

TOWN OF GREENFIELD

PLANNING BOARD

FEBRUARY 13, 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, Tonya Yasenchak, Lorna Dupouy, Thomas Siragusa, John Streit, Michael Thraikill and Michael Ginley, Alternate. Dan Cochran is absent. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

JANUARY 30, 2007 MINUTES

MOTION: T. Yasenchak

SECOND: M. Thraikill

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of January 30, 2007 as submitted.

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

Noes: None

Absent: Cochran

PLANNING BOARD CASES

WALTER CHANDLER – Special Use Permit

Sand Hill Road

Walter and Michelle Chandler are present and W. Chandler reviews that he would like to put a little sawmill on his property as more of a hobby, drive around with an old truck and sell a little lumber. He states that he owns a forestry operation.

A public hearing is opened at 7:02 p.m. Bill Coburn, Old Daketown Road, states that he has lived next door to the Chandlers for about three years and has no objections to having a saw mill next door. It will be in the back, it is not a commercial project, and he thinks it is a good thing. It is country, it's what he likes about the area; W. Chandler is a good neighbor; there is no noise and it is agricultural out there anyway. Stan Dake, Sand Hill Road, states that he has no problem with the request. Ron Diehl, Sand Hill Road, states that he has no problem with the project. Paul Bouchard, Denton Road, asks how this falls into the new zoning plan. G. Dake states that it doesn't, this is under the current zoning and the Code Enforcement Officer has determined that this application falls under agricultural processing and therefore falls under a special use permit in the R4 zone. There being no further public comments, this public hearing is closed at 7:04 p.m.

G. Dake states that he was surprised to get a notice in the mail for the property that he and his father own which is contiguous to this parcel. It is the old original Dake homestead and he does not think that it will alter his decision. T. Yasenchak states that this is a good idea and the applicant has shown himself a good neighbor based on the public hearing comments with no one having issues with it. T. Siragusa asks about the 20,000 board feet. W. Chandler states that would be a maximum. J. Streit states that he was satisfied at the last meeting that this was a good project. M. Thraikill states that it is a good project for that area and he wishes the applicant well. SEQRA is discussed and not needed. G. Dake states that he heard

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from the County Planning Board today on both projects for which we have public hearings and their recommendation is going to be that there are no issues. G. Dake states that he had forgotten that because this is contiguous to State land it was a County referral and they will be voting on it this Thursday. If we make a motion on this this evening, while it is not recommended, we can do it contingent upon no negative recommendation from the County. G. Dake reviews that the Board had discussed with the applicant that there would not be more than 2 non-family employees, even though we are not talking about employees; hours were addressed in the application; and the motion should reflect the fact that the Board believes that this is consistent with a logging operation, therefore somewhere down the road if W. Chandler wants to use this land for parking we can't then tell him that he cannot do that because he has the sawmill on it. The buffer is discussed. M. Thrailkill asks what the current buffer is. W. Chandler states that there is a guideline, it is called a basal area and you have to leave a certain amount of trees. G. Dake explains that a basal area does not lend itself to a number of feet. G. Dake states that what County Planning recommended, and we certainly are not bound by them, was not making it a no cut buffer but a 100' vegetative buffer which says that you are allowed to thin. W. Chandler states that is wonderful because that is exactly what he is aiming to do. That would allow him to remove danger trees.

RESOLUTION – W. Chandler, Special Use Permit

MOTION: J. Streit

RESOLVED, that the Planning Board grants a Special Use Permit to Walter Chandler for the processing of agricultural products with a hobby sawmill on property located at 418 Sand Hill Road, TM#150.-1-2.112, contingent upon the following:

- **100' vegetative buffer along any populated property line**
- **No more than 2 non-family employees at any time**
- **Not receiving a negative recommendation from the Saratoga County Planning Board**
- **Special Note: The Board views this as being consistent with a logging operation should the applicant ever choose to use this property for logging**

J. Streit suggests dropping the contingency regarding Saratoga County. G. Dake states that technically we cannot act on this until they have acted because this requires a referral. They are an advisory Board to us. G. Dake asks if there is a second without the County referral.

SECOND: M. Ginley

T. Yasenchak states that at the last meeting we opted to go with an 8:00 a.m. start instead of the 7:00 a.m. that the application indicates. W. Chandler agrees to amend his application to 8:00 a.m. and states that they would never do anything on Sunday.

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

UMH PROPERTIES, INC. – Special Use Permit/Site Plan Review

Brookview MHP, Route 9N

Dave Engel, Sam Landy, Jeff Yorick, and Mark Millsbaugh are present for the application. G. Dake opens the public hearing at 7:12 and asks the applicant to describe the project to the audience. S. Landy, President of UMH Properties, states that they would like to build 64 additional units behind the existing park, about 300 to 400 feet from the existing community. This area would have a ranch house appearance, selling in the area of the low \$100,000's with lot rent being about \$400-425 per month. The sewage treatment plant

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was expanded a number of years ago which greatly increased their operating costs and the addition will help cover the cost so that they are not pushing the existing residents to pay for everything. By expanding the community it divides the cost over a larger base. The homes are 28 x 60, a little less than 1800 square feet. Modern manufactured homes are very energy efficient, cost efficient and are well accepted by the public. He states that they are building expansions at a number of their communities and sales are not difficult to achieve. M. Millspaugh explains the changes to be made to the entrances and that they do have DOT approval of those changes. He points out the 15-acre wetlands area through the middle of the property and the 13-acre protected adjacent area, and that total acreage will not be developed. The sewage treatment plant has the capacity to handle the existing and proposed homes. There are two wells on the property that provide sufficient capacity for the existing and the proposed homes. He also explains the storm water management required. Lynn Baker, Grange Road, questions that the homes cost in the \$100,000 range and that they are mobile homes. S. Landy states that they are modern mobile homes, and they call them houses. L. Baker questions that the roads are going to be the same size in the new section as in the existing park. It is her understanding that school buses do not currently go in to the park; they stop along 9N and pick up groups of kids. She questions that they expect children to walk all the way from the rear of the property to get the bus and if not, can the school buses get into those roads? M. Millspaugh states that the new roads are laid out in accordance with the Town Code, that they will remain privately owned and not dedicated to the Town. S. Landy states that the buses do currently pick up at the main entrance, there is a shed for the kids to stand inside of and it is a good system for what is here. He indicates that L. Baker may be correct that it is too long a way to go, he is not sure what the bus company will be looking for, but he does not see a problem with the width of the new roads. M. Thraikill asks if a school bus can go on a private road? G. Dake states that he is not sure and that is something we will have to check into. L. Baker states that might be something that the park should tell people who are renting lots, that their kid has to walk out to the front to get the bus. S. Landy states that their experience in a lot of the other communities is that there are a lot of people who are downsizing, who are 55 or older, and he anticipates 50% of these will be in this range. Dave Wilson, lot #41, expresses concern that the rent goes up each year and whether this will cause more of an increase. S. Landy states that he is aware of the problem and believes that by increasing the number of residents of the total community, he anticipates a savings. He thinks that they could have two years without any rent increase while they are doing the sales. Melissa Garmely, Lot #110, states that her concern is also for the school buses. They come in now, right next to Parkwood, and they loop, and when they pick the children up they go out one of the other entrances. She questions that those entrances are going to be closed. M. Millspaugh states that they are because they do not have the required sight distance in both directions and the school buses should not be using those now. He states that it will be up to the school bus company to decide how they want to enter and exit. The connection points will have adequate sight distance in both directions. L. Baker states that she is also concerned about the additional traffic generated by the 64 homes onto Route 9N. M. Millspaugh explains that a traffic study was completed on the original proposal for the addition of 120 units. Based on the current level of use on Route 9N, the accident histories, the sight distances, etc., the addition of these units and the associated traffic does not effect the level of use and it is within the carrying capacity of the road. L. Baker questions that there will only be one road going into the new section. M. Millspaugh explains that it is a boulevarded road with two separate fully compliant roadways. G. Dake states that is something that has been discussed and will be discussed again this evening. Richard Stutzenstein, Hyspot Road, asks about wetlands on the property. M. Millspaugh explains that they had to apply to both NYS DEC and ACOE for permits. He explains the old logging road with the culvert through the embankment and the new culvert design. Chris Baker, Grange Road, asks about the sewage plant and how they are keeping it out of the wetlands. M. Millspaugh and S. Landy explain the existing sewage treatment plant and the process the sewage goes through prior to being discharged. C. Baker asks who monitors this. D. Engle states that it is a permitted facility with a SPDES discharge permit through NYS DEC and they are required to provide routine monitoring reports to DEC. G. Dake states that the Board has received a copy of their State permit and has asked for copies of the test results. G. Dake reads a letter from Elizabeth and Todd Zick, Locust Grove Road, expressing their concern for environmental issues and stating that they would appreciate the Board's thorough review. P. Bouchard, Denton Road, states that he is uncomfortable with 64

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units with only one way in. Should there be a fire, they would be trapped. There being no further public comments, this public hearing is closed at 7:34 p.m.

G. Dake states that the school bus issue is one that he had not thought of and is something that we need to go back and talk to the school district about. He does not know school district regs and his assumption is that they are, much like Town trucks, reluctant to travel on private roads. He states that L. Baker's question is a very interesting one and we will have to think about what is some mitigation to that. This Board had discussed at the last meeting, and needs to discuss further tonight, the question of the single crossing, even being boulevarded. G. Dake states that in his conversation with the County planner today, that is also a concern that they had and which they also discussed with C. Baker. C. Baker states that he spoke with Mike Valentine from the County Planning Department and one of his major concerns is with the single point access to the number of lots on the other side. He shares the same concerns that we have voiced previously that if something were to happen at that crossing, there is no other way to get to those residents. M. Ginley questions the possibility of some sort of a footbridge or some other access other than a road, somewhere that would allow for people to get out if the road was blocked off. G. Dake states that the counter argument to that would be what about emergency services getting in. That would be equally important as getting people out. M. Thraikill asks how close this is to Locust Grove Road. C. Baker states that it is quite a way, and there are wetlands and grade issues. S. Landy states that in some areas there are tens of thousands of houses that only have access by bridges. They have done the studies on the 100-year storm and there is no danger of this becoming flooded, so that is out of the question. He goes through other possible scenarios and states that he cannot imagine what could close this road. D. Engel states that because of wetland concerns, that roadway going in is, in terms of what is required as an access structure, over engineered, it is a significant structure, it is a boulevard, and is built to Town specifications. He believes that we have to have more than just speculation to render this unusable. They believe that they have double access. G. Dake refers to Section 105-131, C, 6a regarding dead end streets. He states that we have allowed a boulevarded road to be used as a means of alleviating a cul-de-sac concern. The concern would be that we have never done it over water, it is a little bit different and he does not think it is unrealistic for the Board to be looking for some pretty strong assurances. M. Millspaugh states that based on the Board's comments at the last meeting, they have provided the calculations showing the 100-year flood event runoff. He provides a copy of a cross sectional view of the crossing construction, they eliminated the guardrail and have added a sidewalk and fencing. G. Dake states that this has been discussed and he explained this to M. Valentine also. He states that the Planning Board's job is partially to protect the Town from liability by taking a hard look, asking for engineering and doing some thorough review. In addition, the Board has a responsibility to the future 64 residents. The Board has to look at the things that convince them one way or another, and part of that is relying on our own engineer's assessment. From a traffic standpoint, if there is a car accident, we have a second lane. We have established boulevards as a way to deal with this. He questions inspections, bonding, etc. C. Baker states that the Town typically does not bond private roads. He states that he has voiced his concerns before – it is a single point access and he does give credit for the design that they have put forth and he understands the engineering that goes behind it. He has seen roads that have been washed out and gives Denton Road as an example, where no one would have ever anticipated that. There are things that can happen that you can't possibly plan for – you can do the best you can. He states that the threat is not very big at all, but there is the possibility, being the only entrance in there, that something could happen. G. Dake asks C. Baker, based on experience, how big a hurdle is it – not in construction dollars – for the applicant to create a second crossing and getting the necessary permits to do that. C. Baker states that anything is possible to engineer, the question becomes whether it is economically viable. The chances are for something like this it could be very expensive, extremely time consuming to get the permits, to design a crossing that ACOE would approve, etc. Engineers would tell you just about anything is doable. G. Dake states that it is not the only action we have ever taken. There have been plenty of subdivisions where we have allowed boulevards in places that conceivably something serious could have happened. T. Yasenchak states that she understands the concerns of the public as far as the one point of access. She reiterates that the Board has approved subdivisions with boulevards and for any type of subdivision or project you always run the risk of something happening. She states that in Florida, Maine, and places where there are hundreds of

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little islands that people build on; there are bridges that cross tidal waters. What the engineer has proposed is a very safe thing to do and the chances of something happening are slim. If there was the possibility of having an emergency egress of some sort, which the Board has done in the past, that is not a regulation road, but just something that emergency vehicles can access, she thinks that would be the best bet. T. Siragusa states that when he first looked at this, with 64 tightly spaced homes with one directional egress made him uncomfortable. He thinks the boulevard is a good idea except that you cannot go around it. He would like to see some secondary way even just for emergency trucks. M. Ginley states that he is satisfied with what has been done. When using the example of people living on an island, he is starting to agree with this more. He believes that putting in a second point of ingress and egress may be too cost prohibitive. If the people are comfortable living back there and taking the chance, maybe that is going to be the market that drives it. L. Dupouy states that she is confident in her feelings, everything that the applicant has been asked to comply with they have. She states that we debated over whether it was better to have one wide spot to disturb the least amount of land possible versus other options, she believes everyone agreed that the one wider spot boulevard over one small area of land with the least amount of impact to the wetlands was the best thing. She states that when the Board went on it's field trip; she leaped from one side to the other. We absolutely cannot forget the importance of affordable housing. We don't have enough in this area, we need some and this is a wonderful alternative. J. Streit states that the reservations he has about the ingress/egress have been mitigated by the engineering that was suggested. The only other thing is if we were to come to a vote to approve this, perhaps put in a stipulation, if it is legal and possible, that a letter be obtained from the school district regarding picking up children. M. Thrailkill states that he is comfortable with the engineering and when you look at Key West, he is comfortable with it. It is two wide Town roads and if there is a concern about cars going too fast, maybe speed bumps on each side of the bridge could be used. G. Dake states that while this may not be a dream perfect scenario, that it is adequate. He states that M. Ginley made an excellent point as far as people buying in there - they would know what the access is. R. Rowland is asked to contact the school district regarding their regulations. They may not be allowed to use the roads regardless of how we design them. M. Thrailkill states that he does not believe that the school bus goes into Greenfield Manor because a portion of it has not been turned over to the Town. L. Dupouy states that the school bus does not go in the mobile home park on Grange Road. That is the nature of mobile home parks. She also comments that the Board should not forget what the applicant is doing to improve the front and the traffic issues. G. Dake states that we will be getting a letter from the County, we have yet to complete the SEQRA process, we have received some good thoughts from the public for the Board to consider and we need to get some of the answers. C. Baker states that he received a large packet of information in response to comments that were raised. T. Yasenchak asks about the fencing around the basins that was discussed at the last meeting. S. Landy states that they want to do something that is aesthetically pleasing but that a child cannot get into. G. Dake suggests showing it as a fence without details on the plans. T. Yasenchak suggests something along the lines of a pool fence. S. Landy states that they are thinking of chain link with landscaping. M. Ginley asks about the open space. This is addressed in the letter provided for tonight's meeting. S. Landy states that he drove through the park and many of the homes have their own swing sets and even trampolines. Having their own yard as opposed to an apartment complex gives them the space for these things. M. Thrailkill states that he drove through Pyramid Pines, which is larger than Brookview, and they do have a basketball court and a nice swing set with both adult and children's swings. He would like the applicant to consider something like that. S. Landy states that is not a problem. M. Millspaugh states that Manor Court is going to be extended and the basketball court and picnic table area are going to be relocated and they can add some swing sets, etc. T. Yasenchak asks about the trails that were mentioned. S. Landy states that they are currently in place. T. Yasenchak asks if they are maintained trails and if not she would like to see something a little more regulated, cleared and safe. G. Dake asks if the applicant contacted the fire department. M. Millspaugh states that they did. G. Dake asks if they could follow up on that because we have received nothing from them. UMH Properties will be on the next agenda.

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ALEC STEPHENS – Amendment to Major Subdivision

The Point at Moss Creek

Alec Stephens, David Carroll and Ross Petitjean are present. G. Dake explains that the applicant wants to create a 13th lot and attach 1/12th of the ownership of that to each of the 12 building lots. He spoke with M. Schachner who said that this is an interesting approach and while nothing is bullet proof, it does accomplish what the applicant is trying to do. He did recommend that we check with the Assessor and ask that each 1/12th of that lot not become a separate tax parcel, but get attached to the 12 lots so that they cannot just not pay taxes on their 1/12th. There would be one tax bill that way they cannot just abandon their interest in it. M. Schachner also liked the fact that A. Stephens will maintain responsibility for it until all 12 lots are sold, not when the majority are sold. R. Petitjean states that he does not think that the Assessor will be able to take that 13th lot off the rolls, per se, but what has been done in other municipalities is to place a nominal assessment on that parcel and then increase the land value of the 12 building lots to take into consideration the appurtenant 1/12th interest. L. Dupouy states that she built one of her houses in Virginia Beach in a development that did just this. It works well and the community is so proud of owning it all together that they would have community clean up days, community picnics, etc. M. Ginley asks about how the homeowners insurance will work. R. Petitjean states that because they do own the appurtenant interest, they have checked with the insurance companies on other projects, and it is covered under the individual homeowner's policies. T. Yasenchak asks if there is going to be a sign stating that it is privately owned. A. Stephens states most likely.

RESOLUTION – A. Stephens, Subdivision Amendment

MOTION: L. Dupouy

SECOND: T. Yasenchak

RESOLVED, that the Planning Board amends the Moss Creek Subdivision for Alec Stephens to grant 1/12th undivided interest of the 13th lot, Moss Creek Subdivision, Middle Grove Road.

G. McKenna states that when the applicant files this he needs deeds and maps so that the County does not send it back as an illegal subdivision.

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

Noes: None

Absent: Cochran

CHARLES GLESSING – Amendment to Major Subdivision

Grace Estates

Charles Glessing and Dave Myers are present. D. Myers states that he needs to find out where they are in the process. The applicant received conditional approval in late June. One condition was to get a complete set of the plans to C. Baker, which was done. He states that he never heard that those were approved. A set of Mylars was given to R. Rowland on 9/21/06. Late in the year he heard from the Town that the plans were okay but there were some financial obligations. He states that C. Baker agreed to the lump sum that D. Myers had proposed, \$2800. Another condition was the debris pile, which they are to take care of. There was the issue of the performance bond. Late in the year C. Glessing had some health issues, has decided that he does not want to personally develop the property and has listed it with a realtor. They are here to see if they can get some waiver on the performance bond as they would like to get it filed and sell an approved subdivision. G. Dake explains what was done with M. Hickam who also did not want to personally develop his subdivision. M. Hickam received a preliminary approval with contingencies, which would allow him to market the subdivision to someone who would then go ahead and complete the process. D. Myers asks if the preliminary approval gets you filed with the County. G. Dake states that filing with the County says that one has done everything it takes to split the lots and sell them. For the Town to do that, we need to

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have the performance bond in place because we need to know that the Town road will be built throughout the entire subdivision. As part of that, under the new storm water rules, we are also including the storm water management basin maintenance and construction. C. Baker states that EDP did receive the final set of plans and were in agreement with the engineering at that point. He does not believe that they ever really officially approved the estimate for the storm water maintenance, simply because he does not believe that we have a good handle on what that is going to be. He states that what we have done with a few of the projects recently is to put a line item in the bond estimate and as the subdivision is built out we will have a better understanding of what is going to be required to maintain those things in the long run. When it is time for the final dedication of the road, the money can either be taken out of the performance bond or a check can be posted once a number is set. D. Myers believes that this estimate had that line item. C. Baker states that D. Myers put a line item in for storm water inspections. D. Myers asks if this is the only mechanism the Town has. G. McKenna questions why the applicant would want to pay taxes on it as separate lots. D. Myers states that there is a market value to an approved subdivision. G. Dake states that the last time he spoke with M. Hickam he felt that he had some market out there. He assumes that the contingent approval is going against the clock right now. C. Baker states that we have not granted a final approval because we don't have the contingencies met. G. Dake states that because the contingencies haven't been met, and when the zoning changes take place, this approval is a very valuable thing. We have not received guidance, and the Town Board has not acted for a variety of reasons, as to how far along a subdivision needs to be. He would assume that anyone who has at preliminary approval or a contingent final approval would be grandfathered. However, if it were to lay fallow for a long time, it would be very easy to say that there are no vested rights because the applicant has not spent anything to actually improve it. He states that we do not have a mechanism to go back in and get any further into the approval process without the road bond, and all approvals involving a new Town road, always are contingent upon the road bond being in place. The Town Board will certainly not accept a road and the lots do not have frontage until the road is built. C. Baker states that the Planning Board makes a recommendation to the Town Board, who then has to approve the road bond. D. Myers asks if that recommendation was made. G. Dake and C. Baker states that it was not, because we were waiting. C. Baker states that they got an estimate, agreed with the final and will have to adjust for the storm water, but we could make the recommendation. G. Dake states that he does not believe that there is a problem with selling the property as is, the whole property could still change hands and be exactly where it is. They have an approval with a contingency and would know exactly what they have to meet at that point. He states that should, by itself, make it somewhat marketable, and especially knowing that it is about to lose 20% of it's density, that would also seem to make it a somewhat more valuable property. G. Dake states that the clock does not really start until the conditions are met and then you have x number of days to file. It does reach a point where you have the abandoned subdivisions, which becomes a mess. G. McKenna states that the Code states that on a conditional approval, the applicant has 180 days to meet the conditions. G. Dake states that the Board can extend that.

RESOLUTION – C. Glessing, Major Subdivision

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board retroactively extends the Major Subdivision approval of Charles Glessing for Grace Estates, Locust Grove Road, TM#138.-2-17.1 for an additional 180 days.

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

Noes: None

Absent: Cochran

D. Myers asks if he should get a new estimate to C. Baker. G. Dake states that once C. Baker has something that he is happy with; the Planning Board can, without the applicant being present, turn it around and get it to the Town Board. G. Dake reviews the upcoming Town Board and Planning Board meeting dates. C. Baker reiterates that the applicant actually needs to post the performance bond or a letter of credit with the Town

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Board, that is part of their approval. D. Myers asks if there is a requirement on the duration of the bond. C. Baker states that he believes it is renewable every year until the project is completed.

PATRICIA GUARNIERI – Major Subdivision

Daketown Road

Clark Wilkinson and Patricia Guarnieri are present. C. Wilkinson reviews that the applicant would like to subdivide 68 acres into 7 lots with lot 3 being approximately 46 acres. He has made two minor adjustments to create a house location on lot 3 so that it would not require a Special Use Permit. The other adjustment was in lot 12 taking the back line off and extending it directly to the creek making that lot approximately a little over 9 acres and reducing lot 3 to about 41 acres. He will get copies of these changes to the Town. He indicates that the proposed road is approximately 800 feet to the center of the cul-de-sac and the slope going down from Daketown Road goes from 3% to about 7% and all of the drainage will be coming to the back side of the cul-de-sac, be collected in roadside swales and conveyed to a storm water management basin that has been designed as part of lot 12 with discharge to the existing stream. C. Baker states that he wants to commend P. Guarnieri and C. Wilkinson. We have a good set of plans and a detailed package of information. He has not completed his review yet; he is pretty much through it but has not prepared a letter yet. He did speak with C. Wilkinson earlier today about this and does not anticipate anything that hasn't already been brought up in the three previous review letters. Most of the issues have been addressed with the new plan and the new reports. G. Dake asks if C. Baker would say that he has a complete application at this time. C. Baker states that he would.

RESOLUTION – P. Guarnieri, Major Subdivision

MOTION: L. Dupouy

SECOND: M. Ginley

RESOLVED, that the Planning Board deems the application of Patricia Guarnieri as complete for a Major Subdivision on Daketown Road, TM#149.-2-35.

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

Noes: None

Absent: Cochran

This application needs to go to the County for referral and a public hearing is discussed and set for February 27, 2007. A traffic study was completed and C. Baker states that he is satisfied with the report.

MICHAEL THRAILKILL – Minor Subdivision

Allen Road

Michael Thraikill recuses himself. Clark Wilkinson reviews that the applicant is proposing to cut two keyhole lots out of his property. Due to the minimum frontage and the property widening in the rear, originally the applicant had come to the Board and talked about a public road. C. Wilkinson states that they discussed the issues, the cost and engineering involved, and that he would need to have about 8 lots to make it worthwhile. He has included notes on the plans regarding keyholes and the two lots would be in excess of 6-acres which exceeds the current proposed zoning. C. Baker asks about the proposed right-of-way out on Allen Road. C. Wilkinson states they are proposing providing 30' of ROW to the Town, it is a road anyway but they would actually deed it to the Town. C. Baker would like to see topo, adjoining owners and one of the notes for common rights for ingress and egress refers to lots 2, 3 & 4. C. Wilkinson states that he originally was looking at trying to do 4 lots and needs to correct that. G. McKenna comments on the keyhole lot language that needs to be on the plans. C. Baker states that the note is on the plan for the driveway but he missed the certification from the PE. M. Ginley questions the easement. C. Wilkinson states that there will

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be separate keyhole lot frontage for each of the lots but that they will share a driveway and give each other easement so that however the driveway meanders, they will have a cross easement. Public hearing is discussed and will be scheduled when the applicant provides the revised plans.

DAVID WARDELL – Special Use Permit
Sand Hill Road

David Wardell is present. G. Dake states that for disclosure, he has recently purchased some crushed stone from the applicant. D. Wardell explains that he has been breeding and raising Angus beef cattle; they sell cows and actual beef slaughter. They have someone who comes and picks up the animals and brings them to the processing plant. From the manure they produce topsoil, a compost, and they are looking into producing a bedding material. The farm does not provide him with 100% of his income. He also does earth work. They use the same amount of equipment on the farm that they do for the excavating. They plant 40 acres of corn, it is not all on their farm since they only have 24-25 acres. They cut hay on about 250 acres around the Town and they bring all the feed back to supply the animals over the winter months. They are involved with the USDA, and have County representatives who come to the farm to help with certain things. Right now they are getting involved with a CREP program –the County wants buffers off of the Kayaderosseras Creek runs through the property. The program pays for fencing about 20-feet off the edge of the creek, and then they will actually pay you to not use that property and just keep the vegetation for the wildlife and it also acts as a nice buffer. D. Wardell only has one spot where he goes down and waters the cows at the creek and has since brought the fence back about 10-feet and will bring it back to 20-feet. He does have plans to fence the parcel on the North Creek Road side hay area and put some cattle up there also. G. Dake states that this project and the Turfpro project are what he was talking about at the last meeting. What D. Wardell is doing, as was discussed, is an existing operation that G. Dake would suggest is a benefit to the community, is what we like to see in Greenfield and it is already in existence. The applicant was actually advised by the County not to even come to the Planning Board because under the Right to Farm, they say that he should be allowed regardless and if he comes to the Planning Board he is opening a Pandora's Box. G. Dake states that he did speak with D. Wardell about the opportunity to go back and get this "blessed". As he has expressed to the Town Board, his greatest concern is that when we deal with situations where we are getting more new residents who may not be familiar with agricultural/rural living in general he is worried about when someone builds a \$1-million dollar house across the street, hires a lawyer and starts hounding the Code Enforcement Officer who will have to defend his position. G. Dake states that he encouraged D. Wardell and A. Taylor to go ahead and get an application in. Until the Town Board can make a decision as to what they are going to do – whether they are going to grandfather everybody, have a low hurdle test, whatever – he would like to encourage any people who have home based occupations to come in and get "blessed" because once they have a special use permit they are relatively bullet-proof, because they have an approved use from an active determination instead of interpreted as an allowed use. D. Wardell states that he took the liberty to get some signatures from this neighbors acknowledging what they do on the property, how they do it, the machinery that is required, etc. One of the issues that was brought up when speaking with the Code Enforcement Officer was kind of a conflicting statement in the zoning. What is allowed – doing agricultural things in an agricultural zone is a permitted activity, handling of the material is a permitted activity, but then under special use it says the processing of agricultural products on the premises of an agricultural operation requires a Special Use Permit. He states that when they run the corn through the chopper that is a processed material, baling the hay is a process, etc. He states that the County was telling him not to bother, but he would just as soon get this ironed out. He provides a copy of a letter dated May 4, 2006 from the USDA. L. Dupouy questions that D. Wardell's original business was excavation. D. Wardell states that his original business was plumbing and heating. He states that since they have lived on the property they have always had animals. They raised turkeys, chickens, and now they have gone into beef. He states that he has always wanted to farm and if there were more money in it he would stop putting in roads today. L. Dupouy asks if the applicant can do two things on the property because when she went through to try to figure out what she was going to do with her property, she could not do two

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different things. D. Wardell states that he does not do the excavating at the property. G. Dake states that as with the condition for W. Chandler, a number of farmers do some small level of excavation that they could be considered complimentary activities and you can have two complimentary or associated activities. D. Wardell states that with the stock piles of materials they have, they work with the State a lot with the new SWPPP and they have vegetation on the piles, they have silt fence around it, they have the piles far enough away from the creek. S. Koenig has been there for mining safety as he thought it might be a mining issue at one time. All the equipment he uses for excavating and it is all used for the farming activities. J. Streit states that from day one on the Master Plan Committee he stated that he is for agriculture and that it should be encouraged. Anything that we can do to encourage this, he is absolutely for. T. Yasenchak states that everyone should have the right to farm no matter how big or how small and it shouldn't be a special use. D. Wardell states that he spoke with A. Janik on the Right to Farm issue and states that when his family bought the property in the 1940's it was the Perry farm as a dairy business; his grandfather had cattle; his father had them for a short time, and then there was a lapse in between and that is why he understands that he is not being grandfathered. J. Streit suggests that D. Wardell contact Supervisor Peck and encourage him to pursue the Right to Farm and make all of Saratoga County an agricultural district. D. Wardell states that he is on that right now and has spoken with A. Janik who said that he is for it, but you can only get in in October.

RESOLUTION – D. Wardell, Special Use Permit

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, the Planning Board waives the public hearing and grants a Special Use Permit to David Wardell, 325 Sand Hill Road, TM# 150.-1-6.1;6.2;7 and 9.1 to continue farming and his associated heavy equipment business.

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

Noes: None

Absent: Cochran

ANDY TAYLOR – Special Use Permit

Brigham Road

Andy Taylor is present. G. Dake explains that this is the same issue that we had before. A. Taylor states that the property has been in the family for about 27 years and he has been operating a business there to some degree or another for 21 years; they always pay close attention to their neighbors and he presents copies of letters from the three neighbors closest in proximity to his property; he has never had a problem or complaint in the 21 years he has been there. He states that what he is looking to do is just what he has been doing, which is operate a landscape and lawn care business – not from there but storing the equipment there. He states that his employees meet there in the morning, they maintain their equipment and they go out into the community – some places in Greenfield, Saratoga, etc. G. Dake states that includes his house. A. Taylor states that he is very particular about how they store things, he wants things neat, his guys are not allowed to go the speed limit on the road if they are in their own vehicles or one of A. Taylor's. When he built the house he left a large buffer, 75 – 100 feet, and it is not only deciduous trees, but also a lot of evergreens with a lot of hemlocks. The equipment cannot be seen from the road. G. Dake states that he defies anyone to drive Brigham Road and figure out where this is. J. Streit states that he drove by there today and there is a considerable buffer. A. Taylor states that it is not very noticeable to either the neighbors or the passersby. He states that he has told his neighbors that if there is ever an issue to not hesitate to call or stop by and they will address it immediately. A. Taylor states that he believes this is a good opportunity and he wanted to be one of the first to get this taken care of. He was part of the audience at the Town Board meeting and there were probably 150-200 rather upset people with what they thought might happen. He also spoke with A. Janik. He states that a lot of people are nervous, as he was initially, and thinks that there are a lot of people who are in the same or similar situations who think that the Town is trying to get them to go somewhere else

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to store their equipment. G. Dake states that one of the things that A. Taylor mentioned was that when he built the house he had gotten a verbal determination that he was in compliance. A. Taylor states that was before the house. The questions that were asked of him by R. Roeckle, the Building Inspector and Code Enforcement Officer at the time, were - did he have any customer traffic which he has never had and does not intend on having; did he want a sign to be out front, he didn't, and doesn't; did he have hours of operation and if he didn't have customers, it was kind of a foregone conclusion that he didn't have hours of operation for the general public. At the time R. Roeckle checked with the Town Attorney, back in the late 1980's, and said that there was no action required on his part, he didn't have to go before the Planning Board, he was not required to have a special use permit. He states that he should have looked more into it, but as things changed, in the early 1990's, it was required in R4 to have a special use permit. It is a permitted activity for home based occupation with a special use permit. G. Dake states that we don't have all the details that one would ask of a brand new special use permit/site plan review/how occupation, we don't have detailed maps, etc. and he has raised the ire of a few people on the Town Board with his vocal opinions. He wants to make sure that the Board understands that we are treading in some rather gray areas in what he is proposing that the Board do in "blessing" some of these applicants. He does not want to drag any of the Board members into following what his ideas are. He will be happy to take any and all responsibility, so if any of the Board members have objections, he asks that they not recuse themselves but when it comes time to vote, an abstention is the same as a no. As we may be taking a rather liberal view of the code and if that bothers their sense of what their oath of office was, he asks that they abstain instead of voting against if they are in favor of what the project is trying to do. J. Streit states that having been a member of the revision committee, they had a number of discussions about home occupations and he recalls every single one of them was trying to accomplish two things - to allow people to have reasonable occupations in their home, perhaps encourage it and protect the rights of the neighbors so that there would not be an obnoxious use. There was never an intention, that he could recall, of putting in new ordinances to vastly restrict what is going on. He is sure that the people in question have legitimate concerns, but they are not authenticated by what the committee was trying to do. A. Taylor states that he agrees but at first he did not. In looking at the way the law is written and the way it is proposed, he states that people shouldn't be as worried as they are. His concern is, G. Dake and a number of people have brought this up, he feels as though when people move into this Town they come in with blinders on and they want to build a house, but in general they don't look at what is around them, what is already here. G. Dake states that one of the reasons he encouraged A. Taylor to make an application is because of the people in town who are lacking trust in the Town, its leadership and its officers. He understands why, and if we can get some people in front of the Planning Board and get them "blessed" we have a potential to start people thinking that it is ok to get an approval. A. Taylor states that in talking to people, they are afraid of what will happen next, what further restrictions there will be. Public hearing is discussed. L. Dupouy states that considering what is going on in Town now, the lack of trust, etc., and because of the special time and circumstances, and if we want people to comply, she does not feel the need for a public hearing. She states that the way that she views what the Planning Board does is the we are the applicants neighbors and friends, this our community, and we are here to help the applicants do what they want to do so that we can all prosper and be happy. G. McKenna states that there have been no complaints on the applicant. M. Thraikill states that this is a nice idea, it gives the Board the chance to meet the people and understand the types of business they are running. This will also give us the opportunity to look at the operations that are not so neat and professional, and that is where the Board will take a closer look. J. Streit states that there were a couple of public meetings held by the rewrite committee and one common thread that went through there was to keep Greenfield the way it is and to encourage agriculture. He reiterates that the Board was not trying to restrict home occupations but to legitimize them.

RESOLUTION – A. Taylor, Special Use Permit

MOTION: J. Streit

SECOND: L. Dupouy

RESOLVED, the Planning Board waives the public hearing and grants a Special Use Permit to Andy Taylor, 258 Brigham Road, TM# 126.-1-69.2 to continue the equipment parking and home basing of his business at his property as has existed.

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T. Yasenchak states that this is not a prohibited use. M. Ginley suggests that in speaking with others, A. Taylor suggest that people get letters from their neighbors, photos, etc. M. Thraikill comments that P. Stewart was very vocal about this whole thing and that when M. Thraikill goes by his house, he has the neatest operation on Ballou Road. He has three or four large trucks, a large barn, but it is neat as a pin.

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

DISCUSSION

Chris Baker states that he spoke with G. McKenna who answered his questions earlier and wants to compliment the Board as he came to this meeting a little bit tenuous and everything he saw tonight was the exact 180-degrees. The agricultural purpose for Greenfield should be stressed because that is what we were. He had some reservations when he looked at the comprehensive plan and saw that they had only designated less than 1% for agricultural purposes. He suggests looking up the definition of agriculture in the dictionary and going from that definition. There are a lot of other uses. He states that Brookhaven is an agricultural product - without that ¾" turf product, they would not be in business. If he is received the way the applicants were tonight, it should not be a problem and he would be willing to help spread that word as well. G. Dake states that he heard a little about Chris Baker's project. Chris Baker explains that he is in an R1 zone and it has been since the 1970's. The property has been farmed for generations, but because of the zoning in the 1970's and 1990's, they are still R1 where the gentlemen coming in tonight were in R4. If he goes for a variance now, he might be restricted to 2 Alpacas. He states that he will talk with his neighbors, get some photos, etc. G. Dake states that as applicants come in, if we find that there is a stumbling block and the Board cannot grant the request, he would be happy to allow the applicant to withdraw an application prior to voting no. Chris Baker commends the Board on their professionalism.

Mark Pepper states that he is starting a Thoroughbred Farm, they have already been DBA'd and they have 38 acres. He asks if he is going to have to apply for a Special Use Permit. T. Yasenchak states that there is something in the Code regarding selling and breeding of horses as she has dealt with this subject. This will need some research.

Lynn Baker states that she was not opposed to the mobile home park expansion, she is just concerned about where the buses pick up the kids off of Route 9N and her concern that the buses will have to stop on Route 9N if they cannot get in the park. She states that the buses do go into Malta Gardens and make a circle because the road is wide enough.

CHARLES BAKER – Minor Subdivision

Cohen Road

Charlie Baker is present and explains the subdivision he is proposing for his property on Cohen Road. He states that he owns a 5 acre parcel with his house on it and an 8 acre vacant lot with an unusual shape. When the original subdivision was done, the applicant went down the road in 225' increments. He would like to subdivide the 8 acre parcel and give each of his sons a lot. In order to do this he needs to get a variance and get Planning Board approval to create a flag lot. One parcel would have 40 feet of frontage and in doing so, he would need a variance for frontage on the other lot. C. Baker displays a current aerial photo indicating that the area is all treed with an existing logging road that he would like to use as access, improve it and use it as a shared driveway leaving a 75' vegetative buffer. He indicates where he would put the houses, that it is heavily wooded and that you wouldn't even know the houses were back there. G. Dake states that while he knows the land would support it, it seems overly aggressive when you have to get a

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variance in order to create the keyhole lot. M. Thrailkill states that he has no problem with the variance as this is in the middle of nowhere. L. Dupouy asks if there is anyway to move the line between the two existing lots. C. Baker reiterates that each lot has only 225 feet and he would need a variance to do that. He states that if he were to build a house on the lot as is, all the trees would be gone, and what he is proposing is that the trees will remain, you would never see the houses in the back and it would not impact anything. M. Ginley asks for clarification as to why the area variance is needed. Acreage is not an issue as this is 3 acre zoning. M. Ginley states that he has no problem with it, his main concern would be if they were substandard size lots. T. Siragusa states that he understands the difficulty, but would we grant approval for someone else and he would hope so. Because of where it is, the conditions and that it is wooded, he does not have a problem. M. Ginley states that he is not ok with this because of who the applicant is, he would be ok with anyone. T. Siragusa states that it is the end of town. T. Yasenchak agrees that the applicant has the acreage and that she is a proponent that as long as you meet the area, she is not as concerned about the frontage. She actually likes keyhole lots because if you are putting the houses far back and allowing there to be wooded area in the front, it doesn't change the character of the neighborhood because you are allowing the houses to be way out in the woods and the road would look exactly the same. She states that whether it is C. Baker or anyone else, she has no problem with this and it is up to the zoning. G. Dake asks if this is two keyhole lots. G. McKenna states that it could be construed that way, because it only says minimum 40' of frontage in the definition of a keyhole lot. He states that he felt this was the more prudent way to go. G. McKenna states that, along the same lines as T. Yasenchak, he thinks this is good planning because we don't ever see houses like this. J. Streit states that this is beyond no where and he thinks that the nature of an area, to him, is a lot more important to preserve than if this was right in town. It is a very rural area, it will always be that, it is a dead end street and it is not going to affect anybody. He thinks he would feel the same way no matter who the applicant was. G. Dake asks if the Board would be comfortable making a recommendation to grant the frontage variance based on the fact that it will actually cause the houses to be kept further off of the road, therefore maintaining the rural character of the neighborhood. The Board agrees. G. Dake states that obviously C. Baker cannot review his own plan. He asks if the Board would like him to get a recommendation for someone from another firm to do this or just get guidance from the Town Attorney, etc. G. Dake states that we cannot hire someone whose plans C. Baker would be reviewing. L. Dupouy asks if there is any reciprocity between towns. G. Dake suggests possibly Keith Manz who is Town Engineer for Wilton might be a logical approach. G. Dake states that he will contact Jim Mitchell and Keith Manz. Public Hearing is discussed. C. Baker states that he does not believe he can ask for that yet and he does still need the variance.

ZBA REFERRAL

CHARLES BAKER – Frontage Variance – see minutes above.

DISCUSSION

L. Dupouy states that as, in her opinion, this debacle continues on, it affects the Board. She asks what our strategy is because it has gone past the point of ridiculous. G. Dake states that there is a meeting Thursday night, the Town Board did vote to send this back to the committee. He and J. Streit will have a better sense after this Thursday as to what direction this is going. He discusses some of the options that might be presented such as extreme grandfathering of existing home occupations, existing outdoor furnaces, etc. He states that he has expressed loudly and clearly to the entire Town Board that the longer they drag this out the harder they are making this job and the more disservice they are doing to the residents of this community. G. Dake reiterates his position and states that as we see the applicants as we did tonight, this whole transition took a major step tonight. He states that the Planning Board did more to sell this tonight than the rewrite committee or the Town Board has done. M. Ginley states that if we have letters from the neighbors and G. McKenna has no complaints, then who are we protecting? T. Siragusa states that just

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because someone does not complain does not mean that there are no problems and he sites a personal issue of someone fixing vehicles with the vehicles parked too close to the road, but he has not complained. G. Dake asks that if someone does not complain, do you think they will come to a public hearing?

Meeting adjourned 9:59 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary