

TOWN OF GREENFIELD

PLANNING BOARD

APRIL 10, 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.

MARCH 27, 2007 MINUTES

MOTION: L. Dupouy

SECOND: T. Yasenchak

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of March 27, 2007 as submitted.

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

Noes: None

Absent: Cochran

DISCUSSION

R. Rowland reviews the fee schedule and points out to the Board that for minor subdivisions the Zoning Administrator, subject to review of the Planning Board, can waive the \$2,500 escrow fees. This is not stated under major subdivision, which is a \$5,000 escrow fee. R. Rowland states that fees are not collected from applicants who are appearing from the Planning Board on a preliminary basis, as there are often changes to the plans. G. Dake states that this relates back to the concept that it becomes more critical as the Board deals with applicants and those who have crossed over from old to new zoning and the deeming of applications as complete. When the Board went from having one workshop and one regular meeting a month to both meetings being regular meetings, we now allow people to get on the agenda without a complete application. He states that he still believes that is in the best interest to members of the community to be able to come in for input from the Planning Board before spending a lot of money on an engineer, attorney, etc. or in engineering fees. When the Board starts to ask C. Baker to do review, we do not want him to incur a lot of expense and not have a mechanism in place to recoup the money for that. He states that the Planning Board can make a recommendation to the Town Board on the fee schedule, but we need to address it and abide by it. It is not part of the subdivision regs so the Planning Board does not have the power to waive it. G. Dake reiterates that he would like to go through the step of deeming applications complete, more often. He states that we can talk with applicants repeatedly and while that can be frustrating to the Board, it is erring on the side of the applicant and making sure that they have all the information. C. Baker states that any discretion that the Planning Board can have, because all major subdivisions are not major and not all minor subdivisions are not minor, and if there was a way for the Planning Board to look at those and make a determination, it would be nice to be able to have that discretion. G. Dake asks if the Planning Board would like to ask the Town Board for an amendment to the fee schedule, allowing the Planning Board to have some discretion on the dollar amount with consultation from the Town Engineer and Zoning Administrator. The number of lots is not always the only indicator of cost of review. G. Dake states that there have been cases where applicants have been asked to put up more money upfront because the fees were not covering what they were looking to do and wanted C. Baker to do. M. Thraikill states that he

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would like to have that discretion, because some projects come in and are very easy. You can look at it and say ok. Others will come in which C. Baker has looked at a number of times and they are still not a full application. G. Dake asks if the Board is comfortable asking the Town Board to give the Planning Board some discretion on a major subdivision to decrease the initial \$5,000 amount. The Board concurs. G. Dake states that C. Baker would have the best indication and the only key is not to be arbitrary. T. Yasenchak states that is documented because if the Board is discussing something it goes in the minutes, if a motion is made to waive something it goes in the minutes, etc.

PLANNING BOARD CASES

YOUNG ROAD LLC – Major Subdivision

Young Road

Michael Ginley recuses himself. G. Dake states that M. Ginley was before the Board previously to subdivide the property on the south side of the road from the north side, and it was discussed at that time that it was a natural subdivision. Joe Fuerst, All Points Land Survey, is present for the applicant as well as Michael Ginley and his father. J. Fuerst explains that this property is about 45 acres and the applicant would like to subdivide it into 6 lots with 5 lots of approximately 6 acres each and 1 lot, lot 6, of approximately 13 acres. Lot 6 would fall partially in the Town of Providence and the applicant would like Greenfield to be Lead Agency. Perk tests and deep hole tests have been done. All lots will access from Young Road with the exception of lot 6 which will have access from Hughes Road. G. McKenna states that he does not think that Providence will care to be lead agency and that lots comply with zoning other than lot 4, which lacks frontage. He states that the required setbacks should be shown and how far Hughes Road is maintained by the Town. M. Ginley states that lot 6 may have access from Young Road also because there is an abandoned road there, but engineering wise it will be expensive so they are planning the access from Hughes to start. G. Dake asks if lot 3 could come off of Hughes Road. J. Fuerst states they could look at it, but it is easier from Young Road. C. Baker states that he looked at the soil map and there is nothing alarming. He has not looked at the soil borings yet. The lots are large enough that there should not be major issues. He states that the Town of Providence Planning Board chairman works in his office and he will show the project to him. J. Fuerst asks about getting lead agency. G. Dake states that we would need to have a complete application before we can begin the SEQRA process of even asking for lead agency status. M. Ginley states that his father did meet with the Town of Providence and asked about lead agency, and they said they would concede to Greenfield. G. Dake states this will also have to be forwarded to Saratoga County. M. Thrailkill asks how far the Town maintains on Hughes Road. J. Fuerst states that there is a turnaround which is not shown on this map, but it is at approximately the division line between lot 3 and lot 6 along the power line. Mr. Ginley states that the actual turnaround is right on the town line. T. Yasenchak questions that the appearance of a keyhole lot on lot 6 is really just in case someone wants to have their driveway off of Young Road. She also asks if the applicant is going to be putting the clearing limits on the next plan. G. Dake reviews that this area is 6-acre minimum, the engineering should be relatively minimal and asks the Board what other information they would like to be able to deem this complete. W. Barss confirms that the sight distance is ok and that the Town has requested a speed reduction on Young Road. G. Dake states that the frontage has to be corrected on lot 4, setbacks and limits of clearing need to be added. At that point, if we have made some sort of agreement on fees, he assumes we can declare the application complete at which point we can request lead agency and send this to the County. C. Baker states that DOH is recommending that all major subdivisions use the Long Form SEQRA. T. Yasenchak states that the standard notes need to be added along with the proposed septic and well locations. C. Baker asks if W. Barss is satisfied with the turn around on Hughes Road. W. Barss states that the turnaround will be fine and that he has spoken with M. Ginley about possibly widening that section of Hughes Road, which is very narrow, and M. Ginley had agreed at that time to talk about it again when the snow was gone. M. Ginley states that Mr. Wolfe's house is probably right across Hughes Road from the power line. T. Yasenchak suggests that the applicant review the subdivision requirements.

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JAMIE & GENE ELLIS – Minor Subdivision
Plank Road

Jamie Ellis and Toby Middlebrook are present. J. Ellis states that she would like to subdivide 6 acres from her brother Toby's property for a single-family home and garage. T. Siragusa states, for disclosure, that he is a neighbor across the street from this property; he has no concerns and feels he can be objective. T. Yasenchak questions the stream running across the property and whether there is currently a house on the property. T. Middlebrook states that his driveway crosses the stream and is directly across from T. Siragusa's house. T. Yasenchak states that where they are thinking of coming in with the keyhole is on the other side of the stream and that they will not need a stream crossing. J. Ellis points out a 15' strip which was purchased as a right of way from the neighboring property to give them additional road frontage. T. Middlebrook states that a right of way was purchased a long time ago to get back in there. A copy of the deed is provided. G. Dake states that the actual current deeded property lines will be shown on the survey. T. Yasenchak asks if there are any other wetlands on the property. T. Middlebrook states that in the far back corner of his property it is swampy and the parcel he is giving J. Ellis is high and dry. T. Yasenchak states she would just want to make sure of the stream location and any wetlands. She likes the keyhole lot. T. Middlebrook states that there is a high wall of earth that would have to be removed for the access and a huge maple tree. T. Siragusa states that the one thing he would be concerned with would be sight distance with the driveway in that location. He states that it is steep going left to right on the map. T. Siragusa states that his mailbox is on T. Middlebrook's side of the road and is set back a ways because the mail truck does not want to be stopped on the road as vehicles come flying around the curve. L. Dupouy asks if they could not get safe sight distance, could they consider an alternate access. T. Middlebrook states that there is a 30' drop in the ravine where the creek is. G. Dake states that if we can't fix sight distance, we probably cannot subdivide. J. Streit states that this is presented as a keyhole lot and asks if there is enough room for a driveway. G. McKenna states that there are no dimensions and if the other portion is 15' he doesn't see why there wouldn't be enough room for a driveway. M. Thraikill asks if this warrants a traffic engineer taking a look. G. Dake states that we know that there is a problem and we have been really tough on it at intersections. This is a situation where we have someone who lives there, knows what the sight distance is like, the initial owner is going to be his sister and they are both aware of the issue. The Board needs to be prudent and not create an unsafe situation. He states that the Board has looked at situations and made their own judgment based on observations that it is ok after considering all the facts. J. Streit asks what the speed limit is. W. Barss and T. Siragusa states it is 40 mph. G. Dake states that the issue is do you want to ask someone to spend the money on a traffic study. He suggests cutting the tree, see what happens with the bank and then go from there. G. McKenna states that we need lot dimensions and setbacks on the map. C. Baker states that he would like to see the actual stream location, topos and suggests the possibility of a shared driveway. The applicants state that they did not think that was allowable. G. Dake states that the Board has allowed that and it is an interesting solution. Deed language would be required. He states that one driveway makes it safer and asks if the Board could visit the site. T. Middlebrook states that is fine. M. Ginley asks if they do a shared driveway, would J. Ellis' driveway have to cross where the existing crossing is. T. Middlebrook states that it would have to cross there and then split at the top of the hill somehow. G. Dake states that the applicant has to look at the practicality of that and it might not be a better option. M. Thraikill states that the deed language already exists. G. Dake states that there is deed language that the County has proposed and the Town attorneys are reasonably comfortable with that. J. Ellis asks what the next step is. G. Dake states that they will need a map with the new proposed boundaries, they will probably want to go out and walk it and make the determination of whether they can make the driveway work by sharing it and whether or not they want that. Otherwise sight distance needs to be looked at and there may be a lot of work on cutting back the bank. They will also need topo on the map, etc. M. Thraikill asks if it might be best to say that they should settle on the traffic thing first before they go out and spend the money on a survey and come back with ideas. G. Dake states that, having just ordered a survey himself, his surveyor is out at least four weeks so the applicant may want to talk to someone because regardless the applicant is going to need a survey. J. Ellis states that it would be preferable to have separate driveways. The Board discusses a site visit and will meet at the Town Hall on April 21st at 1:00 and then proceed to the property. G. Dake will not be

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available that day but will try to get over there on his own. T. Middlebrook and J. Ellis will meet the Board members there to explain the layout.

ZBA REFERRAL

Todd Glogowski – G. McKenna explains that a subdivision application came in the day after the new zoning was voted in. The applicant wants to subdivide a 6.33-acre parcel into two lots. This is located in the LDR zone. G. Dake states that he does not know the applicant or that particular part of Alpine Meadows Road, and this is a request for relief from zoning which will bear some thought because he does not think it will be the last of these. L. Dupouy asks if there are any extenuating circumstances or is this just somebody who was a day late. G. Dake states that we should lend some support to the ZBA one way or the other on this, but this is a classic ZBA decision. Zoning changed and you know you are going to get applications. This is not the last referral the Planning Board is going to have. He states that we can defer because this is a typical zoning issue, we can make a recommendation in favor but the trap in that is where do you stop. M. Thraikill questions where it will stop – someone can come in 6 months from now with an application. T. Yassenchak states that if someone came in with something that was done by a surveyor, it had been in the works, etc., but it does not appear to be the case here. G. Dake states that the Board could make a recommendation that while the Planning Board is sympathetic to the applicant, we can see no grounds for a variance. He reiterates that he does not know the applicant, but based on the research we have done on the M. Vincent application, we talked about it a lot, but we never had an application, so it clearly does not meet. The Town Board, when it adopted Zoning, was very specific about at what stage you were grandfathered – if you have a complete application before the Planning Board you can be considered under the old rules. L. Dupouy states that when the rules were made, regardless of which side you were on, too bad – the rules have been made and we have to comply. M. Ginley comments on setting a precedent. G. Dake asks if we should suggest that the ZBA be conscious of the precedent they may be setting with this and not make a recommendation. J. Streit questions that this is an application to the ZBA and not the Planning Board. G. Dake states that the ZBA is required to forward all projects to the Planning Board for recommendation. R. Rowland states that this application has not been to the ZBA yet as the April meeting was cancelled. J. Streit states that we cannot endorse this as it throws out all the rules. M. Thraikill states that we might be willing to take a look at it if it had been presented to the Board prior to the new Zoning law being adopted. G. Dake states that this applicant had not even begun a pre-application process with the Planning Board. G. Dake states that if someone had been working on a project, they might have some legitimate cause to say that they have a vested interest. M. Thraikill states that he believes that the Planning Board has made the pre-application people very well aware of the changes in zoning. G. Dake asks if the Board wants to say that they think it is important for the Zoning Board to be aware that this had never come up to the Planning Board even for a conceptual discussion prior to this application for relief from the ZBA and as we know the ZBA is aware, they should be cautious about what precedent they are setting. T. Yassenchak states that the ZBA has specific items that the State regulates and if the applicant can really prove their point that it really is a hardship, the ZBA can make a decision and not set a precedent.

DISCUSSION

G. Dake states that R. Rowland pulled minutes for the Vincent/Guild application. While they had been in front of the Planning Board a number of times, they never had an actual application. It was only at the discussion stage, it was dormant since then and only came back alive now that zoning has changed and the Town finally eliminated one obstacle that had been before them. They are on the agenda for April 24th and G. McKenna has told them that they will need a variance for this to be granted.

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Regarding Dave Evans, G. Dake states that he has been working with M. Hill regarding the 13-point review letter and they have eliminated roughly half of those points. He thinks they are finally on the same page and should get that resolved soon.

There is correspondence from the Environmental Commission regarding P. Guarnieri, which has already been addressed, and W. Richmond, who has, at least for the time being, withdrawn his application.

G. Dake states that he had a call from John Jayco who owns land on Denton Road, has horses and a landscaping business. He had read the minutes regarding D. Wardell, A. Taylor and the discussion with Chris Baker. He is a little more complex because he is partially in Saratoga, partially in Greenfield, some on his father-in-law's property, etc. G. Dake suggested he come in very soon, outline what he is doing so he can get approved to do what he is doing, or not, on the Greenfield side.

G. Dake asks if anyone has any properties they would like to see for the annual site walk. L. Dupouy states that she is close to submitting a proposal for a PUD and since everyone is going to be out on the 21st, she asks if they would be interested in stopping by her property. The Board will do so. G. Dake states that the reason the Board started doing the spring site walks was to see them in high water. He thinks that the Board should try to go out and see properties when the applications are before the Board.

M. Thraikill states that the vacant mobile home he had questioned S. Landy about has been removed from Brookview.

W. Barss asks if he can tag along on the visit to T. Middlebrook's property on Plank Road. He will meet the Board members there.

Meeting adjourned 8:04 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary