

TOWN OF GREENFIELD

PLANNING BOARD

SEPTEMBER 11, 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, Lorna Dupouy, John Streit, Michael Thraikill, Tonya Yasenchak and Michael Ginley, Alternate. Thomas Siragusa is absent. Gerry McKenna, Zoning Administrator, and Charlie Baker, Town Engineer, are present.

AUGUST 28, 2007 MINUTES

MOTION: D. Cochran

SECOND: M. Thraikill

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of August 28, 2007 as submitted.

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

Noes: None

Absent: Siragusa

DISCUSSION

G. Dake states that he received a call about the previous meeting's minutes from Tim Clemmey, the neighbor of Tom Hill on Walker Drive. T. Clemmey read the minutes and G. Dake had stated that T. Clemmey said that he was buying the land just as an investment, not to develop in the future. G. Dake states that he does remember that he made that statement, but T. Clemmey wanted G. Dake to clarify in the record that T. Hill told G. Dake that is what happened. G. Dake states that is accurate, he did not hear T. Clemmey say that was his plan. G. Dake would like that recorded officially if not amend the previously approved minutes. It was T. Hill's assertion of what T. Clemmey said, not G. Dake's own knowledge.

CORRESPONDENCE

G. Dake states that there is a memo from R. Rowland in the Board members files regarding the M. Sargen application, stating that her husband Steve Rowland and Matt Sargen are related. G. Dake discussed this with R. Rowland and as she has no vote, she has no legal responsibility to recuse herself, but in the interest of keeping everything above board, she should let the Board know of the relationship.

There was also some information mailed to the Board members regarding the Rod & Gun Club, that the Board had requested to review. That does not require any action on the Board's part, but it would be good for the Board to familiarize themselves with.

We did receive a memo back from the County regarding the Older subdivision, with no Countywide or intercommunity impact.

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PLANNING BOARD CASES

JULIE AND BRIAN RAY – Minor Subdivision

Allen Road

G. Dake opens a public hearing at 7:04 p.m. Randy Brown is present representing the applicant. He explains that this is a 35 acre lot which the applicant would like to subdivide into a 7 acre lot and a 27.5 acre lot. There are no wetlands – no DEC or ACOE wetlands – within the property. The 27.5 acre lot will be a keyhole lot and have 40-feet of frontage. Ann Marie French, Mia Way, states that her property abuts the back side of this. She questions the potential for possible future development, if it is strictly going to be a one home piece of property and if it is going to be deeded as such that it would not be able to be further subdivided. R. Brown states that they are going to ask the Board tonight that notes be added to the subdivision that it is only one lot. A.M. French asks if he knows where that one house would likely go. R. Brown indicates the possible location on the map and explains the constraints of putting in a driveway and electrical. G. Dake states that with a 40’ access you would never be able to get a Town road in there anyway, it is only large enough for a driveway per the Town code. Even if they didn’t have a note on the plan, we would not be able to go back and subdivide it into multiple lots in the future. R. Brown states that is why they didn’t ask for a 60-foot access, so there would only be one house. The Rays still live in the front house and do not want anything more than one house in the rear. There being no further public comments, this public hearing is closed at 7:08 p.m.

T. Yasenchak asks if they verified the sight distance. R. Brown reiterates that it is on the inside corner and he didn’t think they needed it. D. Cochran states that he has no problem with this, it is a good application of a keyhole lot. He states that they might want to, in light of the public comment, show a proposed building envelope on the map. C. Baker states that the typical notes need to be added to the plans. G. Dake states that he believes what the minutes reflect is that the Board discussed sight distance and felt that it was adequate. **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 environmental impacts. J. Streit seconds the motion. All present in favor.**

RESOLUTION – J. & B. Ray, Minor Subdivision

MOTION: J. Streit

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants a minor subdivision to Julie and Brian Ray for property located at 270 Allen Road, TM#111.-2-45.3, contingent upon:

- **Addition of typical notes to plans**
- **Addition of note that there is to be no further subdivision of the newly created lot**
- **Addition of a proposed building envelope**

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

Noes: None

Absent: Siragusa

MATTHEW & ANGEL SARGEN – Special Use Permit/Site Plan Review

North Creek Road

G. Dake opens a public hearing at 7:13 p.m. Matt and Angel Sargen are present. M. Sargen explains that he is trying to come into compliance with the new Town Zoning and would like to continue to operate the small hobby farm. There will be no future development of the land other than the repair or

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replacement of the existing buildings. Dick Rowland, North Creek Road, states that he has lived across the street from this property for the past 32 years, he loves the use of it and would support the continued use. There being no further public comments, this public hearing is closed at 7:14 p.m.

C. Baker asks if the Board would like to consider any buffers. M. Sargen states that on one side it is wooded, bordered by the Kayaderosseras and some State land, also by Dave Wardell's property. The one end has a barb wire fence between his property and his cousin's property, and she would be upset if he planted trees. Her children love the horses. The road frontage is pretty much open fence also. He states that as far as he knows, most of the neighbors are usually over feeding and petting the horses, and would probably be pretty upset if he was to plant trees or put up more fences. G. Dake asks if, based on the public comments, would the Board be comfortable with saying that no existing buffer areas will be disturbed without coming back for approval and public hearing. M. Sargen says absolutely.

RESOLUTION – M. & A. Sargen, Special Use/Site Plan

MOTION: L. Dupouy

SECOND: J. Streit

RESOLVED, that the Planning Board grants a Permanent Special Use Permit/Site Plan Review to Matthew and Angel Sargen for property located at 450 North Creek Road, TM#150.-1-9.11, to continue their existing agricultural use and agricultural processing, contingent upon:

- **That the buffers, as they currently exist, shall remain and that those buffers may be amended by coming back to the Planning Board, should they wish, in the future**

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

Noes: None

Absent: Siragusa

CLIFF & BONNIE OLDER – Minor Subdivision

Lake Desolation Road

Cliff Older states that he and his wife have a home on approximately 80 acres on Lake Desolation Road and they would like to subdivide two lots off for their children. D. Cochran recuses himself. G. Dake opens a public hearing. There being no public comments, the public hearing is closed at 7:17 p.m.

C. Baker states that the typical notes need to be added to the plans, other than that he has no other engineering issues. T. Yasenchak asks if we got the legal wording regarding the shared driveway language. G. Dake states that we did not get a response from the Town Attorney. He does not know if it was submitted. He states that we can make that a contingency. **The Board completes Part II of the Short Form SEQRA. All questions are answered “no”. J. Streit makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. T. Yasenchak seconds the motion. All present in favor.** C. Older states that elevation drawings for the house should have been submitted for the Board's review.

RESOLUTION – C. & B. Older, Minor Subdivision

MOTION: M. Thrailkill

SECOND: J. Streit

RESOLVED, that the Planning Board grants a minor subdivision to Cliff and Bonnie Older for property located at 375 Lake Desolation Road, TM#136.-1-2 contingent upon:

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- **Typical notes being added to the plans**
- **Shared driveway language being approved by the Town Attorney**

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

G. Dake states that as far as the site plan, because this is in the KROD and we have not previously done one of these, if we have actual locations and drawings, we might be able to do this as we go. G. Dake reads the KROD regulations. C. Older explains what the site plan will be and explains the location of the treed area which is about 50 yards wide from the Tri-town gravel pit. Regarding the comment about trees and vegetation, C. Older states that one issue with a modular home, is that they have to clear around it to make room for the crane and both halves of the house when they come up. G. Dake states that they are not looking to clear the whole lot. C. Older responds, not at all. M. Thraikill asks if they have a color in mind. S. Wellmaker states that they have started looking at colors. The home builder they picked only has subdued colors such as pale yellows, browns, and tans. She does not believe they have any bright colors available. M. Thraikill asks if that is something that the Board can control. G. Dake states that in the KROD the Board has to use some judgment, we don't want to be onerous, this is their home not the Board's, but recognizing that when you have built up on the hillside you do have an impact on more people than when you build on flat land. That would be the principle of what we are trying to do and that is why G. Dake states that he wants the Board to take their time and read through this as this is the first one we have looked at. T. Yasenchak states that the colors would also apply to the roofing. The Board is comfortable waiving the public hearing. G. Dake states that this applicant is clearly not what the Town is concerned about in the KROD, we are worried about someone building the "McMansion" that is going to have floor to ceiling glass, etc.

RESOLUTION – B. & S. Wellmaker, Site Plan Review

MOTION: J. Streit

SECOND: M. Ginley

RESOLVED, that the Planning Board grants Site Plan approval to Bill and Stacy Wellmaker to build their home as presented on their newly subdivided property located at 375 Lake Desolation Road, TM#136-1-2, contingent upon:

- **Maintaining a buffer of 25' along the rear and side lines of the parcel, per the Code**

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

DARREN & LISA TRACY – Special Use Permit/Site Plan Review

Daniels Road

Darren and Lisa Tracy are present and are applying for a pre-existing Type 2 Home Occupation. G. Dake asks why they are applying for a Type 2. D. Tracy has a home office for his contracting business which he shares with his wife above the garage. It is about 24 x 14 and has been there since the home was built 9 years ago. G. Dake asks, for clarification, if there is a reason for Type 2 versus the Type 1. G. McKenna states that he assumes it is because they would have clients coming to the home office. D. Tracy states that they would like it as flexible as possible, they don't have people coming there very often. G. Dake

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reviews what the Type 1 allows and requires. G. Dake states that if it is only the very rare client, if they are not going to put up a sign, they could do a Type 1 without going through the Planning Board process. T. Yasenchak reads from the code regarding the types of home occupations. L. Dupouy states that she has a small business in her home and got a special use permit for that and feels it was the right thing to do. She asks the applicant to consider if they are doing the right thing for their situation. D. Tracy asks if he needs anything more complicated than a copy of the survey with the location of his house, driveway, etc. G. Dake reviews the site plan requirements. T. Yasenchak questions where the parking area is located. D. Tracy explains that they are off the road about 400', there is a T-type turnaround with parking for a couple of cars. The garage is there where they park their own cars. T. Yasenchak asks what kind of business they do. D. Tracy states that they have a family owned construction business. They have been in business for 19 years. He indicates that they have a shop on Route 9 in Moreau where they store equipment, construct things, etc. There would be no construction going on at their home. D. Cochran states that what he is hearing is that they pretty much have their office in their home and that is pretty much it – they don't have a lot of visitors, they don't have late hours, no sign. L. Dupouy states that the applicant is to be commended for coming in. G. Dake states that he drives by there often and had no idea where their house was behind that big buffer of trees. A public hearing is scheduled for September 25, 2007.

JOSEPH CHILDS – Special Use Permit

Wilton Road

The application of Joseph Childs has been moved to the September 25, 2007 agenda

NINA & CHRISTOPHER SINNOTT – Minor Subdivision

Plank Road

Nina and Christopher Sinnott are not present.

ZBA REFERRAL

Joseph Cuva – Area Variance – G. McKenna states that this is a pre-existing, non-conforming lot and the applicant would like to build a 12 x 24 shed and needs a right side variance. No Planning Board issues.

David Englehart – Area Variance – G. McKenna states that the applicant let his original variance expire so he is back in front of the Board and is asking for just one 16' front yard variance. No Planning Board issues.

Michael Lienhard – Area Variance – G. McKenna states that this is an area variance in what was a cluster subdivision and the original setbacks were 15' side yard. Subdivisions are only protected from changes in zoning for 3 years. The applicant is looking for a 35' variance. No Planning Board issues.

Meeting adjourned 7:42 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary