dake, Dupouy, Streit, Yasenchak

Noes: None

Absent: Cochran, Siragusa, Thraikill

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**PLANNING BOARD CASES**

**RALPH HENDERER – Special Use/Site Plan Review**

Moore Road

Ralph and Brenda Henderer are present. G. Dake asks if the applicant is here to legitimize the existing business. R. Henderer states that is his intent. G. Dake reads from C. Baker's comments stating that this is on a dead-end road, only a handful of neighbors, and he has not visited the property in a number of years. The only question he has is whether there are any unregistered or junk vehicles on the property and if so, will they be removed? R. Henderer states that there are none. G. McKenna states that he feels this would fall under the large contractor's storage yard. T. Yasenchak asks what is stored on the property. R. Henderer states the equipment that he uses everyday. M. Thraikill states that this is a paving business. T. Yasenchak states that there is certainly enough space and that the applicant should be able to park the vehicles there. R. Henderer states that there is only one other person on the road and they do not seem to have any problem with the business. He states that they try to be real quiet. T. Yasenchak asks if they leave in the morning and are gone all day. R. Henderer states that they rarely come back during the day. They have been operating from this location for 20 years and employes 5 Greenfield residents. G. McKenna states that he has never had any complaints. G. Dake states that, not that it matters for this application, but the only reason there was a denial on the subdivision the applicant's had requested some years ago was because there was very limited sight distance out of Moore Road. There have been no accidents or problems with the business so it is not an issue on this. SEQRA is discussed. R. Henderer states that he parks the vehicles behind the garage and that

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the one neighbor cannot even see the house from their property. T. Yasenchak asks if they do their own maintenance on the vehicles. R. Henderer states that he takes them to Exit 16 truck stop where they do all the oil changes, etc. He states that he washes the vehicles.

**RESOLUTION – RALPH HENDERER, Special Use/Site Plan Review**

MOTION: L. Dupouy

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants a Special Use Permit and Site Plan Review to Ralph Henderer for property located at 2 Moore Road, TM#163.-2-36.12 for a large contractor storage yard as it currently exists.

VOTE: Ayes: Dake, Dupouy, Streit, Yasenchak

Noes: None

Absent: Cochran, Siragusa, Thrailkill

B. Henderer states that ten years ago there was the question of the sight distance problem at Middle Grove Road. Her address is actually Moore Road so all her footage is on Moore Road with nothing on Middle Grove Road, so why were they not going by her frontage on Moore Road. G. Dake states that his recollection is that we would be adding more traffic onto an existing bad intersection was the theory behind that. R. Henderer reiterates that his property does not come out onto Middle Grove Road and that next door to him there was a lot for sale, nobody could buy it then someone did buy it and they were granted after R. Henderer was denied – after he was already approved for a 2-acre lot and then denied because he dragged his feet a little bit – they were approved for a lot at a bad point onto Middle Grove Road and are only allowed to go right out of their driveway. Now there is a new development across from his house that does not have 800 feet of sight distance, with a worse condition for stopping than what he would have had. G. Dake states that Moss Creek had to show that they had sight distance. R. Henderer states that they do not have 800-feet. B. Henderer states that she also had a traffic engineer's study. R. Henderer states that he has all the sight distance he needs coming off onto Moore Road and that should not have anything to do with Middle Grove Road. R. Henderer states that a lot of things have changed for different folks. M. Thrailkill states that each project is looked at individually. R. Henderer states that the 25 acre lot next to him that could not be sold, could not have anything done with it and somebody got it and got approved for a house there as long as they came out on Middle Grove Road and do not turn left. He does not see why he cannot get approved for a 2-acre lot with no sight distance problem, no drainage problem, etc. G. Dake states that the Board would be happy to look at that again with the applicant. B. Henderer states that as they get older they do not know if they would like to build a small ranch for themselves. They have a grown daughter with four children who would like to move back to Greenfield.

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**NORMAN & JOANN PEPPER – Special Use/Site Plan Review**

Sand Hill Road

Postponed to July 31, 2007

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**JOHN & CHARLA PLOTKE – Special Use Permit**

Squashville Road

John and Charla Plotke are present. G. Dake states that his guess is that the applicant is looking to build in a flood plain and therefore we have to look at Section 105-112-E-4. J. Plotke states that his understanding is that they are in the 500' buffer. G. McKenna states that he believes it is from the high water mark of the creek. G. Dake reviews that under 105-112-E-4, a – p, there are 16 conditions that have to be met, many of which are minor. G. Dake reads from C. Baker's comments that based on his review of the

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plans by Gary Robinson, he would question the amount of Federal wetland disturbance, and whether the Federal wetland boundary has been verified by the ACOE. J. Plotke states that Kim Copenhaver, Copeland Engineering, and Roger Case did the wetland delineation. He states that it is his understanding that they have applied to the ACOE for an application and there are two small areas about 20' across where they cross wetlands with the driveway, and if the ACOE does not get back to them, they are all set. K. Copenhaver stated that she did not believe that they would come out for this type of issue, the applicant is taking two lots and making them one, and are only getting access with a driveway not a development. G. Dake states that he believes that it is 1/10<sup>th</sup> of an acre of disturbance that is allowed without getting a permit from the ACOE. T. Yasenchak asks if R. Case did the DEC wetlands also. J. Plotke states that he did and they are not in the DEC wetlands. C. Baker's notes also indicate that the 100' separation between the well and septic is incorrect. Discussion takes place that there is a note on the septic system design by G. Robinson that there is to be a minimum of 50' of casing. G. McKenna explains other exceptions. G. Dake reads from Section 105-112. The highest point on the property is at an elevation of 571 and J. Plotke states that the septic system is going to be built up three feet. His intention has been to put a drainage system below the house anyway to make sure that there are no issues. J. Plotke provides a survey done by D. Barass, which picked up the flagging done. He states that this was specifically designed in such a way that they are crossing the fewest areas. G. McKenna states that this meets current zoning. The survey and septic plan indicate that this is the R-1 zone however the current zoning is MDR2. T. Yasenchak states that she believes that all requirements have been met, with the exception of perhaps just having the specific elevation of the house. J. Plotke states that they are buying the property, have forced this process so that he could confirm that he could even build on it and he does not intend to build on this property for another 5 to 7 years. He understands that his process will become moot within a year or so and then he will have to come back if he does not start construction. He asks if he has options. C. Plotke states that they are going to put in the driveway as soon as possible so they do not have issues with changes from DEC and ACOE, etc. G. Dake states that the challenge always is that we cannot tell the applicant what the Code is going to be. The 16 items are the conditions that whoever is sitting up here is going to have to look at. It does not look like there are any grand challenges in doing this. He thinks it would be beneficial for the Board to approve this because coming back to get something reapproved, generally, is going to be easier than coming in new. M. Thraikill agrees, if they do not make any major changes such as putting in two houses instead of one or something like that. G. Dake states that he would think that would be the safest course. There is no guarantee that he can do this forever. There is always the possibility that zoning will change, that these things will get more difficult or some Federal or State regulation will change. G. Dake states that it is also possible for the wetlands to change. J. Plotke states that he would also like to do some excavating. G. Dake states that to the point of the minimum floor, the one thing the Board would want to see is at least a note that says, and maybe it is on the plans, that the minimum floor would be at the minimum 571' elevation. J. Plotke indicates that is on the survey. He indicates that he thought the issue was with being in the 500' buffer, the intent to build the house, not so much the specificity of the house was the issue and that the Planning Board would decide whether or not the Town wanted people building within that 500' buffer, not so much what they built. He would then deal with what he is going to build when he is ready to do that. G. Dake states that the principle behind all of these things is that if this floods, what is going to happen to the house. The shape, size and location of the house could be germane to that although it does not look like it is. If this floods, the homeowner will have a bigger problem than the Town does. The Planning Board did just go through this with the Guarneri subdivision where we did change the location of a septic or well to make sure it stayed out of the buffer. If the Planning Board approves this plan, when the applicant goes for the building permit, they are still going to have to go through this process again if they do decide to come back and put in a house that is dramatically different. Even if within a year the house location were moved significantly. J. Plotke states that he needs a sense of his best course of action. He wants to build a house and retire there. T. Yasenchak reiterates that this meets everything, the Town likes to see houses setback from the road to maintain the country feel and the elevation of 571' is noted on the one set of plans. She states that might actually help the applicant because that might change at some time. It does not limit the size or the shape of the house. J. Plotke states that he picked something a little bit bigger than he will ultimately build simply because he assumed that if he went smaller the Town would not care. He states that he knew that in not having a basement he would want

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a bigger garage. L. Dupouy suggests that the applicant should also get a copy of the minutes, save those along with the other information and then come back with these when the time comes to build. T. Yasenchak states that any changes to the Federal or State regulations are out of the control of the Town. J. Plotke states it is his understanding that the Federal DEC has acquiesced to the State and the States says 12 acres of water or greater, which makes all the stuff up front Federal. T. Yasenchak comments on DEC and DOH changing their regulations, which they have been saying for years. J. Plotke asks if he should put in his septic system now. The Board consensus is that that would be risky. G. McKenna states that the time limit on Special Use Permits can be varied by the Planning Board and points this out in the Code, page 105-40.

**RESOLUTION – J. & C. Plotke, Special Use Permit**

MOTION: L. Dupouy

SECOND: M. Thrailkill

RESOLVED, that as John and Charla Plotke have demonstrated compliance with Section 105-112-E-4, items a – p, of the Zoning Ordinance, the Planning Board grants a Special Use Permit for the construction of a single family home on the combined lots located at 197 and 207 Squashville Road, TM#137.-1-17.22 and 137.-1-17.23.

G. McKenna asks if the lots have been combined. J. Plotke states not officially yet as they do not own them yet. He states that the house will probably rest right on the current property line, so they will be combined.

VOTE: Ayes: Dake, Dupouy, Streit, Yasenchak

Noes: None

Absent: Cochran, Siragusa, Thrailkill

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**ZBA REFERRAL**

**PAUL PLANTE** - The applicant is seeking an area variance for a front setback to build a wrap-around porch on the existing home. There are no Planning Board issues.

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Meeting adjourned 7:41 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary