

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**APRIL 24, 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, Dan Cochran, Lorna Dupouy, John Streit, and Michael Ginley, Alternate. Tonya Yasenchak, Thomas Siragusa, and Michael Thraikill are absent. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

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**APRIL 10, 2007 MINUTES**

MOTION: L. Dupouy

SECOND: J. Streit

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of April 10, 2007 as submitted.

VOTE: Ayes: Dake, Cochran, Dupouy, Ginley, Streit

Noes: None

Absent: Siragusa, Thraikill, Yasenchak

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**PLANNING BOARD CASES**

**YOUNG ROAD LLC – Major Subdivision**

Young Road

Michael Ginley recuses himself. C. Baker reviews his letter of April 24, 2007 and a copy is provided to the applicant. He states that he would like to see some proposed house sites, septic systems and wells. He is concerned that there is a strip of steep topography that runs down through the center, he thinks there is plenty of room on each lot, but suggests that the applicant take that into consideration. The map should include a grading limit line so that we know how much disturbance there will be and if it is more than 1 acre we will need an erosion and sediment control plan and an NOI will have to be filed. The typical town notes need to be on the plans. C. Baker states that he does not remember if W. Barss had any comments on the Hughes Road turnaround or if there is something more that he wants to see there. G. Dake states that he believes that at the last meeting W. Barss indicated that it would be desirable and the applicant said they would be happy to work with him. J. Fuerst asks if the house sites are a requirement. G. Dake states that we do not need firm locations. C. Baker suggests they figure out the acreage of the houses, driveways and septic systems, and that should be on the plan. He believes that it will probably be over an acre. He explains that the applicant is not committed to those locations. J. Fuerst states that they have changed the frontage on lot 4 to 250', added setback lines and the existing turnaround. G. Dake states that we did receive the long form SEQRA and it would make sense to review it this evening and decide if the application is complete. C. Baker states that he did speak with the chairman of the Town of Providence Planning Board who will discuss the project with their Planning Board and G. Dake states that he spoke with the chairman of the Saratoga County Planning Board, both indicated that they would have no problem deferring Lead Agency to the Town of Greenfield. Item 2 on page 3 is discussed and the applicant will recalculate the figure for roads, buildings, etc. Item 11 on page 4 regarding threatened or endangered species is discussed. C. Baker states that this is a rural area and this is not a high-density subdivision. On a larger project with a lot of disturbance we should get something from the State. On page 5, item #4, the applicant has indicated 10 acres and will review this. C. Baker states that if this is over 5 acres, they will need a SWPPP. J. Fuerst asks for clarification on the

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NOI. C. Baker states that it is a cumulative total for the project. Discussion takes place about the land in Providence not being subdivided so they do not need to take any action. G. Dake states that we will need to have a public hearing, and need to deem the application complete for the Planning Board and C. Baker to complete review. G. Dake states that deeming the application complete does not mean that the Planning Board cannot ask for additional information.

**RESOLUTION – YOUNG ROAD LLC**

MOTION: D. Cochran

SECOND: L. Dupouy

RESOLVED, that the Planning Board deems the application of Young Road LLC as complete for a major subdivision of property located at 244 Young Road, TM#161.-1-6.1.

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

Noes: None  
Abstain: Ginley

G. Dake asks R. Rowland to ask the County for a prompt response to the lead agency letter and also from the Town of Providence. A public hearing is set for May 8, 2007 at 7:00 p.m. G. Dake states that we will probably not have a response from the County by the next meeting so we will not be taking final action after the public hearing. If the County has indicated that they will grant us lead agency, we could conceivably act on SEQRA depending on what we find as we review the part 2.

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**ZBA REFERRAL**

**Susan & Nick Washco** – G. McKenna reviews that the Washco's applied for a 30' area variance and it has expired. The Zoning has changed and now they only need a 15' variance. G. Dake states that he has received correspondence and had discussions with representatives of Skidmore's planning office, that they are hoping to create a study committee with the neighbors, the Town and the college to talk about what they would need to do and how would be the best way to create an access onto Clinton Street. If it is to be done, whether it is to be done through this right-of-way that Mr. Washco believes is his driveway, which is not on his own property, but on the right-of-way, or whether it is best done up by the Alpine Shop. While that is not necessarily germane to this request, it could be and G. Dake would suggest that whether the Planning Board takes a position on this or not, that the information be referred to the ZBA. G. Dake states that he would suggest that this application is a ZBA issue, that we would defer to their judgment, however notify them of the conversation with Skidmore.

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**PLANNING BOARD CASE**

**MICHAEL VINCENT – Minor Subdivision**

Allen Road

Virginia Guild, M. Vincent's mother is present. She states that it has been their plan since they purchased this property to give 2-acres to her son. She states that they were before the Planning Board several times in 2002 – 03, there was a sight distance problem, they had a traffic engineer's report and it was decided that they would have sight distance as long as the stone wall and some trees were removed. Her son moved away and their request lapsed. She states he has since moved back, the town still had not cut down the corner and they decided to wait a little longer. The corner was just cut back last fall. She states that they got back on the agenda in March only to find out that the zoning had changed and they missed it by a few days. She states that her husband, Barry Guild, has spoken with A. Janik about this. She states that she is appealing to the Board, as a parent, as they missed the change by a few days, and what they have planned for 15 years is down the drain because they cannot be grandfathered in. She indicates that she never saw

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anything advertised in the papers. She states that there are blind driveways all over Town and that theirs is no longer blind with the improvements made by the Town and she believes that someone has the ability to overrule this. G. Dake reviews for the Board that back in 2003 there was no application, no check, all the meetings were just discussion and that it was not necessarily the Town's responsibility to make the improvements. The zoning changes were legally published and advertised. The Town Board ruled that any complete applications would be grandfathered, not the filling out of the form. Completed applications under the laws of New York State would suggest involves having all the maps to the Town's satisfaction, the environmental assessment forms, etc., so it was not a few days from being complete, but a few days over which they had the application. When the new zoning was passed this request no longer met. A. Janik does not have the power to waive anything, however the ZBA does have the power to grant exceptions to lot size, but G. Dake states that he cannot speak for the Zoning Board. The Planning Board cannot approve anything in this area on a lot with less than 6 acres unless the Zoning Board grants a variance. Discussion takes place that there are two lots but only one is owned by both Barry and Virginia Guild, the other lot is only owned by Barry Guild and he plans to possibly build on it in the future. V. Guild asks how the Town Engineer was able to subdivide his property into 4-acre lots. G. Dake states that his project was in before the zoning changes and explains that had the applicant been a month earlier, the Planning Board would have rushed this along. He states that the Planning Board was working very hard to get anybody who was on the cusp before this change into a complete application status. He states that we want this type of thing to take place – we want the Mike's to be moving back home and building homes, that is what we are trying to accomplish. G. Dake suggests that the applicant apply to the ZBA and make their case that this is something that has been before the Planning Board for 4 years; there were mitigating circumstances that caused the delay; it fits the character of the neighborhood; explain that there is a financial interest in that they had an engineering study done, etc. He indicates that all of this information gives the ZBA a reason to let this applicant do something and not the next person who may have just applied. The Zoning Board is required to ask the Planning Board for an opinion. G. Dake states that in some towns people are not allowed to go to their boards with projects without having a formal application. M. Ginley explains that if the applicant goes to the ZBA they should have arguments for each of the criteria that the ZBA needs to look at and the only one they might have a problem with would be whether the situation is self-created. M. Ginley asks if the applicant would be willing to do two 5+-acre lots. V. Guild explains the ownership. G. McKenna states that they are two separate lots under two separate deeds. G. Dake states that when we looked at this in 2003 we were including the 6+-acre lot for access. He states that this could make for a much more substantial request. V. Guild states that there are many smaller lots in Town and she does not understand why she cannot appeal this. G. Dake states that there are pre-existing non-conforming lots and that the applicant can make an appeal through the ZBA. L. Dupouy states that the applicant has received the very best advice tonight from M. Ginley and G. Dake, that she understands as a mother and no one will feel differently about the intention. G. Dake reiterates that he feels that the fact that the applicant spent the money and that this was an ongoing project is the applicant's best shot with this.

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## **DISCUSSION**

G. Dake states that correspondence has been received from Mike Hill stating that the deed language for Dave Evans has been worked out. G. Dake signed the Mylar before tonight's meeting.

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Meeting adjourned 8:02 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary