

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**FEBRUARY 27, 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, Dan Cochran, Lorna Dupouy, Thomas Siragusa, John Streit, Michael Thraikill and Michael Ginley, Alternate. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

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**FEBRUARY 13, 2007 MINUTES**

MOTION: T. Yasenchak

SECOND: M. Thraikill

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of February 13, 2007 with the following corrections:

Andy Taylor – “She states that the way that she views what the Planning Board does is **that...**”

DISCUSSION – Clarify that C. Baker is Chris Baker

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

Noes: None

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**PLANNING BOARD CASES**

**DAVID EVANS –Minor Subdivision, Reapproval**

David Evans is present. G. Dake states that he spoke with Mike Hill from the Town Attorney’s office regarding the deed language for D. Evans’ subdivision. He states that the applicant has reached the 180 day mark from the conditional approval received in August. One of the conditions of that approval was the Town Attorney’s approval of the easement language. M. Hill does feel that there has been some progress made. G. Dake points out that D. Evans, as is his right, does much of the work himself and as a result, it has gone a little slower as M. Hill is used to dealing attorney to attorney, not dealing directly with the applicant. M. Hill and G. Dake discussed the possibility of a three month extension and at the end of that three months the Board has the ability to either extend again; we may have new zoning at that time and can discuss whether this project still meets the requirements of the new zoning sufficiently that the Board is comfortable with the plan; or if we are still hammering out easement language after 9 months, perhaps it is time them to start asking the applicant to start bearing some of the brunt of the legal review fees. G. Dake states this has been done on other projects in the past. M. Hill feels that the review should be done, but that gives D. Evans some incentive to make sure that things get done.

**RESOLUTION – D. Evans, Minor Subdivision**

MOTION: J. Streit

SECOND: D. Cochran

RESOLVED, that the Planning Board grants an extension to David Evans for an additional three months, beginning February 25<sup>th</sup>, 2007, for property located on Plank Road, TM# 123.-2-58.

D. Evans states that it took 4 ½ months to get the first response and asks if it would make sense for the Town

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to ask the Town Attorney for a model language that could be used for this sort of thing. G. Dake states that is an interesting idea, which perhaps we should discuss. He is not sure that everyone is going to want the same type but it would not be a bad idea to have a safe harbor that if you use the boilerplate, the approval is somewhat automatic, however, he is not sure how realistic that is because each situation is different.

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

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### **PATRICIA GUARNIERI – Major Subdivision**

Daketown Road

G. Dake opens the public hearing at 7:08 p.m. 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 40 acres; it is R2 zoning; they are proposing a public road which is approximately 800' to the center of the cul-de-sac; they have storm water management in the rear of lot 9. They are seeking approval with contingencies on the engineering comments received from EDP. C. Wilkinson provides the Board with 3 sets of additional information. G. Dake reads the review letter from Saratoga County. There being no public comments, this public hearing is closed at 7:12 p.m.

C. Baker reviews his letter for February 2, 2007 and states that all of the comments are things that were previously identified and most of which have been addressed. He did read through C. Wilkinson's response quickly today and it looks like he is addressing pretty much everything that was asked of the applicant. Probably the biggest item right now is the road bond. C. Wilkinson states that he has provided a copy of an estimate in the paperwork presented tonight. C. Wilkinson states that he wanted to ask whether or not the zoning law specifically prohibits septic systems and wells within the conservation buffer. The way he interprets the zoning law it talks specifically about structures. He asks the Board and G. McKenna for a determination of what he can or cannot put in that buffer. He states that the houses on those lots are outside of the buffer, however, a few of the wells and septs are within the buffer. G. McKenna states that his determination is that anything the applicant is going to do in that buffer zone is going to require a special use permit. C. Wilkinson states that they are currently proposing that the driveway access for lot three would be within that buffer along with septs and wells for lots 3, 11 and 12. He asks if they can append this to their application tonight and have it included with the subdivision. C. Baker states the issues are pretty much engineering details and he did discuss the JD letters for the wetlands with C. Wilkinson. C. Wilkinson states that the only DEC wetlands that exist are along the stream corridor and they are away from that. They do have a number of Federal wetlands on the site, the only wetland disturbance is approximately 1300 square feet where the road crosses the smallest part and being less than the 1/10<sup>th</sup> of an acre minimum permissible by ACOE this does not require a permit but does require notification. C. Baker states that the next big item is storm water management which is now being handled by a wet extended detention pond and that looks like it is the proper size and design. The project is also going to require a SWPPP which the Town will want a copy of along with the NOI. G. Dake asks if C. Wilkinson has addressed construction and maintenance of that in the road bond estimate. C. Wilkinson states that he has and what he may be a little short on is the actual maintenance line item for the storm water management. C. Baker states that the project will fall under the SWPPP and be inspected during construction by the applicant's engineer. C. Wilkinson states that he will forward copies of the inspections to the Building Inspector. G. McKenna states that he has no other issues other than the Flood Plain Buffer. D. Cochran states that he does not believe he has seen work in the buffer since he has been on the Board. G. Dake states that the Board has allowed a house to be built in Middle Grove right next to the Kayderosseras and also B. Serotta had built a house within the Flood Plain. This has been done but not on a regular basis. He states that the Board will need to review these regs. C. Wilkinson states that he believes that the only way to interpret some of the buffer law is to look at what the intent was. Was the intent to prohibit everything within that buffer or is the intent to protect the resource of the Kayderosseras Creek. G. Dake states that the intent is not to prevent anything or there would not be any

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provision for the Board to grant a Special Use Permit. The point is to make sure that it is not being done without regard to what the effects are going to be. C. Wilkinson states that in this particular case they have the 100-year flood plain on the plans, which he has verified from FEMA mapping and also the cross section that was done along the Kayderosseras. He indicates that there is a 60' elevation difference. G. Dake reviews 105-112, F, 6 – addressing subsurface sewage disposal. C. Wilkinson states that they meet the more restrictive. G. McKenna states that page 10628, E, 3 discusses wells. C. Wilkinson reiterates his questions as to whether or not the applicant needs special use permits as the houses are outside of the buffer. G. Dake states that can be discussed and that if the Zoning Officer is interpreting that as yes, the Board will generally defer to him. He states that should not be a lengthy or difficult review. T. Yasenchak questions a fence detail around the pond. C. Wilkinson states that he designed the basin with a 4 to 1 slope rather than 3 to 1 to better protect anyone around there. He would recommend not fencing it, however, the Town has to take it over and he is open to the Board as to the specific requirements. T. Yasenchak asks what the anticipated depth of the standing water will be. C. Wilkinson states about 18 to 24-inches. G. Dake states that the Board has approved them both ways depending on neighborhood character, depth of water, etc. He states that compared to the stream it may perhaps be less of a hazard. C. Wilkinson explains that the storm water management is down the hill from the cul-de-sac, not visible from the street and he does not think there will be many people in there. G. Dake states that anytime we are looking at fencing, we should make sure that we are discussing that with the Highway Department because they will have to maintain it. T. Yasenchak questions if there is going to be any deed restriction language on the lots that already have ACOE so that the individual property owners do not start filling in. C. Wilkinson states that he has added that as note number 6. The Long Form SEQRA is discussed. C. Wilkinson states that he believes that one was submitted. M. Thraikill asks if the cul-de-sac size meets the Town specs. C. Wilkinson states that it does and one of the sets of plans he submitted tonight is for W. Barss. G. Dake asks if C. Wilkinson completed the long form. C. Wilkinson states that he did not. G. Dake states that the applicant would like to get a conditioned approval this evening, but he suggests that it might be in the applicant's best interest to deal with some of the points in the EDP letter and for the current engineer to review the long form to make sure that it matches the current application, saving everyone a little bit of headache. The Board agrees with this comment. P. Guarnieri states that she also agrees with this position but asks if a conditional acceptance can be granted. G. Dake states that we are close, but there are still some issues out there. He reviews that the key issues are SEQRA; Special Use Permit in the buffer; C. Baker's comments; and Road Bond which will need to be reviewed by the Town Attorney and the Town Board. C. Wilkinson questions that if they get the approval on March 13<sup>th</sup>, then at that point the applicant could market the subdivision and a buyer could post the bond. G. Dake states this has come up twice within the past 12 months. C. Baker states that regarding the fencing, maybe a line item should be put in the road bond estimate so that if it is seen during construction that the pond is holding more than the 24 inches of water, as has occurred sometimes in the past, then the Town might want to reconsider having the fence. G. Dake reviews each item in 105-112, pg. 10626. Item B, 2, which is why G. McKenna is making his determination, deals with structures within the 500'. "All uses allowed shall be permitted only as a special use", G. Dake states that one would make the case that this is not a use but they are in fact structures. Grading and the possibility of fill are discussed. C. Wilkinson reiterates that the driveway is on lot 3; the septic are on lots 3, 11 and 12; and the wells he believes he may be able to get out of the buffer. G. Dake reviews the remaining items. He states that we have limited impact that we do have to consider, there will probably be some clearing within that area and we might want to have a note on the plans about not clearing more than 50% of the trees. G. Dake asks G. McKenna if after this review he would still recommend getting the special use permit. G. McKenna states he would. G. Dake states that we do not need anything additional for drawings from the applicant. Section 105-54, items A-Q are reviewed for the granting of a special use permit. An additional public hearing is discussed and waived based on the fact that a public hearing has been held, there is no new information being provided and there was no public comment. A formal application is needed from the applicant. C. Baker states that soil borings were done on the site. R. Rowland asks if lead agency letters need to be sent to anyone. This is discussed and DEC will be sent a letter. County referral has been received. C. Wilkinson states that he will contact DEC to get a response if the letters can be sent out by Friday.

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**UMH PROPERTIES, INC. – Special Use Permit/Site Plan Review**  
Brookview MHP, Route 9N

Dave Engel, Sam Landy, Jeff Yorick, Mark Millspaugh and Peter Kelleher are present for the application. G. Dake reviews that the Board had discussed and reached a consensus on the stream crossing, that we have boulevarded across the stream and not created a one-lane cul-de-sac. The Route 9N access has been discussed as making it a better situation and we have a sign-off from NYS DOT. We received some very valuable input from the public hearing discussing school bus access. R. Rowland has had conversations with representatives of the school district; the applicant has had correspondence with the school district and G. Dake states that he does not know that we have resolved it as of yet but the concern, which is an appropriate concern, is that we do not stop the school bus on Route 9N, that we find some way for the applicant to get a bus off the road and that is something that G. Dake would like the Board to think about. He states that he would be comfortable with a contingency that an appropriate representative sends a letter that they are in agreement as to how we are going to do this. We have still to receive anything from the Fire Department and G. Dake states that he personally spoke with the Chief at an incident. He would like to see if we can get something from them as a condition. We have to complete SEQRA. C. Baker reviews key issues from his letter. He states that we should request and obtain a final sign-off from DOT. They have reviewed the concept plan but not the actual detailed plans. As far as the sanitary system, they are projecting peak flow rates that are very close to the permitted capacity of the plant and he suggests that the applicant update the Town on a yearly basis. G. Dake asks if the State would not already do that without the Town's involvement. C. Baker states that they probably would. This is discussed further. D. Engle states that the analysis in the application document was based on 80 additional units and they are now only proposing 64. C. Baker suggests that the Town be provided with copies of the yearly reports as that relates to the MS4 requirements. He states that he spoke with a representative of DOH who commented to C. Baker that there has not been a formal application for the park expansion. He was familiar with the work that has been done there, that he had worked with the applicant before, but he did not believe that a formal application had been submitted. M. Millspaugh states that is correct because they are not proposing as part of this expansion to add an additional well or to increase the currently permitted safe yield of the existing wells, they do not have an application in to the DOH. C. Baker states that the Town would need a clarification from DOH that the applicant does not need to go through the process if it is not required. He states that a contingency could be that the Town receive a sign off from DOH. S. Landy states that they would like to begin construction in the Spring and Summer, but would not be connecting homes until Fall, so they have plenty of time to resolve the issue. M. Millspaugh states that, per the ACOE approvals, they are supposed to start on or before March 27 to have coverage be under the existing Nationwide permit. That permit is going through changes later in the year and if a project has not started by that date coverage could be jeopardized. G. Dake states that the condition could be that prior to issuance of any CO's a response would be received from the DOH. C. Baker states that his last two comments are related to construction details of the crossing and he has spoken with M. Millspaugh regarding this today. Those details will come along with the DEC permit that is required to cross the wetlands. M. Millspaugh reiterates that the DEC is waiting for the SEQRA determination before issuing the wetland permit. When that is issued the applicant will know what details they are looking for. G. Dake reviews the SEQRA, specifically items that were in question on the initial review. All items checked as yes were also checked as small to moderate impacts.

**RESOLUTION – UMH Properties – SEQRA**

MOTION: D. Cochran

SECOND: J. Streit

RESOLVED that the Planning Board votes to check Box A indicating that this project will not result in any large and important impacts

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

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T. Yasenchak states that discussion had taken place regarding fencing around the storm water basins. G. Dake states that the letter provided states that the site plan has been revised to include fencing, although it does not say fencing detail. S. Landy states that he is willing to do fencing and landscaping. T. Yasenchak asks that a note be included stating that it would meet the standards for a public pool. T. Siragusa questions the comment on C. Baker's letter regarding DOT and whether they had looked at the ample egress safety issues that the Planning Board discussed. G. Dake comments that they only look at where it intersects with the State highway. T. Siragusa states that he has a strong concern with a single point of entry in and out of a housing development of 64 homes in close proximity. Comments had been made that the applicant has done a good job, but that does not mean anything, and the comments regarding people living on islands – this is not an island, this is Greenfield. There is an enormous amount of space here so to equate it to another area where people live on islands in expensive homes and can afford a 'buyer be ware' attitude, he does not see that as being applicable. He is in favor of low income housing and wishes there was more of it, but he thinks that asking people, or giving them a situation where we are asking them to have a 'buyer be ware' attitude, is unfair. He states that he is sure that if this were a high end development there would be an affordable way to solve that issue. L. Dupouy states that this is similar to the subdivision that J. Witt received approval for. T. Siragusa states there are not 64 houses in close proximity in that subdivision. L. Dupouy reiterates her comments about this being a muddy little stream, not the Kayaderosseras Creek, it is possible to jump over it. D. Cochran states that he does not feel that ingress and egress are an issue with the boulevard, it has been discussed and engineered. M. Thraikill states that he is ok with the boulevard; he thanks the applicant for putting in an area for swings, etc. but does not see it on the plans. M. Millspaugh points out the location. G. Dake states that he respects and appreciates the comments on the road, and reiterates that we have had long and hard discussions. He reiterates the responsibilities of the Planning Board to protect the people of the Town and the 64 potential home owners. He states that the record is deep and lengthy on the question of whether we are providing a safe crossing. He states that we should be able to demonstrate that the Planning Board has not been arbitrary or capricious, we have gone through a relatively deep review of these issues. M. Ginley asks what happens if the school district refuses to enter the property at all. G. Dake states that the Planning Board would have to go back and revisit the issue. He states that he is not particularly concerned about that because they pull in there now and would rather do that than to stop on 9N. The challenge would be if they ask for something that is in conflict with DOT and that would present a significant problem. He states that two representatives came to the Town Hall, spoke with R. Rowland and looked at the plans. G. Dake states that if DOT is going to allow the applicant access and if they are going to be able to swing in a truck with a mobile home on it, he would bet that you can get a school bus in there. G. Dake asks how the Board feels about a conditional approval and reviews that the issues are: Fence surrounding the storm water basins meeting pool standards; letter from an appropriate official of the Saratoga Springs School District indicating that they will be able to load and unload on park property instead of on Route 9N; the addressing of items 1, 3, 4, 5, 6 of the February 26<sup>th</sup> EDP letter. M. Thraikill states we had also talked about a letter from the Fire Department and he does not think it is fair to the applicant to hold them up because of that as it seems that they have been trying. G. Dake states that if the applicant cannot get a response from the Fire Department, they can come back and the Planning Board could grant relief from that condition if necessary. It is an important condition. M. Thraikill asks if they will have numbers on their units that are visible at night. S. Landy states that they are supposed to, it is part of the lease requirements and he will check on it. They also post a map at the entrance for emergency vehicles. Dave Wilson, a resident of Brookview, states that when 911 is called, they ask what road someone is on in the park and ask to have someone at the front entrance to help direct the emergency vehicles. C. Baker asks if we received a written response from the County. G. Dake states that he got a verbal response. C. Baker states that he did also. T. Yasenchak questions the rail along the crossing. M. Millspaugh states that they can put it along both sides.

#### **RESOLUTION – UMH Properties**

MOTION: L. Dupouy

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants a Special Use Permit and Site Plan Review to UMH Properties at Brookview Village Mobile Home Park, 2025 Route 9N, TM# 151.-2-7 contingent upon:

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- Meeting items 1, 3, 4, 5 and 6 of the February 26, 2007 letter from Environmental Design Partnership, with item 4 being a requirement for the issuance of Certificate of Occupancy
- Fence around the storm water basin meeting pool fence standards
- Receipt of a letter from an appropriate official of the Saratoga Springs School District that school buses will be able to allow students to load and unload on park property as opposed to Route 9N
- Receipt of a letter from the Fire Company that they are comfortable and able to safely work within the proposed roadways of the park
- Receipt of a letter from the County Planning Board indicating no negative recommendation

G. McKenna asks if the Board is looking for DOH approval as a one time shot or 64 times. G. Dake that we would need a letter from DOH that the site is approved for the water system for the entire expansion in order to get the first CO. S. Landy asks if they send information to DOH and get nothing back, would they be covered as a licensed operator with certifying the water from it? G. Dake states they would not and that should this become the last issue that the applicant cannot address, they can come back to the Planning Board.

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

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### DISCUSSION

G. Dake states that Keith Manz has received approval from Arthur Johnson to do the review for Charlie Baker's application.

G. Dake asks C. Baker if he has heard anything regarding C. Glessing's application and he has not.

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Meeting adjourned 8:38 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary