

June 8<sup>th</sup>, 2006

The regular meeting of the Town Board was held at the Town Hall on Thursday, June 8<sup>th</sup>, 2006 with the following members present: Albert Janik, Supervisor; Daniel Pemrick, Peter Coseo and Thomas Kinsella, Councilman. Carol Osborne was absent. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss, one reporter and approximately 26 residents.

At 7:05 PM a Unsafe Building Hearing re-opened regarding the property located at 400 Locust Grove Road. The property owner was not present. Supervisor Janik stated that the Town Board had not received any further information from the property owner. There were no public comments. The hearing was closed at 7:06 PM.

At 7:10 PM a public hearing opened on Proposed Local Law # 3-2006 – Wayside Inn PUD. Clerk presented proof of legal publication. Supervisor Janik explained that the application had previously been forwarded to the Planning Board for their review. They have recommended that the application be approved. Mrs. Lieberman, Porter Corners Road, asked what the applicant was looking to do at that location. Supervisor Janik explained that it is a business that has been operating for quite a few years. They are looking to eliminate some of the prior variances and special use permits and bring the property more into compliance. There is not a dramatic change in the scope of the operation being proposed. Lisa Nagle, Elan Planning, added that property was currently zoned residential and the applicant would like to continue to operate as the Wayside Inn. It currently is not an allowed use under Zoning and they would like to try to bring the entire operation into conformation. Philip Gargan, Locust Grove Road (speaking as a private citizen) questioned what was happening at the facility this evening since there were 20 or 30 cars there. He also understands that there have been weddings, etc. held there and he did not believe that they had a permit to do so. He was afraid that if a PUD was issued a restaurant or banquet facility will be opened there and it will create a commercial corner. He added that there was already a PUD just down the road on Wilton Road and was concerned that the whole stretch of Wilton Road, between Route 9N and Locust Grove Road, would become commercial within the next 5 or 10 years. Mr. Gargan added that in 1995 the applicant applied for a variance and was denied. He stated that when they purchased the property it was zoned Residential. They have received several Special Use Permits since that time. He is completely against the granting of a Planned Unit Development for this property. Dave Kuebler asked if there was any other place in the community where a group could go to hold a meeting. He felt that this facility was an asset to the community and did not see any problem with granting the PUD. Supervisor Janik noted that the Board had received a letter from Dr. & Mrs. Russell Peacock stating that they were strongly in favor of the proposed PUD. They felt that there was no comparable facility in Greenfield where groups could conduct meetings or simply gather for social functions. Mr. Gargan added that the Supervisor had left a paragraph out which stated that they had been privileged to have held gatherings for guests, family and friends at the Wayside Inn. He did not feel that they had a permit to allow such activities. There being no further public comments either pro or con, the hearing was closed at 7:18 PM.

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At 7:20 PM a public hearing opened on Proposed Local # 2-2006 – Amending the Zoning Law to Allow Temporary Data Collection Structures. Clerk presented proof of legal publication. Mike Carney, Ridge Road – Mr. Carney asked if this was for a temporary structure that would have to be taken down at the end of one year. Supervisor Janik stated that the Local Law clearly states that the structure must be removed within a specified time. The law allows for the installation of a structure for a period of 1 year with the provision to extend it for one more year. Mr. Carney asked if they decide to go ahead and build the wind turbines, if the applicant would have to come back before the Board. Supervisor Janik stated the proposed law this evening would only allow the installation of a temporary structure to gather data. It does not give permission for permanent wind structures to be installed. James Major, Wilton Road – Mr. Major stated that he was in favor of this local law. He felt that this was a good thing and hoped that the Board would approve it. There being no further public comments either pro or con, the hearing was closed at 7:22 PM.

At 7:25 PM a public hearing opened on Proposed Local Law #1-2006 – Repealing Local Law #4-1999 Providing Health Care Benefits for Certain Retired Elected Officials. Clerk presented proof of legal publication. There being no public comments either pro or con, the hearing was closed at 7:26 PM.

The regular meeting was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Coseo, C. and seconded by Kinsella, C. the minutes of 5/11/06, 5/25/2006 and 6/1/2006 were approved as submitted by all members present.

Letter from Mulaney & Mulaney Law Firm concerning the Arnold property on Wilton Road and the horses that have been loose on a number of occasions in the past few months.

Notice of Claim - Detraglia vs. Town of Greenfield

Letter from NYS Real Property Services accepting the Town's level of assessment ratio at 85%.

Letter from LUMAC concerning their continued use of the old Town Dump property for access to adjacent property for the purpose of logging.

Letter from Alonzo Fireworks advising the Town of an upcoming firework display to be held on June 17<sup>th</sup>, 2006 at Prestwick Chase.

Zoning Review Committee – Kinsella, C. stated that the committee will be holding another public meeting on Tuesday, June 20<sup>th</sup> at the Community Center from 7 – 8 PM. He added that they made some adjustments to the proposed plan after the last public meeting. They are going to present these changes at this meeting, solicit any more input and if all goes well, turn the proposed law over to the Town Board for review and adoption.

RESOLUTION # 97 – Resolution of Appreciation – Diana Gentile  
Motion: Janik, Supervisor  
Seconded: Pemrick, C.

WHEREAS, it is the intent and desire of the Town of Greenfield to recognize achievements and accomplishments of its residents, and

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WHEREAS, **DIANA GENTILE**, was appointed to the position of Postmaster of the Greenfield Post Office on March 7, 1976 and has served in that capacity for more than 30 consecutive years, and

WHEREAS, **DIANA GENTILE**, during her tenure as Postmaster has provided invaluable service, advice, information and support to the citizens of the Town of Greenfield, and

WHEREAS, the Town Board of the Town of Greenfield wishes to express its thanks and deep appreciation to **DIANA GENTILE** for her years of service to Town residents and wishes her many years of enjoyable retirement, NOW THEREFORE,

BE IT RESOLVED, by this Town Board on behalf of the residents of the Town of Greenfield, that this resolution be spread upon the minutes of this meeting, and

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to said **DIANA GENTILE**.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

Diana commented that her grandparents lived on a farm here in Greenfield and her father raised 5 children here. Her son grew up here and has now moved back to Greenfield to raise his family. She has watched the Town grow over the years. In the beginning there was 1 carrier and about 500 boxes. There are now 3 carriers and almost 1700 deliveries. She thanked the Board very much and stated that it was a wonderful place to live. She added that even if you come here with minor differences, just remember that it is a great place.

Proposed Local Law # 1 – 2006 – Repealing Local Law #4-1999 with provided Health Insurance for Certain Retired Elected Officials. Supervisor Janik stated that changes made to the Employee Benefits Policy eliminated the need for this local law.

RESOLUTION # 98 – Adopt Local Law #1-2006 – Repealing Local Law #4-1999

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby adopts Local Law #1-2006 – Repealing Local Law No. 4-1999 entitled “Authorizing Health Insurance for Certain Retired Officials of the Town of Greenfield”.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

Proposed Local Law #2-2006 – Temporary Data Collection Structures – Coseo, C. clarified that the proposed law had been changed to allow the temporary structures to be located in RD & R4 Zones rather than on 5 acres as originally proposed. Kinsella, C. added that the structure would be allowed for 12 months and there was a provision to allow an additional 12 months. Supervisor Janik noted that a Short Form SEQRA would have to be completed. Kinsella, C. stated that the Planning Board would complete a more detailed Environmental Review and a separate SEQRA during the Site Plan Review of any application. The Board reviewed Part II of the SEQRA, answering “No” to all the questions.

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RESOLUTION # 99 – SEQRA Determination – Temporary Structures  
Local Law

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby checks Box 2 indicating that the proposed action will not result in any significant adverse environmental impacts.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

RESOLUTION # 100 – Adopt Local Law #2-2006 – Temporary Data  
Collection Structures

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby adopts Local Law #2-2006 – Amending Zoning Law to permit Temporary Data Collection Structures.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

Wayside Inn PUD – Lisa Nagle and Karen Shook were present. Lisa explained that they first came before the Board in December and submitted an application for a PUD. They have gone through the process with the Planning Board, who has recommended approval of the PUD and are now back before the Town Board looking for approval of the proposed local law to create the Wayside Inn Planned Unit Development. The basis of the local law is to allow the Wayside Inn to continue to operate as they have in the past in compliance with zoning. Coseo, C. noted that the applicant had indicated a maximum occupancy of 75 people in the Banquet Hall and asked if there had been a State or local inspection granting a permit for that number of people. Mrs. Shook stated that the Department of Health has done an inspection and actually stated that they could have 150 people. Mrs. Shook added that the part of the PUD language that allows 100 people up to 4 times per year was something that the Planning Board suggested. Coseo, C. stated that there were some concerns regarding the plans as respect to non-commercial stabling for special events and private stable. Mrs. Shook stated that they have 1 guest that used to come each year that goes out to the battle grounds for the reenactment and they bring their own horses. She added that because it is all volunteer, she would like to give them an opportunity to not have to pay for their stabling. She does not charge for the stabling. Supervisor Janik asked how many horses there were. Mrs. Shook stated there were 4 horses and they normally stayed one night. Pemrick, C. asked if it was stated anywhere in the PUD legislation that there was a limit to the number of horses. Lisa Nagle stated that there was not. Mrs. Shook stated that she did not have an objection to putting a limit in the document and added that she had a horse and donkey of her own. Supervisor Janik questioned whether or not the definition would preclude the applicant from opening a restaurant, even though it was not their intent to do so. Coseo, C. questioned what the difference was between a restaurant and a banquet hall that was open 5 days per week serving dinner. Mrs. Shook felt that a banquet hall was only for booked events where a restaurant was open to the public and had set hours on a daily basis.

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Supervisor Janik wanted to make sure that there was no confusion about this down the road with future owners. Supervisor Janik also noted that paragraph 2 in Section VII indicates that there was prior permission from NYS Dept. of Health and NYS Dept. of Environmental Conservation for all water and sewer facilities. He did not feel that it was necessary to include that language in this PUD application since the Town Board did not look at any of that in connection with this application. All agreed to remove the first sentence of the 2<sup>nd</sup> paragraph. Supervisor Janik reiterated that there would be no new structures, exterior modifications, signage, etc. in connection with this PUD. Kinsella, C. summarized that the Board would like to see a limit of 4 horses and be sure that it was clear that commercial restaurants were not allowed. After further discussion, it was determined to limit the number of equine to 6 – 4 horses brought in and the applicants own horse and donkey. This would be a combination of items 7 and 11 under Permitted Uses. Applicant is going to come back to the Board at their next meeting with a better definition for Banquet Hall and Catering Facilities to make sure that there is no misunderstanding that a commercial restaurant is not an allowed use.

Fee Schedules – Pemrick, C. provided the Board with copies of suggested changes to the fee schedule. He will have a completed schedule put together by the next agenda meeting. Kinsella, C. asked what the basis was for the proposed numbers. Pemrick, C. stated that it was mostly a comparison with other local Towns. He also took into consideration the increased costs to the Town such as salaries, etc.

Beaver Dam Issue – Highway Superintendent Barss stated that he was on the site today and did not see any evidence of new building by the beavers. He has been in contact with landowners and they are going through the process with the Dept. of Environmental Conservation to get the proper permits to trap the beavers, if necessary, and remove the dam. Supervisor Janik stated that the cost to the Town to make the necessary repairs to the roadways was going to be approximately \$75,000. This is a substantial amount of the paving program budget. Supervisor Janik stated that Mr. Orthwein had provided the Board with more information indicating that it may not have been a beaver dam that broke, but in fact a plugged culvert under the railroad track. This created a dam effect, which ultimately weakened and gave way. One of the pictures he provided shows an aerial view of the area which clearing shows that the beaver dam past the railroad tracks was still in tact. It would seem to indicate that it was not a beaver dam that gave way and that it was actually the railroad roadbed. The water behind the beaver dam is only 5 to 10 feet deep. The railroad was built up approximately 20 feet high. Coseo, C. was concerned that if the railroad was no longer checking and maintaining that stretch of line, that there might be other areas in the Town that need to be checked. He questioned whether the Town should put the railroad and/or the Town of Corinth on notice that someone should be checking the culverts along the railroad line. Highway Supt. Barss stated that of the culverts in the Town that he knows of, he believed this was the only one that you would not see the water backing up at. Supervisor Janik stated that he spoke to the Supervisor of the Town of Corinth and planned to talk to him further and let him know that the Town of Greenfield would like to have some input as to what repairs they make, such as the type and size of culvert, to insure that this does not happen

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again. Kinsella, C. asked if the fact that it changes from a beaver dam to possibly a man made structure changed the liability. Coseo, C. asked if the beavers blocked up the culvert and then the earthen dam that was created by the railroad blew, was there a possibility of liability for the railroad for not checking and maintaining the line. Town Counsel felt that there was a possibility but stated New York law was pretty complex regarding matters of this nature. Supervisor Janik stated that he spoke with the Town insurance carrier and we are not covered. To pursue a claim against the owner of the railroad bed, which is Corinth, would be risky and at a substantial cost to the Town to pursue it. Supervisor Janik added that the Highway Supt. will be talking with Saratoga Polo regarding some of the work that needs to be done at the intersection and may be able to get some money from them to change that area. Pemrick, C. asked if the Town had received any information as to when the Town of Corinth anticipates making repairs to the tracks. Supervisor Janik stated that they have a maintenance agreement with CP Rail for a one year period and it was not clear whether this would be considered maintenance or not. They are probably still trying to figure out where the money was coming from to make the repairs.

RESOLUTION # 101 – Re-Appointment to Planning Board – Michael  
Thraikill

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby re-appoints Michael Thraikill as Planning Board Member, with said term to expire 6/20/2013.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

Planning Board Vacancies – Supervisor Janik advised that there were two vacancies on the Planning Board at this time, one regular member and one alternate member. They had received 3 applications. He spoke with one applicant, Stefan Strakos, who is currently on the Zoning Board of Appeals and he has decided to stay on that Board. The other two applicants were Dan Cochran, who was previously a member of the Planning Board and John Streit, who was on the Comprehensive Plan Committee and is presently a member of the Zoning Law Review Committee.

RESOLUTION # 102 – Appointment to Planning Board – Daniel Cochran

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby appoints Daniels Cochran as Planning Board Member, with said term to expire 6/20/2009.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

RESOLUTION # 103 – Appointment to Planning Board – John Streit

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby appoints John Streit, MD as Planning Board Alternate Member, with said term to expire 6/20/2011.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

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Speed Reduction Request – Supervisor Janik advised that the Planning Board had forwarded a request to the Town Board to petition the State to have the speed limit on Sand Hill Road from North Creek Road to Coy Road reduced to 40 mph. During preliminary review of the proposed expansion to Whispering Pines Campsite and public comments received, it has come to the attention of the Planning Board that there is a safety concern regarding speeding along this section of Sand Hill Road.

RESOLUTION # 104 – Speed Reduction Request for Sand Hill Road

Motion: Kinsella, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby forwards a request to the Saratoga County Highway Superintendent and the New York State Department of Transportation to reduce the speed limit on Sand Hill Road from North Creek Road to Coy Road to 40 mph.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

Ann Arnold Property – Wilton Road - Supervisor Janik stated that as he mentioned earlier, the Town had received a letter from an adjacent landowner regarding the issue of the horses on the property and the fact that they had been loose several times over the past few months. He explained that the Town had very limited control over the existing horse operation. Horses have been kept at this location since well before Zoning. Supervisor Janik stated that he spoke with the New York State Dept. of Ag & Markets and the SPCA. The SPCA has sent an investigator out there on 2 occasions and stated that there was little that they could do about it. The horses were being provided basic food, etc. The Town Code Enforcement Officer also made an inspection of the property. There is nothing in the Town Code that he could enforce regarding the horses. He was citing her for abandoned and unregistered vehicles. Mrs. Lieberman, Porter Corners Road stated that she has been charged before and her horses were taken away from her. She did not know why she was allowed to get them back. Supervisor Janik advised that this was not something that the Town allowed. She was cited by the SPCA, brought into Court and fined. Mrs. Lieberman questioned why the SPCA couldn't be brought in again. Supervisor Janik noted that they had been asked to look into the situation and their field investigator has advised that the basic necessities for the horses are being provided. Mrs. Lieberman suggested that the Humane Society be contacted. Coseo, C. added that public complaints were also accepted by those organizations and any one that was directly effected by this, neighbors especially, should complain to them. He added that as far as he knew, there was not any open violation of the Town law that they could enforce.

Resolution of Recognition - Kinsella, C. advised that he would like to put together a resolution for Lindsey Ferguson recognizing her accomplishments in High School Track & Field and Cross Country. The Board would like to invite Lindsey to attend the next Board meeting.

RESOLUTION # 105 – Authorize Petty Cash for Youth Committee

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Clerk be given an additional sum of \$200. for use of the Youth Committee for the Summer Recreation Program and Fall Soccer Program.

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VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

Mrs. Orthwein, Bloomfield Road asked that the Board not refer to the dam break as a Beaver Dam Break report or discussion. She felt that it trivializes the power and magnitude of the flooding that occurred. She believed that it was the failure of a manmade structure and not a beaver dam. Mrs. Orthwein asked what they could expect as far as assurances that this would be prevented in the future. She added that sooner or later someone will want to rebuild that rail line and wanted to know what assurance they would have that it would be rebuilt in a safer manner or that it will be property maintained. Supervisor Janik stated that he will be discussing that matter with the Town of Corinth to make sure that the Town of Greenfield has input into what they plan on doing to insure that the culvert is adequate. In addition, the Town will continue to monitor that area to make sure that the beaver dams that are in existence do not pose a hazard to the Town.

Monthly reports were submitted by the Dog Control Officer, Supervisor, UDAG Revolving Loan Fund, Town Justices, Town Clerk and the Highway Superintendent.

RESOLUTION # 106 – Highway Bills

Motion: Coseo, C.

Seconded; Pemrick, C.

RESOLVED, That Highway Bills #103 to #122 in the amount of \$100,824.40 be paid, subject to audit.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

RESOLUTION # 107 – General Bills

Motion: Kinsella, C.

Seconded: Coseo, C.

RESOLVED, That General Bills #332 to #409 in the amount of \$36,130.75 be paid, subject to audit.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

RESOLUTION # 108 – UDAG Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That UDAG Bill #8 in the amount of \$85.72 be paid, subject to audit.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Absent: Osborne

On motion of Coseo, C. and seconded by Kinsella, C., the meeting was adjourned at 8:30 PM.

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Town Clerk