

TOWN OF GREENFIELD

PLANNING BOARD

MARCH 28, 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, Deane Pfeil, Thomas Siragusa, Michael Thraikill, Tonya Yasenchak, Mark Young and Melissa Vacula, Alternate. Charlie Baker, Town Engineer is present. Lorna Dupouy and Gerry McKenna, Zoning Administrator, are absent.

MARCH 14, MINUTES

MOTION: T. Yasenchak

SECOND: D. Pfeil

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of March 14, 2006 as submitted.

VOTE: Ayes: Dake, Pfeil, Siragusa, Thraikill, Vacula, Yasenchak, Young

Noes: None

Absent: Dupouy

PLANNING BOARD CASES

AIRTRICITY

G. Dake explains that the reason he had Airtricity at the top of the agenda, that is the proposed windmills for which we do not have a formal application, is because we have four public hearings, he thought that we would have even more in attendance. When he spoke with the Town Supervisor regarding this project, A. Janik indicated that he was hoping to hear from the public as to their thoughts. He states that if anyone has a preconceived opinion, it would be helpful to pass that on. G. Dake called Airtricity and met with the Regional VP who lives and works out of Clifton Park, and is a former GE Power Systems employee. The headquarters are in Chicago. He explains that Airtricity has only been in the US since 2003, they are a European company and this is their US subsidiary. They are very interested in meeting with Town officials and residents, and doing some sort of an educational meeting. G. Dake states that he will discuss with the Supervisor about doing something educational jointly with the Town Board, Planning Board, Zoning Board, etc. He states that some of the key issues procedurally are tricky because there is nothing in the Town Code that allows windmills anywhere or specifically disallows them. He states that this is something that the zoning revision committee may want to consider. There is a two-page memo from the Town Attorney to the Supervisor indicating that realistically, the only approach under current code is to get a Use Variance and an Area Variance because of the height. G. Dake explains the difficulties in making a case for a use variance. The application is just for the meteorological tower to determine if it is feasible and this would be the forerunner of the windmills. G. Dake states that on the issue of segmentation under SEQRA, the project would have to include the tower and the windmills, perhaps. He states that Airtricity has a local attorney and he will probably have a response for the Town. G. Dake suggests that the Board members start doing some research because this has the potential to be a very large and important project for this community. M. Thraikill states that he went to the website and they indicate on their web site that they do a lot with giving back to the community, revenue, etc. G. Dake states that is one of their statements, and we do take our applicants at face value. They do not have any completed projects in the US. M. Thraikill states that they

March 28, 2006

are working on one in Steuben County. G. Dake states that there is one in Texas that they are building and he comments on windmills between Utica and Watertown. D. Pfeil comments that there was an explanation on the Kids Page of the local newspapers, and if the towers are 240' high, the blades could be another 100'. G. Dake states that Airtricity states that there would be no lights, which he finds hard to believe, but he is not sure where you would put a light.

JOHN WITT – Major Subdivision

Lester Park Road (Olde Stone Ridge)

Frank Palumbo is present. D. Pfeil recuses herself.

A public hearing is opened and 7:11 p.m. F. Palumbo explains that the applicant is proposing a 24-lot subdivision and reviews the proposal. He states that the applicant has done borings for septic and they have done three test wells out there with all the wells showing plenty of flow. One is an artesian well pumping at about 9 gallons per minute. Paul Bouchard, Denton Road, states that the comment has been made about a reduction in the speed limit and asks if that has been done. G. Dake states that it has. Stan Weeks, Ashlor Drive, states that he does not have a problem with the general project but he does want to bring up the topo issue again. He states that the Code says that the topo is supposed to run 200' beyond any major subdivision. He questions if this Board has decided that you do not need to go that far and if so it needs to be stated, because he thinks it is important to know what is around a subdivision. Nancy Kmen, Plank Road, questions if there will be blasting. F. Palumbo explains that the applicant needs to do further archaeological and geological investigations at the site for the SHPO requirements. He states that they will have to excavate for the road to go through and they will be steep in that section, but they are doing this to minimize the amount of grading that they have to do. They have set flags in the field showing the centerlines of the two roads up to a point. The blasting that will be necessary will be tied with the archaeological study. He states that because they are close to Lester Park and the geological findings that are there, they will have a controlled blasting of that area done in concert with archaeological study to identify what, if anything, is out there that can be studied. He states that the blasting is being planned right now and to be done in an orderly manner. N. Kmen asks what will happen if there is anything found there. F. Palumbo states that if there is, then the protocol will be followed with SHPO. He states that they do not expect to find anything of greater significance than they know is already there, the method of study and the protocol will be worked with the State Office of Historic Parks and Rec. Ed Pompa, Ballston Spa, asks if the blasting will be for the road only or foundations also. F. Palumbo explains that the road and house locations were chosen as a result of finding that the rock was so close to the surface that it would be difficult for septic and for putting in any foundations. At this point, they cannot state which locations will need blasting. E. Pompa asks if the applicant has made arrangements with a company for the blasting. He states that he represents the quarry and they do not want to get blamed for any damage to the houses in the area. He explains that they have set up seismograph equipment at the intersection of Hickock to keep records and they are negligible - 1/100th of the legal limit of what they are allowed. F. Palumbo asks if they have the seismograph equipment in place. E. Pompa states that it is not there permanently, they move it up there when they are going to do a blast. When they heard about this project, they started taking readings for a base line. F. Palumbo states that he knows that J. Witt has been working on lining up someone to do the blasting, but he does not know for sure who it is. He states that he has spoken with C. Baker about the procedures and what the Town will want to see and they will do whatever is felt to be necessary for the protection of the homes. He states that if E. Pompa has the equipment and has a base line, if he wants to be notified when the blasting will be done, he thinks that J. Witt will do that. Nancy Kmen asks if there has been blasting in Town for other house sites. M. Young states that there has been blasting for basements on Braim Road and that the Town has done some minor blasting for different projects. G. Dake states that they blasted at the Stewart's plant for the pump station. There being no further public comment, this public hearing is closed at 7:27 p.m.

March 28, 2006

G. Dake states that from a blasting standpoint, one of the things that he thinks would be reasonable for the Board to request of the applicant, is that there be some sort of blasting notification. He states that there has been talk of a blasting notification regulation in the new zoning ordinance. While that is not in place, the applicant has expressed that they are willing to work with the Town and G. Dake suggests they contact the Town Clerk when the blasting will be done. C. Baker states that he did speak with F. Palumbo regarding the comment letter and there are some issues yet to be addressed. F. Palumbo states that they are in the process of addressing those points and they would like to come to the next meeting and provide updates. W. Barss states that he met today with F. Palumbo and J. Witt regarding the cul-de-sac size, etc. and he believes that they have worked those issues out. T. Yasenchak states that she has worked within 200' of blasting in Saratoga with no damage to her building, which is 200 years old. She would like to see something on record. G. Dake states that the applicant has indicated that there will be some type of Home Owner's Association and questions whether the Department of State should be considered an involved agency from a SEQRA standpoint. They are not approving the project. C. Baker states that he does not believe they would be an involved agency. F. Palumbo provides C. Baker with a copy of Creighton Manning's update and reiterates that they are working on responses to C. Baker's most recent letter.

JEFFREY COLLURA – Major Subdivision

Locust Grove Road

No one is present representing this application.

A public hearing is opened at 7:35 p.m. and will be continued at the next meeting, April 11th. G. Dake refers to the two letters received from Shirley Howard and asks the Board to review those. There being no further public comments, this public hearing is adjourned at 7:36 p.m. G. Dake asks R. Rowland to notify the applicant and to re-advertise the public hearing. There is a comment letter from C. Baker and he states that there are some questions in the Part 1, which the applicant has not completed, and it is important that he do that.

KAREN SHOOK – Planned Unit Development

Wilton Road

Karen Shook and Lisa Nagle, ELAN, are present.

A public hearing is opened at 7:38 p.m. L. Nagle explains the project and that this is not a proposal to do any development. There is an Inn, Bed & Breakfast, open space and a barn-type structure which is used to host community events, weddings, etc. The PUD will allow the continuation of these events and this is a business decision. Laurie Dingman, Wilton Road, states that she has noticed bulldozers, construction, etc. and asks about the comment that there will be no development on this property. K. Shook states that this is not on her property, it is behind her property. There being no further public comment, this public hearing is closed at 7:41 p.m.

C. Baker states that this is an existing condition and he has no comments. M. Thrailkill asks if there will be any outside bands or music for weddings, etc., and that a friend asked him about this as there were some events some years ago with large speakers. K. Shook states that was not her, it was another neighbor. G. Dake confirms that this was another neighbor with a private party. G. Dake states that the Lead Agency letters have been sent and that the Board must wait for response before taking action on SEQRA. He states that this is one of the easier SEQRA forms to review in that there is no physical change taking place. C. Baker comments on a couple of the responses regarding the pond and stream on the property, the question regarding solid waste, and the responses regarding water supply. L. Nagle states that everything has been approved for the septic and well. G. Dake quickly reviews responses in Part 2. L. Nagle asks that the

March 28, 2006

application be placed on the April 25, 2006 agenda and suggests that she will prepare a draft memo to the Town Board for the Planning Board as she has done in the past. G. Dake agrees with this.

THOMAS ELLIS – Site Plan Review

Maple Avenue

A public hearing is opened at 7:52 p.m. on the application of Thomas Ellis. T. Ellis explains the project. Paul Bouchard, Denton Road, states that while the applicant has stated that he will be taking the shredded paper trash to his home, the next owner may not have baggable trash to shred. There being no further public comment, this public hearing is closed at 7:53 p.m.

G. Dake reads from G. McKenna's notes that there will be 6 parking spaces and the driveway will be 13' wide, there will be an unlit sign and the applicant has received setback variances. T. Yasenchak comments that the applicant appears to have made all the changes that were asked for. T. Ellis states that he spoke with J. Dorsey regarding egress through his property when it is developed or a 5' easement. T. Yasenchak states that she likes the idea of having the 5 extra feet along the driveway as it will make safer egress from the property. C. Baker comments that it would be cleaner if he were to obtain the 5' strip of land along the property. G. Dake reads from the Code sections that G. McKenna referred to and states that he would only be satisfied with the extra 5' either added by easement or through ownership, and that the applicant agrees that he will allow the connecting access through J. Dorsey's property so that the exiting is out onto Hillside.

RESOLUTION – Thomas Ellis, Site Plan Review

MOTION: M. Young

SECOND: D. Pfeil

RESOLVED, that the Planning Board grants Site Plan approval to Thomas Ellis for property located at 422 Maple Avenue, TM#153.17-2-25 contingent on:

- Widening the driveway to 18'
- Note on plans assuring agreement to access the property to the North

T. Yasenchak questions that the applicant will have to contact the State DOT regarding widening the curb cut. G. Dake states that he may have to do that, but does not feel that it needs to be an additional contingency.

VOTE: Ayes: Dake, Pfeil, Siragusa, Thraikill, Vacula, Yasenchak, Young

Noes: None

Absent: Dupouy

ALEC STEPHENS – Major Subdivision

Middle Grove Road (The Point at Moss Creek)

Peter Loyola, Mary Moore Wallinger and Alec Stephens are present. G. Dake reads from a memo he received from the Environmental Commission and asks R. Rowland to make copies of it for the other Board members. P. Loyola states that based on the public hearing and in an effort to address the neighbors concerns, the applicant has, after careful consideration decided to combine lot 13 with lot 9 and formally make this a 12-lot subdivision. He states that the DEC meeting was pretty positive. They decided that in order to move this project forward, and address the neighbors concerns, they would make this change. He states that the majority of the issues were with lot 13, they are asking the Board tonight to look at the 12 lots

March 28, 2006

within the primary development and they are seeking an approval contingent on a couple of outstanding issues. G. Dake states the Board cannot declare itself Lead Agency until responses are received or the 30 days passed. There may also be issues within the SEQRA document due to the change in the subdivision. M. Moore Wallinger gives G. Dake a copy of an updated SEQRA. She states that they have given C. Baker a copy of the wetlands report, and reviews the CLA letter and the Copeland Environmental letter. She clarifies with C. Baker the amount of gravel and topsoil that he would like to see for the access roads and states that they have added a table, per T. Yasenchak's request, of the amount of clearing to take place, by lot. She continues to review the updates that have been made. C. Baker states that the applicant has been very good about making adjustments requested. M. Young states that eliminating lot 13 has made this much simpler and he is interested in the outcome of the site walk. D. Pfeil asks about the maintenance of the ponds. G. Dake states that the Town Board has discussed this but not taken any action on it. He states that the Town Board is considering special tax districts only for the residents of subdivisions involved. M. Young asks what the options of the Planning Board could be if the Town Board does not act on this prior to the project being approved. G. Dake states that the Planning Board could ask for a mitigation fee, amortize what the cost of maintenance is going to be, with some sort of agreement that they can opt out of that and opt into whatever the Town Board may adopt. He states that he has not checked on this with the Town Attorney. The Board discusses that the public had asked for another public hearing and G. Dake questions the value of having another. He states that the Board is not obligated to have another and that the majority of the issues were related to lot 13. He also states that because the public was so focused on lot 13, there were very few comments on the remainder of the lots. He questions that the Board could potentially learn more with another hearing. A. Stephens states that he spoke with one of the neighbors who expressed support and indicated that he was speaking for the neighbors. T. Siragusa states that more information is better if the applicant is not being held up. P. Loyola states that the whole subdivision was on the table during the last public hearing and that if anyone had any comments on any portion of the project they would have brought up any issues. He states that the public spoke loudly and the applicant made a concession. They did not take it lightly. G. Dake states that there is no cost, the Board has met its statutory obligation and the reason there is a change is because the applicant addressed the comments at the public hearing. Discussion ensues and the majority of the Board feels that another public hearing is not necessary. The comments regarding the safety of Middle Grove Road have been addressed by the traffic study stating that the entrance will meet AASHTO. G. Dake offers as a compromise to accept written comments from the public. G. Dake reiterates that the Board has sent out the Lead Agency letters and cannot act on SEQRA yet and that he would like to visit the project on April 15th. M. Moore Wallinger asks if the responses are received prior to the April 25th meeting if the Board can review and act on SEQRA. G. Dake states that the Board has not historically had good luck with getting letters back. M. Young states that the Board may see something at the time of the site walk which might hold up the applicant. C. Baker states that he spoke with Ted Serbalik, County DOT, and that they do not have a problem with the intersection or the sight distance.

THOMAS KUBIAK – Site Plan Review

Route 9N

Thomas Kubiak is present and states that he is looking to purchase the property, would like to move his accounting and tax business to this location and that there will be no modifications to the building. G. Dake reads G. McKenna's notes. T. Yasenchak comments that the applicant should look at T. Ellis' plans. T. Kubiak states that the entrance to the driveway is 15' and is shared with the neighbor and then narrows. He states that the lot to the rear is under contract to be purchased by another neighbor. T. Kubiak states that it should not be a problem to get the 18'. T. Yasenchak states that the septic and well should be added to the plans. The number of parking spaces is discussed. T. Kubiak states that he would put in 6 to 8; there are currently 2. He states that there are 4 employees, but they are not all there at the same time. Signage is discussed. M. Young states that George Hodges did run a small business in the back of this property so there is some history of a business using this driveway. G. Dake comments that this is consistent with the master plan. M. Thrailkill asks about making the building handicap accessible in addition to the ramp. G. Dake

March 28, 2006

states that is a Building Department issue and that the applicant should get the guidelines from G. McKenna. He also suggests that the applicant look at the plan for T. Ellis.

TIMOTHY KAHL – Minor Subdivision

Sand Hill Road

Timothy Kahl is present and states that he would like to subdivide his property into three lots. His house would be on the center lot. M. Young describes the area. T. Kahl states that the tax map is incorrect and that the stream would be the rear boundary line for the smallest lot. G. Dake reads from G. McKenna's comments. T. Yasenchak questions the stream on the property. M. Young comments that the only time there is water is when the beaver dam across the road overflows. T. Yasenchak states that some streams are classified even when they are not running and that this should be indicated on the plans. G. Dake states that conceptually this is okay, that the applicant needs to get a better map and that the applicant needs to show ability to build.

DARREN TRACEY – Conceptual Subdivision

Liberty Drive and Locust Grove Road

G. Dake states that he has historically abstained from anything south of the power lines and recuses himself. Darren Tracey presents a plan for a proposed subdivision of 2 parcels, one of 15.22 acres and one of .42 acres, into 5 lots. The subdivision would be accessed by two private driveways – one with access to Locust Grove Road and one from Liberty. M. Young explains where the Town road ends on Liberty and that where the applicant has indicated the driveway, the Town does not maintain. It was planned to be continued, but never was. D. Tracey indicates that the section of Revere has been annexed by the Mabees' and the section of Liberty has become a grassy area between the Mabees' and Torgesons'. Discussion takes place that each of the parcels in the subdivision would have an easement across the proposed driveways and he feels that the benefit of the private driveways would be less dense housing in this area. C. Baker comments that none of the lots have frontage. D. Tracey asks about variances for frontage. C. Baker and T. Yasenchak both comment that this could be difficult. M. Young states that the Town has done shared driveways and easements in the past, but the lots have had frontage with some particular obstacle to using the frontage. He believes that the ZBA process would be very daunting. Other possibilities such as a 2-lot subdivision are discussed. D. Tracey asks if the Town would not like this less dense plan versus putting in a Town road and a more dense development. M. Young states that there have been septic issues along Locust Grove Road, south of the power lines, and that this would be an area where the sewer lines could be extended to if it were possible. The septic issues would be a reason for this Board and also the Zoning Board, to look at this and say that this is a reason not to go denser, at this point. He states that if possibly there is a sewer line coming through Prestwick Chase that would change the dynamics. T. Yasenchak states that it is the applicant's choice whether to pursue variances through the ZBA. She asks how this lot came to be like this. M. Young states that he is unsure; possibly it was part of an original plan that got stalled. D. Tracey states that under code, they could probably get 12 or 13 lots, but as a mitigation he is proposing 5 lots. C. Baker states that the soils in this area are very poor. D. Tracey states that he spoke with the neighbors and they prefer this plan to a Town road. M. Young states that he is sure that the residents would prefer this, and probably the residents along Locust Grove would not want to see another Town road coming out there, but there are places where the law requires the Board to do things that initially seem more cumbersome. D. Tracey states that he is not sure that there are soil problems. M. Young states that up near the cemetery they are not necessarily a problem, but by the time you get down to the power line, they get progressively poorer. Discussion takes place that the zoning will be changing with the new rewrite and that the lots may be 1 acre with sewer and 1 ½ acres without sewer. The easement is also discussed in that this is not only a power line, but also a high-pressure gas line and that the applicant should investigate the restrictions on that easement. D. Tracey asks what happens if he is able to get variances. M. Young states that C. Baker would have to take a look at the

March 28, 2006

engineering and states that he has never seen the ZBA grant variances with absolutely no road frontage on a subdivision of this many lots, and they will not take this lightly.

ZBA REFERRALS

JOE MOORE – Area Variance – No Planning Board issues.

DISCUSSION

G. Dake comments on a memo he received from the Environmental Commission regarding the Glessing Subdivision. This will be copied for the Board members.

G. Dake states that he met with Ray Dufour who had subdivided property on Braim Road. R. Dufour would like to come back to the Board and subdivide an additional lot. G. Dake explains that the five years has not elapsed but he is welcome to come and speak with the Board, and that perhaps a tradeoff could be made that there would be no further subdivision.

The Spring Site walk is discussed for April 15, 2006 and the following tentative schedule is set: 1:00 J. Witt; 1:45 – 2:00 A. Stephens; 2:30 C. Glessing; 3:00 – 3:15 J. Collura; and 3:45 – 4:00 Medbury. The Board members will meet at the Town Hall at 1:00 and the Environmental Commission is welcome to come along. G. Dake discusses that the Board may want to get out more often on to sites rather than just doing the once a year site walk where there is a big project or some significant site issues.

Meeting adjourned 9:34 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary