

TOWN OF GREENFIELD

PLANNING BOARD

JANUARY 10, 2006

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, Deane Pfeil, Michael Thraikill, Tonya Yasenchak, Mark Young and Lorna Dupouy, Alternate. Charlie Baker, Town Engineer, and Gerry McKenna, Zoning Administrator, are present.

DECEMBER 27, 2005 MINUTES

MOTION: T. Yasenchak

SECOND: M. Young

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of December 27, 2005 with the following correction:

K. Shook – correct hay “shoot” to read “chute”

VOTE: Ayes: Dake, Cochran, Pfeil, Thraikill, Yasenchak, Young, Dupouy

Noes: None

DISCUSSION

G. Dake reminds the Board of the Saratoga County Planning Conference in January and if anyone is interested in attending they should contact R. Rowland or the County directly.

PLANNING BOARD CASES

CHARLES GERBER – Lot Line Adjustment/Minor Subdivision

Greene Road

Pete Nicholas and Charles Gerber are present. P. Nicholas distributes a copy of a map depicting the proposed subdivision. G. Dake reviews that they would like to do a lot line adjustment splitting the southern portion of TM#126.-1-15 and TM#126.-1-19 from the northern portion of these lots, and then subdividing the southern portion into two lots. C. Baker provides a review letter and states that he has a concern with the soils in that area and requests that soil borings be completed; a stream crossing will require permits from DEC; and he requests a map showing how much disturbance and fill will be needed. He states that it appears that more than an acre will be disturbed and therefore a SWPPP and NOI will be required. P. Nicholas states that they would like to use a shared driveway. G. Dake explains that the Board is not always in favor of shared driveways, but will consider it when there is an issue with wetlands. P. Nicholas states that one driveway would limit the wetlands impact. G. McKenna states that the lot to the North which is also owned by Mr. Dzurek (TM#126.-1-72) should be combined with the lands to the north, as it is a substandard lot as it stands. P. Nicholas states that Mr. Dzurek’s house is on that lot. G. McKenna states that per the Assessor’s records, the house is located on the larger lot (TM#126.-1-15). G. McKenna states that because it is

January 10, 2006

substandard, and if it is vacant, it could not be built on and therefore should be joined with the remaining lands. G. Dake states that there are currently three lots and that the remainder of TM#126.-1-19 to the north must be joined with the remainder of TM#126.-1-15, and he indicates that due to the confusion, the house location will need to be shown. C. Gerber reiterates that TM#126.-1-72 is not involved in the sale. G. Dake states that G. McKenna's point is valid and that TM#126.-1-72 would be left as substandard. M. Young states that he also believes the house is on the smaller lot. T. Yasenach questions the setbacks from the wetlands on proposed lot 2 and would like to see a proposed house location, as she is concerned with that lot. D. Pfeil asks for clarification of the property involved. G. Dake explains that Mr. Dzurek is keeping the property north of Greene Road and C. Gerber is purchasing the south. M. Thraikill states that he has no concerns as long as the lots can handle the proposed subdivision and asks if the reason for the shared driveway is to have only one stream crossing. P. Nicholas explains that they would like to run the driveway along the proposed property line. M. Thraikill states that he has no concern with that as it is similar to other projects the Board has approved. G. Dake states that he wants the Board to think through so that they are consistent so that when someone else comes in with a project, the Board is able to differentiate for themselves and an applicant, why it is ok for one applicant and not another. M. Young discusses the property on Young Road where a shared driveway was allowed due to wetlands and then the owners eventually put in two driveways. He states that one of the criteria the Board looked for was if a driveway had to go out on the other lot, could it? He believes that sight distance is fine here for both lots, and there is plenty of room for another driveway if ever deemed necessary. He does not have a problem with this and believes that the Board is going to see a lot more of these. The Board consensus is that they are ok with the shared driveway. M. Thraikill questions deed language. G. Dake states that the Board has requested deed language in the past. M. Young questions that these lots fall into R3 and R4, and that his town map shows the line breaking at the road. This will be checked into. L. Dupouy questions the 50' side yard buffer. She questions what will happen if there is a neighbor dispute with a shared driveway. She states that the applicant is seeking the least amount of disturbance over the wetlands, and questions if it would be more beneficial to have side-by-side driveways or can that not be done because of the buffer. G. Dake states that driveways can be in the setback. It would be odd to have the driveways begin separately, join in the center and then separate again. That would be worse. In looking at these lot configurations, they would probably split when you cross. On lot 2 the proposed house location would be in the SW corner which is the high ground and the furthest from the wetlands. On lot 1 there is more area for a proposed house location. L. Dupouy states that it can be a horrible thing if the neighbors cannot stand each other. G. Dake states that the Board has heard from a number of those folks over the years and that is why the Board raises the issue and is so tentative about when to do a shared driveway. That is why the Board looks at if there are alternative locations to put in a separate driveway if necessary. M. Thraikill states that he thinks that every case is an individual and has to be looked at as such. G. Dake states that the alternative is probably to say no to the subdivision and this may be as good an option as you get – having a shared driveway. He states that he would certainly want to split it as soon as possible after the crossing. He comments on the stonewall that is at the end of the wetlands which would be a very natural dividing line. G. McKenna has the Assessor's tax roll which indicates that TM#126.-1-15 is a rural residence with 48 acres. G. Dake states that the applicant should make sure to get that house located on the maps and to the extent that we are doing a lot line adjustment with common ownership, the Board would ask that TM#126.-1-72 is a conforming lot. G. McKenna states that if the house is on the lot, it doesn't matter. G. Dake reiterates that the Board would like to see another map with the driveway location, building areas with setbacks from streams and wetlands. The question of a public hearing is raised and since the applicant has to come back to the Board anyway, the consensus is to have a public hearing. T. Yasenach questions Note #12 that states the lots are not conforming and that a variance might be required. G. McKenna states that the lots are conforming, once they are joined. G. Dake reiterates that the Board will need to see the proposed house locations; the driveway and ultimately deed language for the driveway, but that is something that can be made a condition of the approval as the Town Attorney is going to have to sign off on; the existing house location on TM#126.-1-72 to make sure that we have that correct; and address the issues in C. Baker's letter. C. Gerber asks if it is possible to get an approval contingent on the engineering work because that is part of the site plan anyways? G. Dake

January 10, 2006

states that as a minor subdivision, this would be the last the Board would see it. The SEQRA will be completed after the public hearing.

JOSEPH MIHALEK – Amendment – Site Plan

Route 9N

No one is present.

DEBORAH FELLOWS/KEN ROHLING – Minor Subdivision

Miner Road

D. Fellows and K. Rohling are present. G. Dake reviews that this is an application for a Special Use Permit, Site Plan Review and Minor Subdivision, three separate actions. He states that there was a problem with a setback on a pre-existing building that was put up by the property owner and not the applicant, it appears to be an honest error in there were stakes that got moved around so they needed a variance. They have since received the area variance. G. Dake explains that the Planning Board could not review the application while it had a zoning violation so it was on hold. Mike Toohey, being the neighbors' attorney, called G. Dake stating that he was sending a letter to G. McKenna, submitting an application for R. & D. Euler for a request for an interpretation of the term "recreational facilities", and stating that this request was being made in light of the Town's indication that the Fellows/Rohling application falls within this definition. The letter also requests that the application of D. Fellows and K. Rohling be removed from the January 10, 2006 agenda. G. Dake states that in checking with the Town Attorney, M. Hill has advised, via a memo, that the filing of the interpretation request does require the Planning Board to suspend consideration of the special use permit application and site plan review until the ZBA makes a decision. However, the subdivision application can be considered because it is not part of the appeal. G. Dake states that this interpretation request will add at least a month to the process of the Planning Board considering this. G. McKenna's guess is that if the ZBA decides that this is not a recreational facility, it is an academic institution/educational use, that the attorney will then turn around and appeal that. Per M. Hill's memo, the Planning Board cannot do anything that moves the site plan or special use permit forward, but can talk about the subdivision. G. Dake asks the applicant if they would like to move ahead on the subdivision. D. Fellows states that anything that they can do, they would like to do. G. Dake states that even if the Board discusses and approves the subdivision, if the applicant does not file it, it lapses, so it does not hurt the applicant to go ahead and have the Board look at the subdivision. G. McKenna states that the subdivision meets zoning. M. Young states that it is a simple subdivision, all kinds of frontage on Alpine Meadows and that a driveway can be at either end of the frontage on Miner Road. T. Yasenchak questions the location of the woodshed to be moved and that is clarified. L. Dupouy asks why the woodshed is an issue. G. McKenna states that it is too close to the side line, and that when the applicant went to the ZBA for the larger building, that was a concession - to move the woodshed away from the property line. He states that it has already been taken care of by the ZBA so the Planning Board does not have to act on that. C. Baker states that it is straightforward. The question of SEQRA and segmentation is discussed. C. Baker states that it is two separate applications. G. Dake states that they are unrelated actions on the same piece of property. C. Baker states that the Board could grant the subdivision and the special use permit might never happen.

RESOLUTION – D. Fellows and K. Rohling, Minor Subdivision SEQRA

MOTION: L. Dupouy

SECOND: D. Pfeil

RESOLVED, that the Planning Board reaffirms its SEQRA findings of October 25, 2005 for the application of Deborah Fellows and Ken Rohling for a minor subdivision for property located 280 Miner Road, TM#111.-1-8.12 as follows:

January 10, 2006

- **That this application will not result in any significant adverse environmental impacts.**

VOTE: Ayes: Dake, Cochran, Pfeil, Thrailkill, Yasenchak, Young, Dupouy
Noes: None

RESOLUTION – D. Fellows and K. Rohling, Minor Subdivision

MOTION: M. Young

SECOND: L. Dupouy

RESOLVED, that the Planning Board grants a minor subdivision to Deborah Fellows and Ken Rohling for property located at 280 Miner Road, TM#111.-1-8.12 per the map submitted.

VOTE: Ayes: Dake, Cochran, Pfeil, Thrailkill, Yasenchak, Young, Dupouy
Noes: None

G. Dake reiterates that the Board is still legally on hold and cannot take action on the Special Use Permit and Site Plan Review. He states that the applicant has gotten the sense from the Board that when it comes to the remaining project, the Board has a pretty good feeling about it. He states that the Board will want to have another public hearing.

JOHN WITT – Major Subdivision

Lester Park Road

Frank Palumbo is present representing this application. D. Pfeil recuses herself. F. Palumbo states that they did some deep hole testing with C. Baker and the Department of Health, and they found some areas that are going to be extremely difficult to get the septic on. He states that they are continuing to work to find locations that they can get their lots on and get an approvable septic on. He states that he will be meeting with Mike Shaw of DOH, on Thursday morning to go over the results of additional test pits. He states that the lower section on the plans was revised to add a cul-de-sac because they did find some good veins of soil in that area. He indicates another area where the road curves and states that there is rock there pretty much at grade. F. Palumbo states that DOH made them aware that this would be a Type I action and they have completed the long form SEQRA. They would like to have the Planning Board declare their intent to be lead agent and commence the necessary 30 day process. The information in the EAF is as they have the project now. He states that as they continue, they will be adjusting any information if they find anything different. G. Dake states that he spoke with C. Baker yesterday and with M. Hill. We obviously do not have a complete application and there is no way the Board can conduct SEQRA off of what we have, so he asked M. Hill where that puts the Board. The key became that since all the Board is doing is asking another agency if they are willing to let the Planning Board have lead agency status, he suggested that the Board make a judgment call. The Planning Board is not asking them to do a review of what is being sent to them, simply to make a determination of whether the Planning Board gets to be lead agency. The applicant has indicated NYS DEC, NYS DOH and Saratoga County Planning as involved agencies. F. Palumbo states that the only one he might add to that would be SHPO (State Historic Preservation Office), but that is up to the Board's discretion as they do not have a direct approval, but through memos of understanding with DEC. G. Dake states that one of the things that M. Hill stated was that the applicant was to decide who gets the notification. F. Palumbo states that we should send it to SHPO and they may respond that they are not an involved agency but he would rather do that. G. Dake states that C. Baker only received the long form on Friday so he does not have comments, but the applicant simply wants to get the clock started. G. Dake states that the Planning Board's next meeting is 1/31 and then 2/14, if we do not cancel that one, so the 2/14 meeting is more than 30 days hence from having sent the letters. The Board consensus is to send out the lead agency letters. G. Dake asks how the applicant is going to address the question of what we have there for rocks, stromatolites, per a July 21, 2005 Times Union article. F. Palumbo states that there is no question that they will have to do a Phase I A/Phase I B archaeological study. He states that the benefit of knowing that is in the vicinity is that when they have an archaeologist do the study, they can jump slightly ahead with the idea that what they

January 10, 2006

would put into that report is the method of protocol for the study. He states that they have had projects where they have had protocol in place and been allowed to do 6" lifts in order to strip 6" and see if anything is there, etc. He states that he cannot tell the Board that SHPO is going to allow them to do anything until they sign off on it. He states that is probably going to be one of the methods here, to come up with a protocol on which that study can be done. G. Dake states that the Lester park, which is apparently under the supervision of the New York State Museum according to the newspaper article because it was too small to be a park under the Parks Department, is only a couple hundred yards down the road. F. Palumbo states that the question is what mitigation will SHPO try to impose and force on the development. L. Dupouy states that what is in this area, in the geological world, is a marvelous find and states that there is a variety of people who can be hired as the applicant's geological expert, and she asks what is in place to or what is the applicant willing to do to get the best possible geologist. How is the Board going to know that they are getting the real answer instead of the answer that the applicant wants the expert to give the Board? F. Palumbo states that archaeologists have to be certified by the State and there is a list that the State compiles of who the applicant must use. Within that community there are people who approach things in a certain manner, each one has some form of a specialty that they think is more important than the other. He states that doesn't matter because who ever they hire to do it has to comply a report that will satisfy SHPO and that is not an easy thing to do these days. He states that we are in a period where they have had numerous archaeologists that they have been working with on various projects identifying that they are following the procedures that the State lays out and they are still getting additional information requests back from SHPO. F. Palumbo states that J. Witt could hire someone who is renowned, the best, and they may still be required to submit additional information. He does not know of anyone who is going through SHPO any better than anyone else. The essential thing is that the applicant has to get a sign-off from SHPO because you cannot get an approval from DEC without it. G. Dake comments on the timeline in F. Palumbo's letter of January 9, 2006 and F. Palumbo states that they are setting out what the best-case scenario would be. He states that if SHPO agrees with them that the best way to study that area is to go in and start excavating it, then that is going to have an effect on things. He expects that they are not going to do that. G. Dake states that the applicant is aware of some of the things that the Board is going to be looking for and can begin work on that. They can start reviewing the long form SEQRA. G. Dake points out to F. Palumbo that the Board meets again on 1/31. G. Dake states that the Board does not have a problem with an applicant coming in and working with the Board on something while something else is stalled. The Board discusses canceling the meeting of 2/14 and decides to do so.

ZBA REFERRALS

Daniel Mullan – Area Variance request. No Planning Board issues.

David Englehardt – Area Variance request. No Planning Board issues.

DISCUSSION

G. Dake comments on the Brookview letter from DOT and states that hopefully the Planning Board will get a copy of the response to this letter.

G. Dake states that Tom Kinsella has been appointed to the vacancy on the Town Board and that Tonya Yasenchak has been appointed by the Town Board to be the Vice Chair of the Planning Board. He states that the Town Board is conducting interviews for Planning Board vacancies.

C. Baker states that he would like the Planning Board to think about the fact that we do not currently have any specifications for driveways and he thinks that it is something that we might want to start thinking

January 10, 2006

about. He went out and did the soil borings on Greene Road for Alec Stephens and that is a unique piece of property with a couple of sites on top of a hill, but to get to those sites, you are looking at an 18 to 20% grade. He states that the Board should think about looking at driveways from an emergency standpoint. He states that he has seen 15% in other towns and he has seen recommendations in various publications for 15%. He thinks this is something that we are going to see more of. He questions the driveway for C. Gerber's subdivision proposal. G. Dake states that this is a touchy issue. C. Baker states that his concern is that if there is a fire and the emergency vehicles could not get to them. G. Dake states that perhaps this should be brought up at the Zoning re-write committee. M. Young states that it has been suggested to the Fire Commissioners at least twice, that they come up with a plan with specifications if they were concerned about this, and they have never done anything. He states that we can ask again. M. Thrailkill asks what other towns do. C. Baker states that some towns do have requirements. G. Dake states that we do have requirements for keyhole lots. C. Baker states that his concern is that the Town be put in a position to defend against something.

Lorna Dupouy asks what the correct procedures are to follow if we have concerns, as a Town, regarding the NY City trash being transported to Corinth. G. Dake states that it would be a Town Board action. He states that it would not be wholly inappropriate for a Planning Board to take action and to go to the Town Board with concerns. D. Pfeil states that there have been public meetings held in Corinth and that her husband has attended them. G. Dake states that he would not rely only on what is in the newspapers and states that he does not know enough about this to have an opinion, personally.

Meeting adjourned 8:20 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary