

TOWN OF GREENFIELD

PLANNING BOARD

AUGUST 28, 2007

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by at 7:00 p.m. On roll call, the following members are present: Gary Dake, Dan Cochran, Thomas Siragusa, John Streit, Michael Thrailkill, Tonya Yasenchak and Michael Ginley, Alternate. Lorna Dupouy is absent. Gerry McKenna, Zoning Administrator, is absent. Charlie Baker, Town Engineer, is present.

AUGUST 14, 2007 MINUTES

MOTION: T. Siragusa

SECOND: M. Thrailkill

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of August 14, 2007 as submitted.

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

Noes: None

Absent: Dupouy

CORRESPONDENCE

G. Dake refers to a letter received from Paragon Civil Engineering regarding the cutting of vegetation along Daniels Road for the minor subdivision of D. Jelenik in order to meet the AASHTO standards. That now meets a condition of their approval and the Town can sign their subdivision plans.

G. Dake refers to a letter received this evening from Sarah and Leon Lieberman regarding Sara Spa Rod and Gun Club. The letter is identifying that there is an open house scheduled at the Sara Spa Rod & Gun Club, which includes the activity of firing a .50 caliber rifle. The letter is pointing out that this would be a somewhat different type of weapon than they believe was represented to the Board. G. Dake asks if the secretary would provide the Planning Board with a copy of what the approval was. This letter is also carbon copied to the Town Board and the secretary is asked to forward a copy to the Code Enforcement Officer. L. Lieberman states that he lives within ½ mile of the club. G. Dake states that the Board could then perhaps reach out to the Rod & Gun Club if the Code Enforcement Officer would like assistance with that. He states that he is aware of other complaints that have been made.

PLANNING BOARD CASES

PCD CONSTRUCTION – Special Use Permit/Site Plan Review
Medbury Road

G. Dake opens the public hearing at 7:05 p.m. Peter Diedrich is present and explains that he has a small excavating business and is trying to come into compliance with the new Town zoning. This is mostly seasonal and he operates out of his home. There being no public comment, this public hearing is closed at 7:06 p.m.

August 28, 2007

G. Dake reads from G. McKenna's notes that this would be a permanent Special Use Permit for a large contractor's storage yard. The applicant's property exceeds the current zoning requirements. Outside storage had been discussed and the applicant had agreed to keep storage near the barn and out of sight of the road. C. Baker has no issues. SEQRA is discussed and not required.

RESOLUTION – PCD Construction, Special Use/Site Plan Review

MOTION: D. Cochran

SECOND: J. Streit

RESOLVED, that the Planning Board grants Peter Diedrich, PCD Construction, a permanent Special Use Permit and Site Plan Review, for property located at 127 Medbury Road, TM#124.-1-39.3, as follows:

- **A large contractor's storage yard to continue his existing operation**
- **To allow outside storage only near the barn and out of sight from the road**

VOTE: Ayes: Dake, Cochran, Ginley, Siragusa, Streit, Thraikill, Yasenchak

Noes: None

Absent: Dupouy

JULIE AND BRIAN RAY – Minor Subdivision

Allen Road

Randy Brown is present representing the applicant's. This is for a two-lot subdivision and the survey map has been provided. One lot will be a keyhole lot with 40' wide access. R. Brown indicates property lines on the map. G. Dake reads from G. McKenna's notes. C. Baker states that the only question he had was regarding sight distance, which has not been addressed. R. Brown states that this is on the inside corner and you can see in both directions. M. Thraikill states that Allen Road is currently unposted and that W. Barsz had talked about trying to get it reduced. He lives on Allen Road, and he does not think that there is a problem with sight distance. It is on a wide sweeping turn, people do go fast around the corner, but he does not think it is an issue with sight distance. M. Ginley asks if there are a lot of trees at the 40' keyhole. R. Brown explains and M. Thraikill concurs that looking to the right it is open and to the left there are a number of trees. The number of animals is discussed. R. Brown states that J. & B. Ray own three of the horses, one is here for track season and he is unsure of the other. They also own the donkey. J. Streit asks if there are wetland issues. R. Brown indicates that there is a small area to the far eastern corner but there is no access to that area for electrical service, etc. D. Cochran states that this is a pretty good use of a keyhole lot, however he would like to see the wetlands flagged and asks about topo. Topo is on the plans. C. Baker states that if the Board suspects that there are wetlands, they can request that it be flagged. M. Thraikill states that this is on a hill that kind of drifts back. T. Siragusa states that in looking at the topo, there is a depression and maybe even a stream that runs through the middle. G. Dake suggests that what has been done on other projects is to say that they will have a building envelope in a certain area and only flag that area. The subdivision map would indicate that there would be no building beyond that line. G. Dake asks about sight distance. J. Streit states that it is not relevant. M. Ginley states that he is ok with relying on M. Thraikill's comments. D. Cochran states that he is ok with this also as he knows exactly where this property is. G. Dake states that we are not talking about a road or multiple houses. He states that he is comfortable relying on our judgment as to when something is tight or not. The wetlands issue can be taken from a DEC overlay. Deeming the application complete is discussed and the fact that the Board can still ask for additional information.

RESOLUTION – J. & B. Ray, Complete Application

MOTION: J. Streit

SECOND: M. Ginley

August 28, 2007

RESOLVED, that the Planning Board deems the application of Julie and Brian Ray as complete for a minor subdivision of property located at 270 Allen Road, TM#111.-2-45.3.

VOTE: Ayes: Dake, Cochran, Ginley, Siragusa, Streit, Thrailkill, Yasenchak
Noes: None
Absent: Dupouy

Public hearing is discussed and scheduled for September 11, 2007. M. Ginley asks if there are no DEC wetlands, do we need to have a building envelope indicated? T. Yasenchak states ultimately the owner is responsible. Should the Board not have the ACOE wetlands placed on the plan and there are ACOE wetlands and the owner disturbs them, the owner is responsible. The typical notes have to be added to the plans. T. Yasenchak comments that making the keyhole 40' wide will negate the opportunity to ever make this a road. R. Brown states the applicant is aware of that.

MATT & ANGEL SARGEN – Special Use Permit/Site Plan Review
North Creek Road

Matt and Angel Sargen are present. M. Sargen states that he would like to continue what has been taking place on the property with the family for over 100 years, and that is a small hobby farm. It did fall into a little state of disrepair when his grandmother was elderly, but there have always been animals on the property. They are slowly trying to bring it back around. He just wants to make sure that they are in compliance with the new zoning laws and the LDR and MDR-2 runs through the property. G. Dake reads from G. McKenna's notes regarding the zones; that this would be a permanent special use permit; that agricultural uses and structures require a site plan review; the agricultural processing requires special use permit and the applicant is applying under the 180-day clause. G. Dake states that this is just like the earlier application of P. Diedrich, and those of D. Wardell and M. Pepper. D. Cochran states that he applauds the applicant for coming in. T. Siragusa asks about the number of animals, the type of farming, etc. M. Sargen states that it is a hobby farm and probably always will be. He and his wife grew up on farms and they are trying to provide for their son the same experience growing up with animals. They usually have 2 to 4 horses, sometimes a cow and his son raises chickens and sells the eggs to neighbors, etc. As far as the processing, he may sell a little manure. He is just trying to make sure that they are fully in compliance with the town laws. It is not a business, it is more a hobby farm. T. Yasenchak asks if they are changing anything - structures, plowing, etc. M. Sargen states that some of the buildings that he would like to restore, he thinks, may be too far gone and may be removed and replaced. He currently has a building permit for a carport to put some of the farm implements undercover in one place instead of being parked all over the place. T. Yasenchak states that it is good to see people continuing agricultural uses in our Town. M. Sargen states that there are roughly 20 acres, it has not been surveyed and the property has been in the family for over 100 years. J. Streit asks about tearing down and rebuilding structures, whether he needs building permits. R. Rowland explains that it depends, some agricultural buildings in some circumstances do not require building permits. J. Streit states that then the Town is protected by those regulations in any event. Public hearing is discussed and scheduled for September 11, 2007 at 7:00 p.m. G. Dake suggests that the applicant talk with neighbors prior to the public hearing.

MICHAEL HICKAM – Major Subdivision
Medbury Road

D. Cochran recuses himself. G. Dake states that M. Hickam phoned him a couple of weeks ago with a few questions. M. Hickam received approval October 10, 2006 with contingencies and that approval was good for one year to October 10, 2007. M. Hickam states that he is here to request an extension. G. Dake states that he had asked the applicant to be prepared to explain why he needs an extension as it was discussed

August 28, 2007

and worked out with the applicant at the time of approval. M. Hickam states that he complied with everything that the Town had requested. He is currently working with someone who is interested in the property. He pursued selling it himself, then listed with a realtor for 6 months and that contract expired June 6th. He had one prospective buyer who could not get the financial backing and one is currently pursuing that. He cannot tell the Board that it will be completed by October. He has been with this subdivision for 15 years; had it sold two or three years ago, but they pulled out because of the Town's requirements; with the zoning law looming, he decided to take it on himself at great expense. He states that he now has an approved subdivision, also approved by DOH, it currently meets all town laws, and he spoke with his engineer last week who agrees that he has an approved subdivision that complies and was unsure as to why there was a one-year timeframe. M. Hickam states that he is asking for at least another year so that he can finish this project. G. Dake states that while the subdivision is valid, one of the things that has changed, and one of the reasons we dealt with the time frame, he believes, is the zoning. At the time the zoning was R-2, 2 acres with 200' of frontage. Today that land is 6-acre minimum lot size with 250' of frontage. Everything around this was built under R-2, all the utilities are in. If we do not grant the extension, this goes from 2-acres to 6-acres. T. Yasenchak states that her assumption as to why there is a year is because of the road bond and there are other things that are involved that change as the time goes by. G. Dake states that the year was put on because of the impending zoning changes, per his recollection. M. Hickam states that he is currently working with someone and he feels confident about it. He states that if it falls through, October through spring is pretty much a dead zone. C. Baker states that he believes that the one-year was because we did approve a subdivision without a road bond in place and he thinks that part of the concession was that we were going to put a time limit on the approval because of that. This allowed the applicant to move forward and market the property, and the Town could keep track of that road bond as necessary. M. Hickam states that he believes that the cost is now higher. T. Yasenchak states that she has no problem, understands the situation and it doesn't change the way the neighborhood was intended and approved years ago. M. Hickam states that at the Town's request, the initial developer subdivided this property with smaller lots to try to get some lower cost housing in Greenfield. T. Yasenchak states that she has no problem with granting an extension as long as there is some kind of verbiage to protect the Town for the cost of the road bond as well as any of the storm drainage, etc. T. Siragusa states that he cannot see not granting an extension. The applicant has worked pretty hard. M. Ginley asks if the applicant had gotten in the road bond before the one year, if it would be formally approved. G. Dake explains some of the history of this property. J. Streit states that he remembers that we went through this in excruciating detail, M. Hickam has been cooperative and as long as the Town's interests are not damaged by extending this and as long as we include the verbiage as T. Yasenchak suggested, he would be absolutely in favor of this extension. M. Thraikill states that he thinks that M. Hickam is making a good faith effort to follow through on this. C. Baker states that a dollar amount for the road bond has been approved and if the Board considers the extension, his suggestion would be that that number has to be re-evaluated. He also states that the DOH approval is generally good for one year and that may have to be extended as well.

RESOLUTION – M. Hickam, Major Subdivision

MOTION: J. Streit

SECOND: T. Yasenchak

RESOLVED, that the Planning Board extends the approval of Michael Hickam for his major subdivision of property located at Medbury Road, TM#137.-1-14.111, as follows:

- **Extension for an additional year to October 10, 2008**
- **All of the same conditions including DOH approval and road bond being in place**
- **The road bond dollar amount will need to be updated to a current cost at whatever time the road bond is put in place**

August 28, 2007

VOTE: Ayes: Dake, Ginley, Siragusa, Streit, Thrailkill, Yasenchak
Noes: None
Absent: Dupouy
Abstain: Cochran

BONNIE & CLIFF OLDER – Minor Subdivision

Lake Desolation Road

Cliff Older is present and D. Cochran recuses himself as a neighbor of the applicant. New maps were delivered to the office today and C. Older explains that the lot lines were revised per the last discussion. G. Dake reads G. McKenna's notes concerning deed language and that lot 3 could be a keyhole lot. M. Ginley questions the three interior lots. C. Older explains that their deeds grant access to the lots. J. Streit questions the configuration of lot 2. C. Older explains it is just to give it the minimum required acreage. T. Siragusa states that he believes that at the last meeting the Board encouraged the applicant to configure this into two keyhole lots and 1 standard lot, and that all three would share the driveway. The Board discusses whether lot 3 should be considered as a keyhole lot or if the applicant would need a frontage variance. T. Yasenchak states that she would rely on G. McKenna's interpretation and that there is certainly enough acreage for the 3 lots. T. Siragusa asks if lot 3 could be subdivided further in the future, having 2 keyholes within a keyhole. G. Dake explains that you would have a great deal of difficulty finding the frontage. T. Siragusa states that he thinks this is a good use of the land, it is three big lots with only one house on the road and regarding the keyhole, he remembers that this was kind of the intent of the conversation at the last meeting. G. Dake states that his observation would be that one of the things we can do is to rely on G. McKenna to make the interpretation, we have made our own interpretations in the past and sometimes they are contrary to what G. McKenna thinks. He states that the strict reading would be that the applicant needs a variance, on the other hand, we have no problem with where these houses are proposed, we have no problem with how the driveways are proposed, what we have a problem with is where dotted lines are on a piece of paper. He states that we can make everybody's life easier by taking a very liberal interpretation that this is a keyhole lot, he would not want to make this interpretation in every case and we have said no to applicants in the past. This is a unique piece of property. J. Streit states that each case needs to be judged on its own individual nature. G. Dake states that is his point and that we will probably not see another map that looks like this. He is comfortable doing this, he is not in love with doing this, these 78 acres of land can support three homes and the applicant is not trying to pull something over on the town. D. Cochran states that having gone through other applicants with very creative maps, C. Older is not trying to do that to the Board. The topography up there is crazy and the best you can do in some situations is to make weird looking maps. G. Dake states that C. Older is not trying to maximize the number of lots, which is what we have seen in other cases. G. Dake asks if we have bettered the safety and soundness of the town by making the applicant get a variance. M. Ginley states that there has got to be specific driveway language so that future owners have an airtight agreement. The Board agrees with G. Dake. This application will need County referral.

RESOLUTION – C. & B. Older, Complete Application

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board deems the application of Cliff and Bonnie Older as complete for a minor subdivision of property located at 375 Lake Desolation Road, TM#136.-1-2 and a public hearing is set for September 11, 2007.

VOTE: Ayes: Dake, Ginley, Siragusa, Streit, Thrailkill, Yasenchak
Noes: None
Absent: Dupouy
Abstain: Cochran

August 28, 2007

DAVID MURRAY – Minor Subdivision
Route 9N

David Barass and David Murray are present. D. Barass explains that the applicant has three lots with four residences – two mobile homes on one parcel, one mobile home on another parcel and a house on the third parcel. The applicant would like to reconfigure the property lines into 4 lots with 4 residences. The MDR-1 and LDR district lines bisect the property. The two mobile homes on Lot 1 would be removed and one home built there. The mobile home on lot 2 would be removed and the lot line would be changed to encompass the existing home. Lot 3 would be a keyhole with one future residence and lot 4, which has no frontage and would need a variance, would share a driveway with lot 3 and would also have a future residence. The existing loop driveway on lot 2 would only now have one exist. D. Barass states that there are DEC wetlands on the adjoining property and the wetlands line, from an overlay, comes along the northern most property line. There are no mapped wetlands within the property. G. Dake reads G. McKenna's notes indicating that this is the MDR-1 and LDR districts; first 500' from Route 9N is MDR-1 district. Lots 1 and 2 comply with MDR-1 district regulations. Lot 3 complies as a keyhole lot in the LDR district and Lot 4 does not have any frontage and would require an area variance. C. Baker states that he did look at this; he has no engineering comments at this time and has the same comment about lot 4. G. Dake states that this will need to go to DOT and County Planning. T. Yasenchak asks why instead of the 40' wide easement, they didn't make it 80'. D. Barass states that they wouldn't have the proper setbacks for the existing house. T. Yasenchak states that this is creative, it would need a variance and that is up to the Zoning Board. T. Siragusa states that he is ok with it, a lot of it is just moving some lot lines around and making some creative use. The intent appears to be to improve the lots and make the best use of this land. It does not make much change to Route 9N. D. Cochran states that we seem to be challenged by the division of the land. It is certainly a way to divide up things and make access to the back lot. It is a zoning issue. He is not totally opposed to it. M. Ginley states that he is ok with this. J. Streit states that he thinks it will be an improvement. G. Dake states that this is fascinating; the total density overall is the same – 4 dwellings to 4 dwellings; realistically they are probably not changing total water or septic usage; they are probably not changing total traffic and are raising the tax base. Aesthetically this will be nicer. The ZBA will be sending the Planning Board a request for a recommendation and G. Dake asks the Board what their recommendation would be. Comment is made that it is an improvement to the neighborhood, how else would you use the parcel in the back, etc. G. Dake states that going back to his earlier question, are you doing any harm by doing this. T. Yasenchak states that the Zoning Board will ask why the applicant needs to have the variance to add this lot. They are very strict about the specific questions that they need answered and one is why do you need it, is there a hardship that requires this extra lot rather than the three. D. Barass states that their answer will be that there are 4 existing residences there now. D. Murray states that there will be no change in the density, no new curb cuts and one less driveway. G. Dake asks D. Barass if they took a look at being able to do a shared driveway to include lot 2 with the keyhole so that all three of those lots are accessing off of one lot. He states that knowing DOT, they are going to ask how they can get fewer curb cuts. D. Barass states that it is possible, they would prefer it the way it is proposed, but it is an option. C. Baker states that he has no comments at this time, questions the building envelope for lot 1 and gets clarification on the wetlands and the buffer from D. Barass. A new septic system is planned for lot 1. G. Dake asks if the Board is comfortable deeming this as complete with the acknowledgement that it does not meet zoning and no action can be taken at this time. If this is deemed as complete, we can send it to County while it is going to the ZBA. The applicant needs to send this to DOT.

RESOLUTION – D. Murray, Complete Application

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board deems the application of David Murray as complete for a minor subdivision of property located on Route 9N, TM#151.-2-9.12; TM#151.-2-10.1 and TM#151.-2-10.2.

August 28, 2007

VOTE: Ayes: Dake, Cochran, Ginley, Siragusa, Streit, Thrailkill, Yasenchak
Noes: None
Absent: Dupouy

DISCUSSION

G. Dake thanks the Board members for notifying him and/or R. Rowland ahead of time when someone is going to be absent. It is unfair to other Board members and to the applicants if we do not have a quorum to not know it ahead of time.

G. Dake states that he got a call from Gary DeRusso who lives on Hyspot Road and owns a car dealership on Route 50 by Northline Road. G. DeRusso is contemplating retiring but does not want to retire completely. He has someone who may be interested in buying his building and he does not want to give up his license as a car dealer, but in order to have his license, he has to have a location. Hyspot is not zoned for auto sales, nor should it be, nor should he get a variance for auto sales, nor is he seeking one. G. DeRusso was looking for a creative solution. His plan is to not have any inventory, not have any customers, but to be able to over the Internet source cars, go to auction to buy cars for people, maintain his license, etc. If he wants to get back into the business at another location he would not have to start from scratch. This is going to be G. McKenna's call, but G. Dake suggested that this could very easily be a type 1 home occupation because type 1 says you have no customers, you have no display of product. You are not an auto dealer in the nature of having cars – it would be a condition of his approval. He doesn't even have to come to the Planning Board for a type 1. The Board agrees. T. Yasenchak states that this is similar to the gentleman on Locust Grove Road who sells large equipment.

Regarding Polo, at the last meeting G. Dake had discussed recusing himself due to any perceived potential conflicts. He states that it has become clear to him that the perceived conflict is large enough that it would not reflect well on this Board if he did not recuse himself. In the interest of a smooth handoff he did attend a meeting along with W. Barss and C. Baker where they did deal with some of the issues involving Denton and Bloomfield roads, sewer, etc. C. Baker states that the meeting did not accomplish a whole lot other than trying to get an update out of Polo as to what their schedule is. There were rumors that they want to get their sanitary force main into the ground this fall so that they can go ahead and get their building permits for the lodge building and be ready to do some banquets, etc. for early next year. The problem that was pointed out is that they still have no permits either from the sewer district, the DOH, or the DEC; they don't have signed easements yet from the property owners down Denton Road; and the sewer district has not been expanded. He states that they tried to stress to Polo that it does not look realistic, maybe by June or July 2008. G. Dake states that is complicated by the problem with the hard-sided tent, which is supposed to be out by a certain date. They are not going to have sewer by that date. C. Baker spoke with J. DiPasquale at the sewer district and he said he was meeting with them this morning, but he didn't see issuing a permit in the immediate future because his permit is going to be contingent upon DEC review and the extension of the service territory. G. Dake states that this a little of that hurry up and wait. He interprets it a little bit as, he is not sure if it is a naivety or what, a lack of sensitivity to the timing issues. Their awareness of some of their timing issues is problematic. He thinks this is still a good project for the Town. They did manage to get the road number up to 7 figures and are not sure that is enough. Billy McTygue from Saratoga was at this meeting as well, so everybody was at the table and J. Daly was shocked that they were not going to be able to get in the ground this fall with all these things left up in the air. G. Dake told Polo that it would be in their best interest to come back here once in a while and keep the Board informed about what the status is on these various issues. One of the things that they are probably going to ask for, because of this delay and then what they have potentially coming with County water, if phase 1 is getting pushed back, they may want to phase it so that they can only put in enough well to support phase 1 and then cut it over to the County water system when it comes in, which is a logical thing. G. Dake told them to be prepared for the question, not necessarily from the Board, of how do we know that you are going to build phase 2? Our approval says that if it

August 28, 2007

becomes available they have to hook in. G. Dake states that he will continue to make himself available to anyone, but he wants to be very careful about the potential for conflict of interest on this. He wants to be a service to the Board without becoming a detriment. G. Dake states that if F. McNeary comes in, he will recuse himself on that also because he is going to be negotiating with him. The proposed golf course/sewer line extension is discussed along with work being done along Daniels Road.

C. Baker states that on the Murray application, over the years we have seen a lot of this type of thing, and he thinks it might be a bad precedent to start looking at those and thinking that it is a viable way of subdividing property. There is no frontage. He believes that the Board should be real careful in how they look at that because we have had applicants come in with very similar situations and turned them down. These can be nightmares.

T. Yasenchak states that she may also have to recuse herself on the Polo application. She works for her father's firm, Engineering America, and Polo is looking at hiring a project manager to build out the buildings. The person they are talking to is one of Engineering America's best clients, who said at that point he wants her to give Polo a proposal to complete the buildings. This came up within the last month; it was not discussed as the Planning Board was going through the Polo project. There is a proposal pending with the project manager, not directly with Polo, and she does not know if that project manager is going to be hired by Polo. Because of that direct link and because she does not want to have the appearance of any impropriety, she will also be recusing herself until that situation is settled. G. Dake states that we may have to ask Dan Cochran to take over as chair and the other dilemma is that D. Cochran is running for office. T. Yasenchak reiterates that this only came up within the last month, and it is not directly with Polo but with the project manager they may hire. D. Cochran states that we have to feel good on this Board that we do this kind of stuff because he is sure that there are a lot of Boards that just keep marching along and don't recuse themselves.

T. Siragusa asks what is going on with the old house on Porter Corners Road that was purchased and is being renovated. There have to be 20 plus big pine trees taken down already. R. Rowland states that the new owners have been sent a violation letter that they need a building permit and B. Gizzi has called DEC because he thinks that they need a SPEDES permit. T. Siragusa states that they are moving so fast, they have cut the gigantic white pines, the stumps are ground already, there are all wetlands behind it, they have vehicles everywhere, the sheriff was there the other night presumably due to noise at night. R. Rowland states that there has been an issue with noise from 4-wheelers, but that was from a different neighbor.

D. Cochran states that on the .50 caliber, for those who do not know, it is not a huge caliber gun. C. Baker states that it is a muzzleloader. T. Siragusa states that he knows the Liebermans well and they do know. They wake up to that. There are regulations for hours that the Gun Club has broken time and again, and it is up to the Lieberman's to be the ones calling the sheriff because G. McKenna can't do anything unless the sheriff is called and they don't want to call the sheriff every time so they feel like they are caught in the middle. He states that he agrees with them. When the Gun Club was given their permit the Lieberman's didn't live there so the argument is that they moved in to where it was already permitted. However, they didn't have the outdoor range and they cut down an enormous amount of trees for this outdoor range. He states that he has stood there and it is really loud. Maybe a .50 caliber gun is not enough, but if you are paying \$5 a shot to shoot a big rifle, he bets it is pretty loud. The horses are spooked by it; S. Lieberman has broken an ankle because a horse landed on her. She tries to get the work done before they open for business in the morning. T. Siragusa states that he does not know what the Town can do, but they have been in violation of other things in the past, which this Board has been informed of. He thinks that it needs to be watched, and the feeling from the Lieberman's and the neighborhood is that the Town could care less. G. Dake states that the challenge is that we do not have zoning police running around and a lot of the conditions we put on people, we do not send someone around to check. It is unfortunate, and it has been discussed by this Board for many years, we do rely on voluntary neighbor enforcement on a lot of things. T. Yasenchak states that then it becomes more of a Town Board issue of enforcing because the Planning Board

August 28, 2007

is approving a project based on the applicant meeting Town laws so we do not go beyond what has already been outlined by the law of the Town. Then it becomes the Town Board's responsibility to enforce. She states that we should make some kind of recommendation to the Town that there needs to be some type of enforcement. G. Dake states that it is tricky because enforcement of the zoning laws is a nightmare. He states that G. McKenna spent years pursuing the case against Matt's when they were in clear violation. D. Cochran states that he thinks that the gun club has to stay within their bounds. T. Siragusa asks what the original bounds are and is what they are doing in the spirit of the original permit because there has been an expansion, because the hours are very long. He states that he can hear it from his house, which is pretty far away. G. Dake states he thinks that is one of the reasons we were given the option in the current code, that we have yet to use, of a renewable permit. We didn't have that before. Now we are able to give one for a year and then the applicant comes back and the Board decides whether or not to make it permanent. G. Dake states that there was objection from residents about the expansion of the gun club and there were compromises, and that would have been a good example of a place where we could have reviewed their project. T. Yasenchak asks what we can say when people come to the Planning Board. G. Dake states that there is nothing we can say to make them feel better about it, this is not an enforcement Board. They have to go to the Town Board and the Code Enforcement Officer. T. Siragusa states that what the Town Board and Code Enforcement Officer say is that the neighbors have to call the sheriff, who has to arrive in time for them to still be in violation and have it on record, and usually it doesn't happen. So even to have multiple violations, our Code Enforcement Officer says that he can't do anything because they only have one on record. T. Yasenchak states that if it is a Town law, if it says you have to have so many on record, could the Town come up with something that is a little bit easier than always calling the sheriff. J. Streit states that in an ideal world, the Liebermans, the sheriff and the officers of the gun club should sit down at one table and have a meeting. G. Dake states that he has been discouraged by some of the comments he has heard at public hearings about people wanting somebody else to take care of their problems. He has no objection to someone coming to the Planning Board, G. McKenna or the Town Hall and saying that they are having a problem with their neighbor, have tried to work it out and couldn't. T. Siragusa states that the Liebermans have tried to have conversations with the Gun Club.

Meeting adjourned 8:53 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary