

TOWN OF GREENFIELD

PLANNING BOARD

SEPTEMBER 25, 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, Dan Cochran, Lorna Dupouy, John Streit, Thomas Siragusa, Tonya Yasenchak and Michael Ginley, Alternate. Michael Thraikill, Gerry McKenna, Zoning Administrator, and Charlie Baker, Town Engineer, are absent.

SEPTEMBER 11, 2007 MINUTES

MOTION: T. Siragusa

SECOND: T. Yasenchak

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of September 11, 2007 with the following correction:

Correspondence – G. Dake states that there is a **memo** ...

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

Noes: None

Absent: Thraikill

PLANNING BOARD CASES

JOSEPH CHILDS – Special Use Permit

Wilton Road

Joseph and Valerie Childs are present. J. Childs explains that G. Feulner has for the past 20 years run an auto repair business at 388 Wilton Road. J. Childs is in the process of purchasing the property and would like to continue the same operation. He states that they do not plan to change anything – building, parking, etc. G. Dake reads from G. McKenna's notes that Section 105-59 allows the transfer of a special use permit. There is a letter granting approval of a Special Use Permit for Gerald Feulner from the July 12, 1988 Planning Board meeting. G. McKenna's notes state that there have been no complaints regarding this use. G. Dake states that he has been on site, he knows it is utilized and that G. Feulner is building a home elsewhere in town. The Board consensus is that as there have been no complaints, the applicant should be allowed to continue the operation.

RESOLUTION – Joseph Childs, Special Use Permit

MOTION: D. Cochran

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of Joseph Childs to transfer the existing Special Use Permit from Gerald Feulner to Joseph Childs to continue the operation of an Auto Repair/Inspection Shop for property located at 388 Wilton Road, TM#126.-1-75.12.

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

KEVIN JOYCE – Site Plan Review

Hi Trek Drive

Kevin Joyce is present. G. Dake reviews the location of Hi Trek Drive and reads from G. McKenna's notes that part of this lot is in the KROD and requires a site plan review. The house will be 33' high and the façade area is 1193 square feet with 307 square feet of glazing, 26% of the façade. K. Joyce explains that he purchased this property 3 years ago, they have run power up, they applied for the building permit that is pretty much all set, and he understands that a portion of the lot is in the KROD. They did make a couple of modifications to the home to meet the requirements. He believes all the requirements should be met. The house is less than 35' high at the highest point, the average is 27'; glazing is about 26%; no additional trees will be removed and some will be planted. They will be using natural rock and earth tone colors. J. Streit asks which direction the elevation faces. K. Joyce states south. M. Ginley states that it is a good-looking house. J. Streit asks about the slope of the land at the building site. K. Joyce indicates that it is flat where the house will be and indicates the plot plan. The house will be placed as far back as they can put it, with a little over a 100' rear setback and it is the only portion of the lot that they can build on. L. Dupouy asks Mrs. Joyce how she feels about any of the changes that they had to make and if she is happy with the outcome. Mrs. Joyce states that there was not much that had to change, only the windows had to be adjusted. D. Cochran states that he has been on a site walk and this is beautiful for that area. T. Siragusa also asks about the modifications that were made. K. Joyce explains that they did have a little bit of a different choice for windows; they did not have a window schedule initially. They made sure that they had Anderson windows within the window schedule, which puts them well below the 50% of glazing. They were initially going to maybe go with commercial windows, they did not have a precise measurement, so they just had to go back to the architect and make sure that they were within the requirements. This façade faces due south and he can make out the Corning Plaza in Albany. T. Yasenchak states that the applicant appears to be keeping within the intent for the KROD. G. Dake states that both G. McKenna's and C. Baker's notes indicate that it meets the requirements for KROD. G. McKenna's notes also state that the action does not require a public hearing.

RESOLUTION – K. Joyce, Site Plan Review

MOTION: J. Streit

SECOND: L. Dupouy

RESOLVED, that the Planning Board grants Site Plan Review approval to Kevin Joyce to build within the Kayaderosseras Ridge Overlay District (KROD) for property located at 3 Hi Trek Drive, TM#149.-1-104.

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

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

Daniels Road

Darren Tracy is present and explains that he and his wife have lived at this location for 9 years, they have a small family-owned construction business and they have applied to comply with the new zoning requirements. G. Dake opens a public hearing. Jeff Pfeil, Braim Road, states that he is a neighbor, this is a very unobtrusive business, and you wouldn't know that there is a business there. They are very quiet, very

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unobtrusive and it fits in nicely with the area. There being no further public comment, this public hearing is closed.

G. Dake reads from G. McKenna's notes that the request is for a Permanent Special Use Permit, it is an existing Type II home occupation, applicant is filing under Section 105-22-C-3, and the lot meets all requirements. T. Yasenchak states that she likes to encourage people to work from home in private business. T. Siragusa states that it seems straightforward. D. Cochran applauds the applicant for coming forward and going the extra step. J. Streit states that he believes the Board concurred the last time that this is a worthy project.

RESOLUTION – D. & L. Tracy, Special Use Permit/Site Plan Review

MOTION: M. Ginley

SECOND: J. Streit

RESOLVED, that the Planning Board grants a Permanent Special Use Permit to Darren and Lisa Tracy for an existing Type II Home Occupation, for property located at 235 Daniels Road, TM#152.-1-12.2, contingent upon:

- **Business continues as currently exists and any expansion will have to come back to the Planning Board**

Discussion: D. Cochran questions that the applicant would have to come back to the Planning Board. G. Dake states if the applicant is going to expand his business from what he currently has he would have to come back. This only allows him, Section 105-22-C-3, to continue what he is already doing there. What we have been talking about, in order to protect neighbors, is that as long as they are continuing their business as they are running it, they have approval. If we were going to go back and look at an expansion, we would need to know exactly what those expansion plans are. If the applicant wants to build an out building and start parking trucks there, it would be appropriate to have a new public hearing. Discussion takes place as to whether the applicant has a Type II or Type I business. This was discussed at the last meeting. T. Yasenchak states that the Type I allows for continued use, but the Type II would allow for an extra person to work. For this applicant that would be an expansion but would still be within the Type II. G. Dake states that he is not comfortable voting in favor if we do not limit it, without more information. The definitions are read from the Code. G. Dake asks if the applicant should be allowed to put up a sign, park equipment, have three employees and business traffic without coming back for another public hearing? D. Cochran states that the applicant could have saved himself a lot of time by applying for the Type I. G. Dake states that was his position. D. Tracy states that we had discussed this and that he felt that they were already in violation of Type I with he and his wife working there. He states that the three-employee rule seems to limit a business to a very small size in itself. L. Dupouy reiterates her comments from the last meeting that anyone who teaches piano in Town should come in for a Type II business. She states that she has a special use permit for her business and it is similar to what D. Tracy wants to do. Her feeling is that it should be Type II as the applicant has stated that he does not want to expand, but this gives him the opportunity if occasionally he has a client come to the house or something along those lines, then he is really covered fully. G. Dake reiterates that this section of Code allows continuation of a pre-existing business, it does not allow for expansion. He believes that the intent was to bless what is currently taking place. It is discussed that there are no employees, presently, that D. & L. Tracy are the owners. G. Dake states that going from not parking equipment at the site to parking equipment would be an expansion and the neighbors might feel differently about it, and should have another shot at comment. Everyone is happy with what the applicant is doing there now, but the concern is that we do not know what that expansion would be, should it happen. D. Cochran states that he feels that if we are going to call it a Type II, the applicant should get Type II privileges. G. Dake states that the motion as made, would suggest that while he has Type II privileges, any expansion of the current activities, would require him to come back to the Planning Board and the applicant has stated that he is comfortable with that condition.

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VOTE: Ayes: Dake, Dupouy, Ginley, Streit, Yasenchak
Noes: Cochran, Siragusa
Absent: Thraikill

T. Yasenchak states that as long as the motion indicates that the applicant has a Type II home occupation, she is not opposed to it, because the applicant already has some customer traffic and it can continue that way. If he does have some equipment there, it can continue along that way, versus Type I, which limits to no customer traffic. His office is already a Type II in a manner of speaking. G. Dake states that Type I does not need Planning Board approval, so if they get Planning Board approval, they almost are, by definition, a Type II.

RALPH BARSS – Special Use Permit/Site Plan Review

South Greenfield Road

Ralph Barss is present and G. Dake states that the applicant's son is a co-worker of his at Stewart's. G. McKenna's notes indicate that this is a request for a permanent Special Use Permit. The original Zoning Law effective date was February 18, 1977 and this business has been existence since 1974. G. McKenna does not believe a Special Use Permit is necessary, however, R. Barss wants to be safe. This is for an existing log sorting and storage yard, processing of firewood and sales of same. Applicant is filing under Section 105-22-C-3. R. Barss states that he wants to make sure that he is above and beyond board, he agrees with G. McKenna and almost feels like he shouldn't have to be here, but he is happy to oblige. Board consensus is that they have no problem with this. A public hearing is scheduled for October 9, 2007 at 7:00 p.m.

NINA & CHRISTOPHER SINNOTT – Minor Subdivision

Plank Road

Nina Sinnott is present and explains that she had applied for a keyhole lot and needed a zoning variance for the other lot, which has been approved. She is back to the Planning Board for the subdivision approval. G. Dake states that the Board received a copy of the ZBA minutes at which the applicant received the variance. N. Sinnott states that the surveyor is coming out next week, but the house as it is now will have 7 acres and the proposed lot will have 20 acres. She explains that the proposed lot is now for sale, as her parents will be moving to Indian Point instead. G. Dake states that the ZBA just had a public hearing and there were no problems. C. Baker's and G. McKenna's notes indicate that the typical notes and the keyhole note need to be added. The Board consensus is that the application is complete, waives the public hearing and completes SEQRA. **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. T. Siragusa seconds the motion. All present in favor.** T. Yasenchak states she would like the limit of clearing added to the plans because in that case it will then not have an effect on storm water drainage.

RESOLUTION – N. & C. Sinnott, Minor Subdivision

MOTION: M. Ginley

SECOND: T. Siragusa

RESOLVED, that the Planning Board grants a Minor Subdivision to Nina and Christopher Sinnott for property located at 225 Plank Road, TM#124.-1-51, contingent upon:

- **Addition of required notes**
- **Addition of a limit of clearing not to exceed 1 acre without the completion of a SWPPP**

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T. Yasenchak explains that if the clearing to take place will be over 1 acre, then they need to have the SWPPP completed. It is already a regulation, but at least if we state that in our approval, the applicant is made aware again. N. Sinnott states that she believes it will take more than the clearing of one acre to get in to the lot. T. Yasenchak states that the County and the State require this, and that putting it in the motion just makes the applicant more aware. D. Cochran asks if we haven't had this discussion before about putting all the rules and regulations in our subdivisions, because we could be loaded down with a lot of rules and regulations. G. Dake states that this is just a courtesy to the applicant to let them and any potential buyer know that there is that regulation. M. Ginley states that on his subdivision, we had discussed putting a note on the plans about clearing.

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

MICHAEL BALDWIN – Special Use/Site Plan Review
Hyspot Road

Michael Baldwin is present and explains that he has been doing classic auto restoration at this location for some time. He explains that he owns Baldwin's Garage and any waste oil at the Hyspot location is taken care of through the garage. Any waste paint is taken care of by Cornell's auto body shop. He states that he had indicated in the application that 3 to 5 cars could be parked there, but that is almost impossible as a car can take at least two years. C. Baker's notes state that since the existing building appears close to a neighbor's line, he would question if there have been any complaints regarding noise or other issues; how waste fluids are disposed of; and if there are any existing or proposed buffers. G. McKenna's notes indicate that this would be a Permanent Special Use Permit; applicant is applying under Section 105-22-C-3; auto restoration shop has been operating on and off for years; he has not received any complaints concerning this use and location. D. Cochran states that if we are going to have a public hearing that might bear out if there are any problems. He applauds the applicant for coming in and taking advantage of the grace period. He questions if there are any problems with the neighbors. M. Baldwin states that he owns the parcel next door to the garage. T. Siragusa asks if M. Baldwin lives at this property and M. Baldwin confirms this. T. Siragusa states that, for the record, he has done business with M. Baldwin for a long time, he runs a great shop and everything seems to run very well. He comments that we did one of these special uses before with Mr. Cornell and his auto restoration, it seemed like a good fit and he read in the application about all the vehicles being out of sight. T. Yasenchak states that it sounds like a good project to her and asks what kind of cars. M. Baldwin states classics – 25 years old or older. There could be a non-classic on occasion, as he has put in the application. M. Ginley states that with Mr. Cornell we discussed hours of operation, etc. M. Baldwin states that he has the full time shop in Middle Grove, so it won't be at night obviously. The garage runs 8:00 to 5:00, so he doesn't have much time. The Board would like to see the notes from Keith Cornell's application. J. Streit states that as we have established that the houses on either side of the garage are occupied by either M. Baldwin or his family, and he asks what kind of trees or buffer there is now. M. Baldwin states that there is nothing, except for a big maple in front of the parking area. He states that the garage has been there 12-15 years. L. Dupouy questions the type of containers that the waste oil and waste paint would be removed in. M. Baldwin explains that waste oil from the shop gets pumped directly into a 275, which gets taken out by a waste management guy. The little bit of paint would probably get taken in less than 55-gallon drums because you have to be able to manage it. He states that it will take years to accumulate waste paint. L. Dupouy questions that there are regulations for that and that the applicant is aware of those. M. Ginley questions the area that is intended for parking. M. Baldwin states that he does not park anything there now because it is kind of overgrown. A public hearing is scheduled for October 9, 2007 at 7:00 p.m.

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JOHN UNSER – Special Use Permit/Site Plan Review
Cohen Road

John Unser is present and explains that he would like to continue his seasonal business during deer season and/or during the fall of the year when people slaughter their farm animals. He processes the animals on the property in the garage in the back. They do not slaughter any of the animals on site. G. McKenna's notes state that this would be for a Permanent Special Use Permit, applicant is applying under Section 105-22-C-3, small-scale meat processing operation since 1999. He has not received any complaints concerning this use and location. C. Baker's notes indicate that J. Unser is a neighbor of his, which may suggest a conflict, however, as a neighbor the operation has no impact on C. Baker and he would support the continued operation. J. Unser states that he does not know C. Baker. J. Unser states that he has heard the comments about trees and buffers, and that he basically lives in the woods. There is hardly any noise, the equipment is inside the building and everything is shut. Even the compressor that runs the cooler is inside the building. He states that they also help out with the State of New York; he does some processing of any deer that hunters may want to donate to the food pantry program. The closest is in Latham. Rendering is taken out on a daily basis to the transfer station in Wilton. He has also been contacted by Cornell University about using a compost-type set up for the rendering. He has not gotten into the program, but if he were, it would be something that Saratoga would already have started because of road kill – they have a special site – and that he would do if Saratoga had it. T. Yasenach states that her questions have been answered and obviously if the applicant has no effect on the neighbors, he is doing a good job and she appreciates him coming in. T. Siragusa states that for clarification, the applicant has stated that the animals come to him slaughtered and he only processes them. J. Unser states that they come field dressed. J. Unser states that he has never shot an animal. He learned this trade because his father owned a store and that is how he got started. T. Siragusa asks about the types of animals. J. Unser states that it depends. There are some places that have certain areas where they have wild boar, red stag, and different types of wildlife – out in Greenwich. He states that the moose are from Vermont, he can still take those; he complies with all DEC regulations, because anything that comes from the west – wild game – he has to call the game warden who lets J. Unser know whether he can take it or not because of chronic wasting disease. He stays in real close touch with those guys because they could come and confiscate the whole garage. They are very afraid of the chronic wasting disease – they do not want it in New York and they do not want to affect the hunting that goes on now, so it is just easier to comply with them. DEC comes over and inspects 3-4 times a season. T. Siragusa comments that clearly the applicant knows what he is doing. D. Cochran thanks the applicant for coming in. T. Yasenach states that this has to be one of the more interesting home occupations. J. Unser states that you just don't know who is going to move in and he just wants to make sure that he is covered. A public hearing is scheduled for October 9, 2007 at 7:00 p.m.

CARL & RICKI ARCIPRETE – Special Use Permit
Grange Road

Carl Arciprete is present and explains that he would like to replace an existing mobile home that is not in very good condition with a double wide. R. Rowland explains that G. McKenna has not seen this. There was some confusion, G. McKenna was under the impression that C. Arciprete was going to replace the mobile home with a modular but when he came in with his building permit, R. Rowland questioned it. She spoke with G. McKenna who stated that if it was a mobile home the applicant needed to come to the Planning Board for a Special Use Permit. Instead of waiting for G. McKenna to get back from vacation and then the applicant could not be on the agenda until the October 9th meeting, he was put on this agenda to get things moving for the applicant. G. Dake questions the age of the new mobile home. The applicant states that it is brand new, it will have a full foundation under it, with block walls. T. Yasenach questions that he will be using the same well and septic. C. Arciprete states that they will be using the same well but a new septic. T. Yasenach comments that since it is a full basement, it will have storage. The Code states that each mobile home will have at least 48 cubic feet of accessory storage. C. Arciprete states that it will be a

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crawl space and that he has a garage. M. Ginley questions if there are any setback issues. C. Arciprete states that there none, he meets all the setbacks. A public hearing is scheduled for October 9, 2007 at 7:00 p.m.

DISCUSSION

G. Dake states that he received a call from C. Baker who had a call from John Witt, Old Stone Ridge. As part of trying to get the road in place, J. Witt wanted to construct stone pillars at the entrance. G. Dake agreed to take a look at this administratively, he and W. Barss both, separately, visited the site. G. Dake states that they are very basic stone pillars on either side of the drives, entering and exiting. W. Barss did request that one of them be moved a few feet. G. Dake states that he did approve the pillars.

G. Dake states that he received a call from a gentleman, whose name eludes him, who is interested in purchasing Mr. Glessing's subdivision, Grace Estates. The gentleman's attorney informed him, after reviewing the notes, that the approval for Grace Estates may have expired. R. Rowland went back and researched this, and that research would suggest that the approval expired on June 22, 2007, because we had already extended it once. G. Dake suggested to the buyer that he might want to come to this meeting, and he apparently chose not to, to find out how the Board felt. This will give the Board time to think about this. This area went from 1-acre lots to 6 acre zoning. It was a challenging site. We did a lot of engineering and, not that it is the Board's problem, but all of that work by the Board, our engineers and the applicant's engineer will all be down the drain. Technically, the answer, if we want to be very rigid is that it has expired and there is new zoning so the applicant is out of luck. G. Dake states that someone is going to bring this back in whether it is Mr. Glessing or someone looking to buy it, because after what they invested they will be loath to just walk away from this. This was a tremendous amount of work. G. Dake states that he is not sure if legally the Board can re-approve this. He will discuss this with Mark Schachner. J. Streit questions that since it was already approved, can we just say that it is in conformance with what was previously approved. G. Dake states that we cannot say that it used to meet zoning and just wink at it. They would have to get variances on which ever lots were undersized. G. Dake states those lots were not all tiny. T. Yasenchak believes that some of the lots were close to 5 acres.

G. Dake states that on the last couple of days of the 180-day grace period, we received approximately 20 applications for special use permits. He asks the Board to think about whether they would like to have a special meeting to just do all 20 or to do a few at a time. G. Dake states that the deadline was to get the application in, they are not being held up from doing what they are doing. Some of them are going to be more interesting than others. R. Rowland states that all the applicants were told that the applications would be held until G. McKenna is back, he will review them and then they will be placed on agendas. The Board consensus is to see a few at a time since they will not be held up from continuing their businesses. G. Dake states that we will have to see all of these people twice, even if we have a special meeting and then how many public hearings do we want to have in one evening. We will also have to look at the complexity of the individual applications.

T. Siragusa comments that he does not remember receiving the mailing with the information regarding the Rod & Gun Club. T. Yasenchak provides him copies.

T. Siragusa questions that the "free ride" period is over. G. Dake states that the application date has passed. People can still come in with the only difference being that the Planning Board cannot waive fees, from this point forward and the Board has to be very cautious about what is waived. The grace period allowed the Board to waive maps, etc. R. Rowland is asked to make a list of the applications that were received.

G. Dake states that he spoke with R. Rowland and C. Baker regarding T. Siragusa's concerns regarding the old Newburger property. C. Baker is chasing down some pieces of information regarding this

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because it is a bit confusing as to how some of that clearing works with the MS4 regs. C. Baker has called Bill Lupo at DEC and has not heard back yet. G. Dake states that we may want to have a training session for the Planning Board. The Town Board is also aware of the issue and we are trying to get to the root of what is the enforcement ability. One of the reasons it becomes interesting is that after the first of the year we are going to have Town regs that sort of replace State regs and that the Town becomes the enforcement body under MS4 guidelines. At which point, G. Dake would assume, we would have the ability to put further protections in, if we so desire. When C. Baker gets the research he will report back to the Board. G. Dake states that there is still a lot of confusion regarding where are we on this whole MS4/SWPPP set of rules, because while it is still relatively new it is still fairly complex. The way this is being interpreted, that C. Baker is checking on, is that if a logger is cutting the trees, he is logging. So if a developer comes in with 100 acres, he could have it logged before he makes his application and he doesn't need a SWPPP, but if he comes in and makes the application then logs it, then he needs the SWPPP. T. Yasenchak states that the difference with the logging is that they don't always take the stumps. The difference is clearing or logging. Under logging regulations there is a certain percentage of the trees and a percentage of the tree that you take down. G. Dake states that is the kind of training he thought would be helpful for the Board and G. McKenna to understand, so that as these things come up, we know where the differences are. It is very confusing. It would be helpful when residents come to the Town with questions.

Meeting adjourned 8:16 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary