

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**JULY 13, 2010**

**REGULAR MEETING**

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

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**MINUTES – June 29, 2010**

MOTION: B. Duffney

SECOND: T. Yasenchak

RESOLVED, that the Planning Board waives the reading of and approves the minutes of June 29, 2010 as submitted.

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

Absent: None

Noes: None

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**PLANNING BOARD CASES**

**JAMES DORSEY – Major Subdivision**

Locust Grove Road

James Dorsey and Clark Wilkinson are present. C. Wilkinson reviews that they are proposing to subdivide approximately 72 acres into 6 total lots. One of the lots is undersized compared to the zone and they are looking to qualify this under a cluster provision. The two rear lots at the top of the hill are proposed to share a driveway. There is a stream that runs through the property and they are proposing an environmental protection area over that stream. The majority of property at the rear is to remain under the ownership of lot #6 which is 41-plus acres with a note and inclusion of deed restriction that there would be no further subdivision of that property in the future. The configuration is due to trying to maintain some of the stonewalls and delineated fields. He states that they did have a traffic study done by Crieghton Manning which was provided to the Board. They moved the driveways for lot 2, which was moved to the lower part of the hill, and lot 4, which was moved north about 25'. All driveways meet or exceed AASHTO. C. Baker states that he e-mailed his comment letter to C. Wilkinson. C. Wilkinson states that the typical notes will be added to the plans. Regarding the SWPPP, he states that he has each individual lot showing stabilized construction entrances and he will make sure that he adds some additional locations of silt fence on the plans as well as a detail for general individual lot construction. They may or may not complete the NOI anyway for this project just to be safe, however it is under the 5 acre limit so they do not need to do the whole narrative and since it is residential they just need to make sure the plan is up to date. The easement language for the driveways for lots 4 & 5 is being handled. J. Dorsey states that Jim Cox is preparing the easement language and stated that typically with a municipality he will wait for the Board to vote and before the signature of the chairperson will submit the language to the Town Attorney. Regarding the Fire District comments, which he was sent a copy of, C. Wilkinson states that he will go through them. There are some that make some sense, and others that may become more difficult. G. Dake states that these comments are not binding, they are for discussion. C. Wilkinson states that regarding the road distance markers, there is

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only one driveway which exceeds 500', which is the shared driveway. C. Wilkinson states that would be up to the applicant whether or not he wants to take that precaution. G. Dake asks if 500' is the standard hose length. B. Duffney states that he believes that is what they run, but he thinks it has something to do with what the pumps can handle and to set the pumper up to be able to handle the volume of water. C. Baker asks if the stream flows and could the fire department, theoretically, easily pump from the stream. C. Wilkinson states that there would not be much now. G. Dake states that personally he thinks it would be nice to have but he does not think that is something we can ask the homeowner to maintain. There isn't a standardized marker so you wouldn't know which direction the distance was from. B. Duffney states that should be left up to the homeowner. T. Yasenchak states that when the Fire Department representatives were here last they stated that it is not their job to save people's property, they are there to maintain life safety and safety of neighboring properties. #2 of the Fire Department's comments – 14 x 70 pulloffs – C. Wilkinson states that they have them at 10 x 50 or 60 feet and he will change those to 14 x 70. B. Duffney states that the main thing is to make the corners wider. C. Wilkinson states that is one of the other items in the comments. #3 – additional pulloffs – C. Wilkinson states that he located them at places where you might not easily see someone coming around and it gives the ability to pull off. He states that if there is a fire, there is probably not going to be anyone coming out, there are going to be trucks going in. B. Duffney states that they would be bringing the tankers in and out. The pumpers would be at the fire and the tankers would go in and out. #4 – width of roads – G. Dake states that these are driveways and meet our standard driveway definition. Also comments 5 and 7 are related. G. Dake states that the Town has a driveway standard and if the Fire Department would like the Town to reevaluate that standard, that would be a fair thing to do. He does not think reengineering it on the fly for a particular applicant is necessarily fair. He suggests that the engineer take a look at softening the corners which would take care of 4, 5, 6 & 7 of the comments. If the Fire Department would like to see the driveway standard changed, they should approach the Town. C. Wilkinson states that he will widen the openings at the stone walls to a minimum of 20'. G. Dake asks C. Baker if he is ok with the sight distance. C. Baker states that he is satisfied with Creighton Manning's report and there are some notes regarding some clearing that was recommended. The applicant indicates that that is done. G. Dake states some of the other items he had were: no further subdivision on lot 6; the shared driveway language; emergency services; the long form SEQRA; a public hearing; cluster. The applicant indicates that he will still be doing a deed restriction regarding no further subdivision. G. Dake states that as he went through the cluster regs, it certainly reads as a viable way to do it, however, the applicant does still have to touch the bases within the cluster provision which show the non-clustered approach/clustered approach. He states that there are a lot of slopes and wet areas, but let's prove it. C. Wilkinson states that he does not feel that it is and comments on the amount of frontage. G. Dake reads from G. McKenna's notes that typical notes are needed; lot #2 does not comply with acreage; existing house is a 3-unit, per the Assessor's office. T. Yasenchak states that she would agree that the applicant should go through the cluster regs. She questions what the impact of lot 2 would be if the people chose not to build on top of the hill although it would be wise because of the septic. J. Dorsey states that he would be happy restricting that if necessary. T. Yasenchak states that it doesn't really matter where they build. She comments that there seems to be a lot of shared driveways. C. Wilkinson states that lot 1 actually has frontage and that there is only one shared driveway. T. Siragusa states that he thinks that we will be seeing a lot more of this in years to come, with shared driveways, keyhole lots and creative ways to get to back lots, past ledges and through wetlands, etc., as those last pieces of property are carved up. With the new zoning and 6-acre lots, he thinks we are going to see lots of creativity over the years, once the economy gets better especially. This is not traditional but he is not surprised by it and he does not necessarily have a problem with it. If someone is willing to drive the long driveways, more power to them. He questions that lot 2 is the driving factor for looking at a cluster. He asks if the applicant has talked to the Zoning Board to get their opinion on this. C. Wilkinson states that this would be considered self-created and that going through the Planning Board will be simpler. G. Dake states that the Planning Board has more latitude than the ZBA. T. Siragusa asks if the Planning Board can trade the no further subdivision for that. G. Dake states that we can by making a cluster. The Planning Board can say that something is in the Town's best interest. The Zoning Board has set rules. T. Siragusa states that he likes the project, did go on the site walk and thinks it is beautiful. B. Duffney comments that regarding the placement of the house on lot 2, from the site walk the view would be at the location proposed and he

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understands the concern with the length of a driveway on that parcel. He states that they are making their sight distance and that the stone walls are part of the history of this town, someone took a lot of time to build these walls. L. Dupouy states that she is not in favor of a cluster subdivision. She states that instead of trying to squeak out one more lot here she thinks that they should combine lot 1 and lot 2 and would easily have someone purchase a 10 acre lot and be able to sell it as one big lot, and then people would have a choice of putting their house up on the hill in the front where it is gorgeous or somewhere in the other pasture. If someone wants equine property, which is not a stretch because that is what is on the other side of the road or some other type of farming grazing animal, that would be a beautiful place. She thinks that the Planning Board should try to take the opportunity to at least first sell it as a 10 acre parcel instead of squeak out with a parcel that does not meet the new zoning code that this Town took 2 ½ years to write, and went through a hellacious time getting everyone on board for that zoning. We wanted our Town to keep it's rural characteristic, and what was the point of making all those zoning changes if everytime something comes before a Board they will get a variance for it. She states that if there was some reason for that other than making more money by selling an extra lot, she could go with it. She also comments on Global Foundaries coming in and with people buying land to build houses, hopefully, there are going to be more situations like this and she wants to be true to the rural development of our community. J. Dorsey states that he initially had a lot of people advise him and a lot of people thought that he could put 3 or 4 houses in the 42-acre area. He wants to keep the woods and keep it as open as possible, so he kind of focused on the fields which are already cleared. Having the two lots combined would increase the cost to the house in the back. Instead of having two houses there that would be somewhat affordable, you would have to have a house in the back that would be more expensive, because he is trying to leave the open space in the back and use the front space for the houses. L. Dupouy asks what the difference is in selling two lots for X amount of dollars versus selling one 10-acre lot for X amount of dollars. J. Dorsey states that he was trying to make two houses that were more affordable on each lot versus a 10-acre lot which would be more expensive. G. Dake states that there is plenty of land to squeeze more than 6 lots out of this without violating zoning at all. If you wanted to bulldoze all the stone walls, you could get those 6 acre lots without any problem. If we wanted to give him a hard time about the cluster and he could not get the variance, he could just get the same thing by bulldozing the stone walls and shifting a lot line. C. Wilkinson states that he could move the lot lines for lot 1 and 2, but then you loose the integrity of what they are trying to accomplish. L. Dupouy states that when she went out and walked this, it was absolutely, spectacularly breathtaking. She kept in mind this 4.5 lot and right next to it is this other great lot that is defined by a stone wall. She questioned what she would do as she has spoken to a lot of people who want to buy 10-plus acres. She states that the applicant should sell it as a 10-acre lot and not go against the Town's 6 acre minimum. M. Thrailkill states that L. Dupouy made some good points, but sometimes people do not want large lots. He states that he has more than he needs and it is hard to maintain a large lot. A small lot might be affordable for someone. He states that Locust Grove Road has a lot of houses up and down that road on both sides. J. Streit states that someone could still buy those two lots if they wanted to. He states that the question would be if it is too objectionable to set it up the way it is, and to him it is an aesthetic thing. T. Yasenach asks if by making this a non-conforming lot, are we creating an issue if someone buys the lot and could not have a stable with horses directly across the street. Then that person would have to come back and ask for a variance. If the Board approves a substandard lot as part of a cluster, does the Board then have to make other arrangements that that property cannot get variances for all these different things. G. Dake states that the principle permitted use is a residence. Anything above a principle permitted use, there is a higher standard and if it is a lot that is an unusual lot for whatever reason, there are provisions for accomplishing those things and that is the Zoning Board's job. He states that if someone is looking to have goats, they are unlikely to be buying a 4 acre parcel in an upscale subdivision. T. Yasenach states that it is not so much a subdivision because there are no roads. There was just someone before the ZBA who wanted to have chickens on a ½ acre parcel. Here there is nothing else they would be able to do except for have a house. L. Dupouy states that she thinks this is a simply gorgeous piece of property and is not against this at all. The only thing she has an issue with is why do we always make an exception to go down instead of where this could be combined. G. Dake states that we are trading – we are making a lot bigger in one place to make one smaller in another. He states that you are more likely to have agriculture in the back. If he bulldozes the stone walls and puts in 8 lots that conform to zoning, he thinks

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we are working against what it is we are trying to do with our zoning. T. Siragusa states that there is a whole development that could be on that ridge. T. Yasenach states that with every other use in this whole district, they can't do anything else. She comments that if the applicant wanted to build on the ridge, that would mean a road and that is a substantial amount of money. C. Wilkinson states that on top of the Zoning regulations, the subdivision regulations are there as well and this provision is within the subdivision regulations that the Town has enacted so they are meeting the regulations of the Code and the intent that is there. G. Dake states that is where the applicant needs to make that argument in their narrative and state what the applicant and the Town are giving up and getting in return. C. Baker states that if the applicant is going to build a town road to get to the top of that ridge, they are going to get as many houses as they can. It is a possibility and the Board needs to keep that in mind. L. Dupouy states that is what she started out saying, that as a developer you do what you have to do with trying to make money behind your motivation. Sometimes though you should do what you have to do because it is the right thing to do. J. Dorsey states that he agrees that his initial approach did have some layouts with 9, 10, 11 lots but he didn't want to do that. He is trying to keep the natural character of the property. He felt that the approach he took was not one of over development, it is somewhat more reasonable in trying to keep the 42 acres intact. A public hearing is discussed and set for July 27<sup>th</sup> at 7:00 p.m., which G. Dake will not be present for, and SEQRA will have to be reviewed. The applicant needs to get all the cluster information in to the Board. C. Wilkinson states that he should be able to get that to the Board by early next week. Cluster regs are discussed. G. Dake states that typically a bunch of lots are substandard instead of one in this plan. C. Baker states that he will not be present on July 27<sup>th</sup> either, but could arrange for someone else from the office to be present.

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**ZBA REFERRAL**

**Charles Cronin, Area Variance** – No Planning Board issues.

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**JOSEPH SIMPSON – Minor Subdivision**

Joseph Simpson and David Barass are present. The applicant had been approved for a minor subdivision which has lapsed. The applicant is seeking re-approval. There was some confusion regarding property that J. Simpson has offered to turn over to the Town for widening of the road and who would be responsible for any future road.

**RESOLUTION – J. Simpson, Minor Subdivision**

MOTION: B. Duffney

SECOND: L. Dupouy

RESOLVED, that the Planning Board reaffirms its previous approval, and all other related actions, of a Minor Subdivision for Joseph Simpson for property located at 420 Ballou Road, TM#110.-1-22 and this does not commit the Town to building of any additional road or cul-de-sac.

C. Baker states that he wants to make it clear that the Town is not going to be responsible for building that cul-de-sac. If he wants to come in at some time in the future and do further subdividing, the applicant may be asked to pay for that at that time. J. Simpson states that he went up there with W. Barss who wanted to cut some trees and widen the road. They will be doing some work up there and J. Simpson states that it would be great if W. Barss wanted to do the cul-de-sac.

VOTE: Ayes: Dake, Duffney, Dupouy, Siragusa,, Streit, Thrailkill, Yasenach

Absent: None

Noes: None

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**RANDY & CONSTANCE CAPASSO**

G. Dake states that at the last meeting Alton Knapp was present with a Community Acknowledgment Form for the Planning Board Chair's signature. G. Dake states that he and C. Baker have had great fun learning about FEMA. Copies of correspondence from Mike Hill, Town Attorney, have been provided for the Board, which basically says that they would like a formal resolution by the Board and the form to be amended to reflect what is in the bolded paragraph in the memo regarding the Town's certification. G. Dake states that the home itself is not in a flood area. A piece of the property is in a flood area, therefore the entire property is contaminated from the bank's perspective and therefore they would be requiring flood insurance. C. Baker will speak with A. Knapp about the requested amendment.

**RESOLUTION – R. & C. Capasso, Community Acknowledgement Form**

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board authorizes the Planning Board Chairman to sign the Community Acknowledgment Form Randy and Constance Capasso, TM# 124.-3-22.1, as amended per the recommendation of the Town Attorney.

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

Absent: None

Noes: None

G. Dake states that A. Knapp has offered to come in and do a presentation to the Planning Board.

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Meeting adjourned 7:59 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland