

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**APRIL 25, 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, Tonya Yasenchak, Deane Pfeil, Thomas Siragusa, Michael Thraikill, and Mark Young. Charlie Baker, Town Engineer is present. Melissa Vacula, Alternate and Gerry McKenna, Zoning Administrator, are absent. Lorna Dupouy arrives after the roll is called.

---

**APRIL 11, MINUTES**

MOTION: D. Pfeil

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of April 11, 2006 as submitted.

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

Noes: None

Absent: Dupouy, Vacula

Abstain: Yasenchak

---

**DISCUSSION**

G. Dake reminds the Board of the information session being presented by Airtricity on April 26, 2006 at 7:00 p.m. at the Community Center.

---

**PLANNING BOARD CASES**

**JAMES DORSEY – Site Plan Review**

Maple Avenue

James Dorsey and Clark Wilkinson are present. A public hearing is opened at 7:03 p.m. and C. Wilkinson explains that the proposal is to remove the remaining mobile homes and to build two commercial buildings for office/personal services totaling 18,500 square feet of building space. G. Dake states that there are letters from Russell Kirkwood, Ellis Insurance and Saratoga Masonry in favor of the project; a letter from Kirk Woodcock from the Town of Wilton regarding Hillside Avenue; a letter from the Director of Public Works from the City of Saratoga Springs discussing the fact that the project is able to access city water. There being no further public comment, this public hearing is closed at 7:06 p.m.

G. Dake comments that the Board also has a copy of the letter of referral from the Saratoga County Planning Board. C. Baker states that the engineer has answered all of his comments with the remaining issue being the septic and they have come to an agreement that there will be no more than 66 employees on site and if that number is exceeded then they need to get a SPDES permit from DEC because they will be exceeding 1000 gallons a day. M. Young states that he was interested in any comments from the public

April 25, 2006

hearing on the road. He was in that area today and thinks it will be fine once the remaining mobile homes are removed. He no longer has any concerns on Hillside and thinks it is a good plan. M. Thraillkill asks which of the buildings will be built first. C. Wilkinson states that they will begin with the rear building and that the remaining mobile homes are to be removed by the end of the month. T. Yasenchak states that if the applicant is allowed 66 employees because of the septic and allowed 66 parking spaces for the building, where does that leave parking for others? C. Wilkinson states that if they construct the second floor on the front building the elevator, stairwells, etc. will take some of the floor space, which will make the project less enticing to build. If someone wants J. Dorsey to build a two-story building, he will have the ability to do it. The rear building had a tenant who was going to take the whole thing with 30 employees with 2 extra spaces. They are considering a bank with a drive thru for the front building which would typically have 5 to 7 employees, so there would be a number of available parking spaces. T. Yasenchak states that she thinks it is still a little big for the site. C. Wilkinson states that if they exceed 66 for any reason, that triggers the fact that there will be SPDES permit required. G. Dake refers to sheets 3 and 6, and how best to accommodate landscaping during the construction of the rear building. He would like to make sure that, without wasting the applicant's money, and he would like the Board and applicant to give some thought to how to best accommodate the landscaping in Phase 1 in such a way that we do not have a beautiful building in the back behind a sandlot. The plans also address how to make the joint driveway work. C. Wilkinson states that he has had a conversation with Jay Janczak and they would like the driveway widened to 24'. G. Dake asks about an elevation for the buildings. J. Dorsey states that he does not have the specific elevation for the front building, but had shown the Planning Board an elevation for the rear building. The buildings will be part brick and part siding. C. Wilkinson states that this is a transition zone, residential and commercial, and that the applicant would like to keep it as residential looking as possible and still accomplish the commercial use. J. Dorsey explains that the old garage on the front of the parcel is to be removed and as they begin the rear construction, the front will be completed and cleaned, some of the plantings will be done along the front that will be out of the way of the construction and leave ¼ of the parking incomplete to construct the front building. They will be doing the final storm water at the onset with a small area for construction debris. He does not think that they will meet the maximum number of employees. He comments that most buildings – law offices, accounting firms – have 2000 square feet with only 3 to 5 employees in the office space. The rear building could have 4 suites with 16 to 20 employees. He reiterates that he is looking at a branch bank type operation with 3000 square feet and 5 to 7 employees. T. Yasenchak states that there are different requirements for banks versus offices. J. Dorsey states that he is not sure what will go in the front so they will probably have to come back with a new site plan at that point if it is a bank. G. Dake states that he would like to have the applicant come back when he has a plan for the front building, even if it is identical to what is drawn here as everyone will know more about what is happening in the back – architecturally, screening, traffic impacts – and be able to make some intelligent decisions about the front, which may be more or less restrictive than what we show on here today. J. Dorsey asks if he can market the front saying that he does have a preliminary approval from the Board? G. Dake states that he would say yes, the Board will be approving a plan that says there is a building in the back and one in the front, but if you are not going to have a bank some of the configuration may change. He states that this is a concept on the front and an actual on the back, and then when the applicant nails down what he wants in the front he would come back. J. Dorsey states that he has understood along the way that since he does not have a use in the front narrowed down, that he would be back before the Board. G. Dake asks about signage. C. Wilkinson points out the locations on the plans. Discussion takes place regarding the type of sign the Board likes to see and that they prefer externally lit, wooden signs. M. Young states that he does not believe the Board has gone so specific as to say that it must be wooden, but that the Board does not want plastic, internally lit. J. Dorsey states that he will come back with a drawing for the sign. Further discussion takes place about the concern for the number of employees and the number of parking spaces. J. Dorsey states that he would like to have professional offices – accountant, attorney, etc. T. Yasenchak states that if the applicant is going to restrict the number of employees because of the SPDES permit and that the building code allows a certain number of people, then why not make the buildings smaller. C. Wilkinson states that the restriction on the number of employees is to trigger the SPDES permit and that if there is not enough parking, the tenant will rent elsewhere. He states that the number was based on the total number of parking spaces and with not knowing

April 25, 2006

if the second story would be built on the front building, they figured that would be the maximum number on the site. G. Dake states that the initial reason the Town tries to limit parking is to try to keep people from parking on the road and in this area in particular, he does not think that either Route 9 or Hillside are good places to park. He states that is one of the things that the Board has the opportunity to look at when a project is phased. C. Baker states that the 66 number is a compromise, if you go on the square footage of the building, a SPDES permit is required. G. Dake states that the reason using the number of parking spaces is a logical limitation is that he senses that G. McKenna is not going to be counting heads. D. Pfeil asks if the applicant will be seeding the front area. C. Wilkinson states that if it sits for more than 14 days they are required to seed it. T. Yasenchak questions that the buildings meet zoning.

**RESOLUTION – James Dorsey, Site Plan Review**

MOTION: L. Dupouy

SECOND: T. Siragusa

RESOLVED, that the Planning Board grants Site Plan Review approval to James Dorsey for property located at 424 Maple Avenue, Hillside Plaza, TM# 153.17-2-25 to allow construction on the rear building, conceptual approval on the front building with the understanding that the Planning Board will have to approve both of the monument signs that are proposed on Sheet 5.

T. Yasenchak asks if G. McKenna is considering Hillside Avenue a side and why is that not two fronts. G. Dake states that there is a standard for the OR zone that allows for conformity of setbacks with neighboring properties. C. Wilkinson states that they will be further back than the buildings on either side of the property.

VOTE: Ayes: Dake, Dupouy, Pfeil Siragusa, Thraikill, Young

Noes: Yasenchak

Absent: Vacula

---

**THOMAS KUBIAK – Site Plan Review**

Route 9N

A public hearing is opened at 7:35 on the application of Thomas Kubiak who reviews his plans. Lisa Best, Wilton Road, questions if this parcel abuts her property and where the parking will be. T. Kubiak explains that this is the front parcel and that the rear parcel is being sold separately to the neighbor to the north. Carrie Smith states that she shares the driveway with this parcel and has a concern with that. She has no problem with the business. T. Kubiak states that he had suggested plantings, and that there is enough room on his property that he can move the driveway and put up a fence. G. Dake states that the applicant had stated that at the last meeting and has shown flexibility in how to proceed. C. Smith states that she had spoken with Phil and Gerry about the driveway and it seems that the driveway should be wider. She does not want to see the applicant use up the front yard for additional driveway, as it is very pretty. M. Thraikill comments on the large maple tree that would have to be removed if the applicant moves the driveway. Constance McHugh, Wilton Road, states that someone has been going around checking property lines, removing surveyor stakes, and told them that they were coming from these lots. T. Kubiak states that he has not sent anyone, he has used the survey that the bank had available and that it could be for the rear parcel which is being sold separately. There being no further public comment, this public hearing is closed at 7:41 p.m.

G. Dake asks the applicant what his thoughts are on the driveway and that it sounds like he is flexible. G. Dake states that it sounds like it would be in everyone's best interest to work out with the neighbor what needs to be done. He states that the Board should think about what would be the most appropriate way to phrase a resolution when they get to that point, that will allow the applicant and his neighbor flexibility. He states that he is glad that the neighbor understands that it is not always in the best

April 25, 2006

interest to pave more of the Town and sometimes in the interest of separation we forget that. M. Young states that it would be nice to try to come up with the minimum at first and the option of the applicant being able to reconfigure the driveway if necessary so that more work is not done than needed. C. Smith states that she would like that. T. Kubiak states that their busiest time is mid-January to the end of February and they schedule their appointments so that they are not full all the time. He states that today he had two people come into the office all day. Most of their business is done January thru April. He states that he has 1 employee and during the tax season 2 or 3 with one of those being his wife. M. Thraikill states that the applicant sounds like he is being accommodating. G. Dake states that space could be reserved and shown on the map as space reserved for future construction of the driveway to be triggered by an issue with the neighbor. L. Dupouy states that it sounds like they can work this out but advises having the Maple tree checked. D. Pfeil questions the driveway width requirement. G. Dake states that G. McKenna's notes do not refer to this. D. Pfeil asks for clarification of the existing driveway configuration and T. Kubiak explains on the map and states that it is 24' at the entrance and that he can get it totally on his property if necessary. T. Siragusa asks if the Board needs to see a formal agreement. G. Dake states that it is for the mutual benefit of the applicant and his neighbor, and it would be to their benefit to have that in writing. T. Siragusa asks the required number of parking spaces. G. Dake reads from G. McKenna's notes stating that 5.5 spaces would be required and the applicant is showing 5. He states that the Board has the power to waive or adjust parking requirements. T. Yasenchak states that she would like to see where the handicapped parking space would be and that the sidewalk will not be in conflict with the parking spaces. C. Smith asks if the Planning Board requires that the parking spaces be paved or gravel. G. Dake states that the Board generally requires commercial pavement at least as a driveway enters a highway, and beyond that the Planning Board has the ability to have that be either paved or gravel. C. Baker questions that the use requires handicap accessibility. T. Yasenchak states that for a change of use/occupancy to commercial it usually kicks you into that. T. Kubiak states that they wanted a wood sign, which would be located in the center of the front of the house, and he would move that as the Board requires. G. Dake refers to Section 105-109 regarding buffers and states that is in the zoning requirements which the Board does not have a right to waive. Discussion takes place that this is an existing situation and a determination is requested from G. McKenna. G. Dake states that if this has to go to the Zoning Board it will add a significant amount of time. He states that he would like to know that the applicant has an agreement with the neighbor, which the Board does not necessarily have to see and also exactly what is proposed for the sign. T. Kubiak indicates that the seller is very anxious. T. Yasenchak reads from the Code, stating that where feasible adjacent parcels may be encouraged to use common access and it does not say that the parcels have to have the same use. G. Dake states that he believes that the theory is that when changing uses between residential and commercial, you are providing a level of buffer between those uses. He states that if the Zoning Administrator is satisfied that all zoning conditions have been met and building code, including the handicap requirements, the shared driveway and the buffer, as it does not sound like anyone on the Board or in the neighborhood is opposed to the use, then the applicant should negotiate with G. McKenna. M. Young states that the old Methodist Church was turned into an art gallery and he was trying to remember what was done between that and the residence next door as the front was all paved together. He states that the Board could require something that would look worse than what it does now. If the Board wanted to give any approval based on this map, they would have to say that based on the information they have and on the assumption that all zoning and building code issues to include parking, buffers and signing would be to the satisfaction of the Code Enforcement Officer/Zoning Administrator. Discussion takes place that the next meeting is May 9, 2006 and M. Young asks if that would fit into the applicant's schedule. T. Kubiak states that they have to close by May 15<sup>th</sup>. G. Dake asks the Board how they feel about making a decision contingent on giving G. McKenna the authority to resolve the issues and he states that looking at the issues from a planning perspective, if the only issues are how it meets code and the Planning Board would give a favorable recommendation to the Zoning Board, do we want to see this again. M. Young states that he thinks that if G. McKenna were present to answer these questions, because all the issues rest with him, and no one has a problem with the use, he does not feel that it is out of bounds to make these contingencies. G. Dake states that if G. McKenna does not feel comfortable with it, he will refer the applicant to the Board.

April 25, 2006

**RESOLUTION – Thomas Kubiak, Site Plan Review**

MOTION: M. Young

SECOND: L. Dupouy

RESOLVED, that the Planning Board approves the Site Plan Review for Thomas Kubiak for property located at 3111 Route 9N, TM#138.1-2-12 contingent upon:

- **G. McKenna looking at the outstanding issues: Letter of understanding; Parking and handicap accessibility issues; Buffer area; driveway.**

T. Yasenchak states that she would like to have a better map and that was asked for at the last meeting. She would also like to see where the sidewalk is and that there were things that were talked about that have not been addressed. She states that she is not so sensitive to the applicant's timing knowing that he could have talked to the neighbor within the last couple weeks and she thinks there are too many contingencies. D. Pfeil asks if this is a sufficient map. G. Dake states that is up to each member to decide, that the Board has granted approvals on less and have required more. M. Thraikill states that there is an awful lot to put in G. McKenna's lap without the Board hearing his give and take on the whole issue. L. Dupouy comments on the applicant and the neighbor being flexible about the issues

VOTE: Ayes: Dake, Dupouy, Young

Noes: Pfeil, Siragusa, Thraikill, Yasenchak

Absent: Vacula

The issues are reviewed with the applicant – parking, agreement with the neighbor, handicap accessibility, sign, buffer area, and sidewalk. T. Kubiak asks if he needs to add additional sidewalk. G. Dake states that he does not know what the building code requires. Discussion takes place as to what should be on a new map. G. Dake states that he has the information that he needs. T. Yasenchak states that as long as it has the required things that the Board is asking for – where the parking is for the handicapped, the sidewalk, the sign, etc.

---

**GEORGE VANDER PLOEG – Minor Subdivision**

Wilton Road

A public hearing is opened at 8:17 p.m. and G. Vander Ploeg explains his proposed subdivision. There being no public comment, this public hearing is closed at 8:18 p.m.

G. Vander Ploeg states that they have changed the house and septic location as was asked. M. Thraikill asks about the mobile home. G. Vander Ploeg states that it has to be moved before he begins to build. T. Yasenchak asks about erosion control notes. C. Baker states that he had asked for erosion control and he states that the separation between the well and septic should be 150'. G. Dake states that the minutes reflect that the applicant was planning on doing the additional casing to resolve that issue. G. Vander Ploeg states that they will be doing over 51'. C. Baker states that should be on the plans as a note. SEQRA was done at a previous meeting.

**RESOLUTION – George Vander Ploeg, Minor Subdivision**

MOTION: D. Pfeil

SECOND: M. Thraikill

RESOLVED, that the Planning Board grants minor subdivision approval to George Vander Ploeg for property located at 223 Wilton Road, TM# 139.-1-3.2 contingent upon the final map showing:

April 25, 2006

- **51' of casing, minimum, on the well**
- **Addressing erosion control measures to the satisfaction of the Town Engineer**

D. Pfeil questions the separation between the well and septic. G. Dake states that if you case more than 50' of your well, you don't have to be 150'. You only have to be 100'. The casing creates more of a vertical separation.

VOTE: Ayes: Dake, Dupouy, Pfeil, Siragusa, Thraikill, Yasenchak, Young  
Noes: None  
Absent: Vacula

---

**KAREN SHOOK – Planned Unit Development**

Wilton Road

Karen Shook and Lisa Nagle are present. L. Nagle distributes correction pages for the SEQRA and reviews the changes. G. Dake states that from an action standpoint, we are talking about a governmental action that creates a change, what is the environmental impact of that change? The change being considered here is a zoning change that allows the activities. It is a change between what is allowed today to what would be allowed after the PUD, not from a vacant piece of land to what is there today. The septic already exists; the applicant is proposing a moderately increased use of septic – which is one example. The applicant is not proposing any new construction. The SEQRA is reviewed.

**RESOLUTION – Karen Shook, SEQRA**

MOTION: T. Yasenchak

SECOND: T. Siragusa

RESOLVED, that the Planning Board votes to check Box A that a negative declaration will be prepared on the application of Karen Shook for a Planned Unit Development for property located at 104 Wilton Road, TM#138.-2-71.

VOTE: Ayes: Dake, Dupouy, Pfeil, Siragusa, Thraikill, Yasenchak, Young  
Noes: None  
Absent: Vacula

G. Dake states that he received a phone call from Lee Peyser who also owns property on the corner of Wilton Road and Locust Grove Road, and this is in no way connected to this project. L. Peyser has a concern for the traffic at the intersection of Wilton Road and Locust Grove Road, and has asked that the Town contact the County suggesting that they either do a 4-way stop or extend the 40 mph zone further. G. Dake states that he thinks that getting a 4-way stop there he is not sure would be 100% safe because you are coming over the crest of that hill, but he thinks that if the 40 mph zone is moved further out on Wilton Road beyond Locust Grove Road, that would change the acceleration zone from the top of the hill to perhaps past the intersection. R. Rowland is asked to send a letter to the County Highway Department asking for a speed reduction. The applicant agrees that this is a good idea. Recommendation of the PUD to the Town Board is discussed. G. Dake reviews Section 105-129, C, 6, (a) and asks if the Board is comfortable making a recommendation to the Town Board.

**RESOLUTION – Karen Shook, Planned Unit Development**

MOTION: T. Siragusa

SECOND: D. Pfeil

April 25, 2006

RESOLVED, that the Planning Board recommends to the Town Board that all items in Section 105-129, C, 6 (a) have been met for the application of Karen Shook for a Planned Unit Development at 104 Wilton Road, TM#138.-2-71.

VOTE: Ayes: Dake, Dupouy, Pfeil, Siragusa, Thraikill, Yasenchak, Young  
Noes: None  
Absent: Vacula

---

**CHARLES GLESSING – Major Subdivision**

Locust Grove Road

Dave Myers is present for this application. He states that they have one change in the rural road right of way and explains the jogs in the maps at the culvert locations. He provides a new description for lot 6 and states that the Board should now have a complete set of plans. They are still waiting for the ACOE on the wetlands issues. C. Baker states that engineering issues have been met with the exception of wetlands; he needs a copy of the final estimate on which he believes they reached an agreement of approximately \$480,000 for the bonding of the road; and he would like a final set of the plans. G. Dake states one other issue, that the Board has discussed, but has not finalized, is that the Town Board is currently considering what action they want to take and mechanism they want to create in order to make sure that developers are paying their way when it comes to what is going to happen in the future with storm water basin maintenance and the additional burden to the Highway Department due to the new regulations. He states that what the Planning Board had proposed was to calculate out an annual maintenance fee and rather than hold up a developer until the Town Board has come to a conclusion as to how they wish to deal with it, that we would allow the developer to proceed more quickly by allowing them to make a payment that would generate enough cash flow from an account that would pay in perpetuity for that maintenance. D. Myers states that he thinks that the developers would find that acceptable if it were based on some reasonable approach and reasonable fee, and that they have the flexibility to seek an adjustment if in fact these basins never needed maintenance, and alternatively if they needed additional maintenance. G. Dake states that he would be more comfortable saying a one-time fee as the challenge becomes that we may never see Mr. Glessing again. He states that developers have been very active in Town and then are gone. This is one of the developments that got the Planning Board thinking along these lines and one of the reasons they made the recommendation to the Town Board to start looking at it, because of the high number of basins. The Board discusses any remaining issues and would like to see the ACOE report on wetlands. Trash areas that were noted on the site walk are discussed and D. Myers will address these with C. Glessing. G. Dake asks which are retention basins versus detention basins. D. Myers states that there are 3 non-discharge infiltration basins. G. Dake states that he is concerned with whether there will be standing water, how long there will be standing water, and whether there should be fencing for safety. D. Myers states that the calculations do tell you that, that the 2 wet pool basins are meant to be permanent pools and DEC requires fencing if the slopes are too steep, and there is an extended detention time of 24 hours that you are trying to meet to get the pools down. G. Dake states that there are two basins at the Stewart's plant, one of which is fenced and he would recommend that they not be fenced from an aesthetic and maintenance standpoint. L. Dupouy states that she has lived several places where they have had basins, they have not had fences around them, and they have been just fine. She states that the onus was that when she had a toddler, they put up the fence to keep their child from the water; it was not something they expected of the development. D. Pfeil states that these would be like any other pond. C. Baker states that typically the easement is for ownership and maintenance, and that they are dedicated with the roadway and the right of way of the roadway. T. Yasenchak states that this might be a question for the Town Attorney. M. Young states that we have some basins in Town with fencing. The one off of Hemlock is fenced on a retention basin that was made for the development. Over the field in the next hollow is the same type of area, not fenced. It is just a wet area that is natural. He states that the fence looks terrible and looks like a little prison in the center of two homes. He states that if they were unfenced, he did notice in this one when they started maintaining it recently, that the outward pipe was ungrated and one of

April 25, 2006

the first things they did was put the grate on it. M. Young states that if the Town went for unfenced, we would want to make sure that any pipes like that were grated like a catch basin. D. Myers states they do not have anything like that. M. Young states that if it does not create a dangerous hazard, there is nothing attractive about fencing. The Board consensus is that there not be fencing. M. Thraikill compares it to owning property along the river and fencing the whole river. SEQRA is reviewed. Discussion takes place regarding depth to water table and whether or not that would be a potentially large impact. C. Baker states that it does not automatically become a potentially large impact. Discussion takes place that depending on how often an issue occurs throughout the site, whether it is in a roadway or where a house is to be located – these could all be determining factors as to whether something is a large impact. C. Baker explains that with the new storm water regulations, standards and requirements for Storm Water Pollution Prevention Plans, this is less of an issue as these issues are being watched more closely. Impact on water is changed to a yes response with two bullets being checked as small to moderate. Impact on Historic and Archaeological resources is changed to a no response and Impact on Growth and Character is changed to a yes.

**RESOLUTION – C. Glessing, SEQRA**

MOTION: M. Young

SECOND: M. Thraikill

RESOLVED, that the Planning Board votes to check Box A that a negative declaration will be prepared on the application of Charles Glessing for a Major Subdivision for property located at 482 Locust Grove Road, TM#138.-2-17.1

T. Yasenchak questions that a conditioned negative declaration would be appropriate as we are still awaiting wetlands information from ACOE. C. Baker states that the SEQRA can be reopened should additional information come to light. G. Dake states that if there is a substantial change to a development the Board can always reopen SEQRA. C. Baker states that based on the information that we have before us right now and assuming that ACOE is going to accept the delineation report, the Planning Board could make a decision based on that.

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

Noes: None

Absent: Vacula

D. Myers reviews that he owes C. Baker a wetlands letter and a bond estimate. C. Baker states that they have already agreed on the bond, he just needs a copy. G. Dake states that we need to determine the mechanism for handling the storm water. He suggests a meeting between himself, D. Myers and the Highway Superintendent. He states that if the Board is comfortable he would recommend the same mechanism discussed with A. Stephens.

---

**JOHN WITT – Major Subdivision**

Lester Park Road

F. Palumbo is present. D. Pfeil recuses herself. G. Dake distributes a letter and copy of a paper from Dick Lindemann dated April 3, 2006 regarding the importance of the Cryptozoon ledge at Lester Park. He states that he has e-mailed and not yet received a response from D. Lindemann, but he will attempt to phone him. He has also spoken to Cynthia Blakemore of SHPO who stated that they will look at any historic issues, not geological. Ms. Blakemore told G. Dake that they need a request from the Town and not the applicant for a review. F. Palumbo asks exactly what we are asking for. G. Dake states to see if there are any historic resources that the Town should be concerned about. F. Palumbo states that the surprise with SHPO was that they did not consider the geologic aspects part of their purview, he had always considered that the archaeological and historic resources were under their purview and the applicant needed to get that as a sign-off from SHPO for the Health Department. He states that Matt D'Archangelo from Aztech

April 25, 2006

Technologies is present and he is doing the studies out there. F. Palumbo states that the first thing they looked at was a higher tech version of the 'circles and squares' map to identify if there is anything near by. He states that they knew that the kiln was there, and the early reports that they sent to SHPO identified that, but focused in more on the geology. Because of the 30-day time frame, he would contend that what they have already sent to SHPO may have covered that and the confusion with SHPO is that they were saying that they do not cover the geology of this. G. Dake states that, as he indicated, what Ms. Blakemore said is that they do not listen to applicants; they want to hear from the Town that we want it to be reviewed. F. Palumbo states that it is confusing in that they have received applications from applicants before, and that they were going to ask for their neg dec and conditioned approval tonight. G. Dake asks who will be doing the governmental review or outside review of the stromatolites? F. Palumbo states that they researched who should review this and that research showed that there is no governmental agency that has review of this. Aztech has been in contact with C. Blakemore and they thought the letter they were seeking was whether the Board wanted them to make any comments on the geologic. F. Palumbo states that he would ask the Board, if there is going to be a request made to SHPO, is that they cover what they would normally cover. G. Dake states that we would find someone else to cover geology and that the letter to SHPO should request that they provide any comments on geological, but should they fail to, the Board still needs something. He states that C. Blakemore stated that Lester Park was owned by the State Museum who might be willing to make comment; perhaps D. Lindemann may be an appropriate resource and that was a question he had e-mailed to D. Lindemann - does he know of any agency within ENCON, the State Museum, or does he have any other recommendations as to who would be able to render an opinion to give some assurance that we are not destroying a valuable resource or that we may perhaps be assisting the study of a valuable resource. F. Palumbo asks M. D'Archangelo if D. Lindemann is the person Mary has discussed. M. D'Archangelo states that in their over sight plan and study plan they sited previous reports and research by Prof. Lindemann. G. Dake states that when he spoke with Mary she had stated that there was a paper coming out by D. Lindemann. F. Palumbo reiterates that SHPO does not generally cover geology and if this individual is willing to review the plan and is to the Board's satisfaction, they have a plan in place to do this study. He states that they had determined that there are no jurisdictional agencies on this and SHPO still has their coverage for archaeological and historic resources. They consider the kiln a historic resource and they should have, in his mind, already responded to the parts of the document that they were sent. Further discussion takes place regarding SHPO and the geology review. G. Dake states that SHPO, will be asked for a cultural response and not a geological response. F. Palumbo states that we only want them to cover what is in their jurisdiction. G. Dake asks if the Board has a copy of Aztech's plan. There is no copy in the file and Aztech will provide one. G. Dake asks the Board if the Associate Professor and Chair of the Department of Geosciences at Skidmore would be a satisfactory reviewer of the plan. L. Dupouy states that would be great and asks who employs the expert? G. Dake explains that there have been other instances where independent experts have been employed to respond to concerns of the Town and are paid for by the applicant. F. Palumbo states that can be worked out and because this professor loves this, he will probably do it for free. The letter received for the Office of Parks and Rec for the Lead Agency status is reviewed. F. Palumbo states that he will have Aztech extract the appropriate information and provide a packet to go along with a letter to SHPO to show the plan, the limits of grading, etc. He thinks that what will likely occur if the letter goes by itself it that we will get the standard letter back from SHPO. F. Palumbo goes on to clarify a couple of minor modifications to the site. He states that the presence of wetlands had been discussed and he had indicated where that might be. He indicates an area in the NW corner of the subdivision where there is a drainage draw that collects some of the surface runoff and ends up probably feeding to a wetland that is off site. He states that they had Jeff Piro, who is certified for wetlands delineations, go out on the site and he identified that small drainage path, not a stream, at the bottom of two small hillsides that divide lot 14 and 15. It is about 10' wide and there is an area of sedge growth that could meet the classification. J. Piro is going to do a more comprehensive delineation of that area. He states that they can cross that area with the driveway and stay under the 1/10<sup>th</sup> of an acre jurisdictional size that does not require a wetland permit. He states that they adjusted lots 15 and 16 in order to allow for the driveway to go up and around what is the "stream". C. Baker asks for a copy of the report from J. Piro. F. Palumbo states that it does not need to be in the form of a full delineation report, it can be in the form of a letter report. The notification to the Corps they

April 25, 2006

will make a letter notification, but because they are not impacting it, they are not under the full obligation as if they were crossing it. C. Baker states that he would be looking for something that describes J. Piro's methodology, how the review was done on the whole property and the findings. F. Palumbo states that work has commenced on the showcase lot (lot 1). In doing that and excavating for the foundation they found ledge rock that they wanted to set the footings above which raised the elevation of that lot and subsequently they have modified the cul-de-sac road. He explains the grade. He states that they have provided a copy of these changes to C. Baker and he knows that C. Baker has not had the opportunity to review that. They have discussed with C. Baker the information from Creighton Manning that has been provided to date regarding sight distance. He states that they have sent plans to DOH and are trying to get Mike Shaw to comment on it. They have dug three wells which all have necessary flow and the coliform tests have been done. C. Baker confirms that he just received the detail package. He states that there are still some issues that need to be looked at. He is surprised to hear that the showcase lot is at the bottom and has a concern with not having DOH input on the lower area because that is the area that when he looked at it was the most difficult area of the site. He asks if DOH has seen the additional tests as in his conversation with M. Shaw, M. Shaw had also said that this would be the most difficult area. F. Palumbo states that the DOH says that the jurisdiction falls back to the Town if you are doing just one lot. M. Shaw will be reviewing this as part of the whole subdivision, but they think the information to satisfy a single lot development is before the Town. The information that was provided for the building permit is being done in accordance with the Town standards. Discussion takes place regarding whether the septic is a conventional system. L. Dupouy explains a concern she has for the lot line and setbacks to the West of the property. F. Palumbo explains on the map and that the lot line does not follow along the stonewall. L. Dupouy states that the applicant should also be very careful, as there are obvious areas with very visible stromatolites on the neighboring property. Further discussion takes place regarding their process for studying the stromatolites. L. Dupouy explains her concerns for the strain put on the local school districts by these large subdivisions and how this applicant might be able to contribute something to the school district. F. Palumbo explains a Cornell study done on this issue and the overall impacts to school enrollments. He comments on the increase to the tax base by the type of homes that will be built here and that they are confident that they will not create an undue burden on the school district. G. Dake questions what he believes to be an extra line on the map presented tonight. F. Palumbo states that they had a storm water area planned for the bottom and that is an extension of the right of way line because that is where the storm water basin would be. G. Dake states that he was hoping that the Home Owners' Association would own the storm water basins. F. Palumbo states that if that is what is necessary they will do that and then that line would be modified. G. Dake asks to what extent the applicant has located and determined the storm water management on site. F. Palumbo states that they have multiple locations because of the way the design occurs. He indicates the areas where storm water basins will be located. G. Dake asks if any blasting has been done on site. F. Palumbo states that there has not, only excavating and they will be doing as much as possible without blasting. They do have a blasting plan drawn up and will submit that to the Town if necessary. G. Dake reiterates his request from previous discussion that if there should be some reason to blast - whether experimental or a single foundation - he would like the applicant to comply with the new proposed blasting regs and notify the Town Clerk prior to any blasting. G. Dake expresses concerns for the work being done on lot 1 and septic issues. F. Palumbo states he would like to get Mike Shaw back out at the site and that they would like to proceed as quickly as possible. He states that he knows that they need to get a final signoff from DOH, but assumes that can be done as a conditional approval to the subdivision. G. Dake suggests that the applicant get a revised SEQRA Part 1 and that the Board can start to talk about part 2, after C. Baker has had time to review. The applicant will be placed on the May 9, 2006 agenda. C. Baker asks if J. Witt has done anything about the Home Owners' Association, as he believes that takes some time. F. Palumbo states that part of that process has to include the subdivision approval. C. Baker suggests that the applicant might want to talk with his attorney to see what the process is. F. Palumbo states that J. Witt has done this in the past and reiterates that he believes part of that has to be some credibility regarding the subdivision. G. Dake reiterates, having said this in the field, that J. Witt is proceeding on the house at his own risk. The road locations are not approved.

---

April 25, 2006

**JEFFREY COLLURA – Major Subdivision**

Locust Grove Road

No one is present representing this application.

---

**MIKE HICKAM – Sketch Plan**

Medbury Road

Mike Hickam is present with a sketch plan that he submitted after the site walk, which shows a decrease in lot density with a fairly accurate estimate of acreage. He states that he is looking for Planning Board approval of this sketch plan that is in accordance with the Town code and he would like to discuss the diameter of the cul-de-sac, that he is on track with the density he has indicated and the acceptability and the conditions of the drainage. G. Dake states that M. Hickam is aware of what went on at this site. He states that on the site walk, he was surprised at how high and dry most of this property was, a lot of utilities in there, the basics of a road although the cul-de-sac is a little small, and storm water basins actually looked pretty good. C. Baker states that there were a number of engineers who have looked at this, done tests, but no one wanted to certify it because it was never seen when it went in. The under drain system was put in years ago because there was a high water table issue in there. The purpose of the under drain system was to attempt to lower the water table so that they could get conventional septic systems in there. He states that assuming that it is working, everything is key to that under drain system. He states this was a huge issue with previous engineers because no one felt comfortable not seeing it going in, not knowing what it was constructed of, and not willing to certify. G. Dake questions if we dug to the water table or what is the life of a system? C. Baker states that the life of it obviously is a factor, but based on what is being proposed now with 8 lots, it would have to be retested with the Health Department and they will probably want to see new test pits. He states that the storm water management system, although it may look good now, it does not conform to the current Phase 2 requirements, it does not have any provisions in it for water quality treatment and it would have to be looked at and possibly redesigned. The existing catch basins might be salvageable but would have to be evaluated. He states that he knows there was a section of pipe that connected the end of the cul-de-sac to the storm water basin that was put in on a curve and when they looked at that, again, no one wanted to certify it because there was no way they could tell what was happening between those points. He states that the position that was arrived at years ago after having numerous engineers look at it and evaluate it with no one willing to certify it, was that the Highway Superintendent at the time, the Town Engineer, the Town Attorney and the Town Supervisor, all agreed that if anything were to happen there, they would basically have to start from scratch. G. Dake states that to the extent that the applicant is willing to start from scratch, to the extent that the engineering works, and to the extent that this meets zoning which he believes it does – how does the applicant ultimately meet? M. Hickam states that he spoke to W. Barss about the cul-de-sac and W. Barss thought that they could work with the radius. He states that W. Barss commented that the risers on the storm basins were brick and would have to be removed and replaced with concrete risers, and he didn't care for the domed grating. M. Hickam agreed to replace those with flat grating. With regard to starting from scratch, he has lived there for 12 years and has watched it work, he understands how it works, and has seen the materials that were used because there are parts of it that are above the ground; he knows where all the clean outs are; he has never had water in his basement in 12 years; he can see where the perimeter drains drain to daylight and he does not have a sump in his basement either. He states that he could agree to restore the contour of the grade in the catch basin and test the system to prove that it is working. G. Dake states that if the applicant got an engineer to certify that this will work, would the Town Engineer be satisfied? C. Baker states that is something that they can look at. G. Dake states that one of the things he thinks M. Hickam has going for him is field knowledge of knowing what is going on out there. He states that C. Baker's job is to make sure that the Town does not get into problems by having the Planning Board approve something on which septic systems start failing in the near future. C. Baker states that he thinks that a logical starting point would be to get the DOH out there as quickly as possible, within the next

April 25, 2006

few weeks, and do borings on these lots. He states that if they do this and find that the water table is not an issue, then the under drain system might not be as huge an issue as it has been in the past. G. Dake asks how far down the applicant has to dig before hitting water. M. Hickam states he has never dug that deep. His basement is 9', it only sticks above the ground by 1' and has never had water in there in 12 years. C. Baker asks if the under drains do run. M. Hickam states that it does on his house. The rest of the locations, with the rain that we got this weekend, everything drained. G. Dake states that if the applicant can do test holes with the DOH; they are the ones who are ultimately going to have to sign off on the septic system. If they are content, that is one major hurdle. M. Hickam states that he has had the septic cleaned once in 12 years and has never had any problems with the leech fields. He states that was part of the condition of the CO, to have a new leach field put in. C. Baker states that he actually saw that go in so he is familiar with the property, he was there when they did the original test pits and he did see the high ground water before the under drain system was installed. He states that he agrees with the theory and with everything that was done there. G. Dake states that he does not think that C. Baker is disagreeing with the fact that it functions, but he cannot certify that there isn't a problem and it is not his job to do so. M. Hickam asks if it is possible to get sketch plan approval based on the density and the cul-de-sac. T. Yasenchak states that she has no problem with the theory or density. T. Siragusa states that he would like to see this get done and would like to be able to enable this. M. Hickam asks about the DOH testing. C. Baker states that the applicant would have to have his engineer present along with DOH and the Town, and pits are dug on the spot. M. Young states that he has no problem with density. He walked this with W. Barss and they noticed the brick risers and the dome type grates. If the drainage issues can be solved and it does not change the construction of the road the way it is now, they can work out the turn around. M. Hickam states that the biggest problem with resolving the diameter is that his house is already located, the utilities are in place, and he has to ensure that he can maintain the power and drainage for his house. G. Dake states that it would be easier if they were all 2-acre lots; he has to look over the cluster regs. He does not have a problem with the concept, it would be nice to get this finished and find a way to certify what is there. He reviews the sketch plan regs. Joel Design, the listing agent, states that all topos are on the original plans. He states that when they marketed this they thought it was all set and only needed final Planning Board approval, the potential buyer came to the Board and then gave up. He is looking for clarity to market this and basically someone else will come in and hire the engineer. C. Baker states that a road bond needs to be posted for the construction. L. Dupouy states that it was her understanding that the applicant wants to sell this and let someone else do all the additional work. M. Hickam states that he had it sold and he let them out of the contract because they did not want to go further with it. In order for him to get a good builder, which he is very interested in who the builder is going to be because he lives there, he has to be able to market it. He can't say that maybe the Town will approve it. He states that he understood that the sketch plan was the general concept. G. Dake reviews the sketch plan submission requirements. M. Hickam states that he was basing it on the existing surveys and proposals that the Town already has in their possession that were up to final subdivision approval. G. Dake states that it is okay to use old data but we don't have this drawing that ties into that information. M. Hickam states that he got the copies from the Town. C. Baker comments that if the applicant is looking to market this subdivision, he has a pretty rigorous road in front of him. G. Dake states that the Board can look at some of the items with a little bit of interpretation or liberal review, but the Board must have at least 50% of the information. J. Design asks if they can say that the Town is ok with the concept of a cluster development of 7 lots and that they have to start from scratch with storm water and engineering work to be done. G. Dake states that has been the problem with this all along that there is a lot of documentation of engineering that still has to happen. He states that as with other projects, when the Town is dealing with one that has gone on as long as this, by the time you start dealing with rule changes it becomes a nightmare. M. Hickam asks if he would still be able to do a cluster and asks if the fact that this got started tonight wouldn't grandfather them in to the existing zoning rules. G. Dake states that the Town Board is going to have to decide at some point what projects are at what point as to vested rights. G. Dake states that there will be a public meeting about the proposed zoning on May 16<sup>th</sup> and they may be sending the rewrite to the Town Board to start taking a look at it in June, possibly. G. Dake states that the Planning Board will have to have a more complete, pulled together submission to give the sketch plan approval. G. Dake suggests that the applicant try to get preliminary and skip sketch plan.

April 25, 2006

---

**BRIAN SMITH – Major Subdivision**

Middle Grove Road

Brian Smith is present, distributes a major subdivision proposal and states that he is looking for some comments, guidance, etc. He states that he has spoken with A. Janik. He is proposing 19 lots on the parcel adjacent to Middle Grove Park and he is proposing to donate 6 acres to the park. He states that he had also spoken to G. McKenna about this who suggested a PUD. B. Smith states that he is a builder so he is looking for guidance. G. Dake reads G. McKenna's notes, it is unsure as to why PUD was suggested. G. Dake states that there is potential access between this parcel via the stub road between lots 18 and 19, as a potential entrance to the park, there is a wetland here and there is the opportunity in the front to donate some acreage to the park. B. Smith states that A. Janik had said that the Town would not be interested in the other road because it goes nowhere, but there could be parking near Middle Grove Road for the park and then there is about 5 acres before the wetland area. M. Young states that he is not very familiar with the property but knows that right behind the park there is a beaver flow and after that it may be suitable to build, but the area that is shaded is definitely not suitable to build on. He states that it looks like a lot of houses. G. Dake states that he had spoken with Mr. Roohan about this and in looking at the new zoning, this is not way off. M. Thraikill asks the lot sizes. B. Smith states that they are approximately 1-½ acres with the front being zoned R4 and the rear R1. G. Dake states that this is likely to be 1-½ acre lots under the new zoning. M. Thraikill states that conceptually it is okay. B. Smith states that it seems dense, but with the size of the lots and the way the property is, he thinks it is appropriate. M. Thraikill asks if Middle Grove Road is straight there. L. Dupouy states that she thinks that a nicely done development would be very nice for that area. B. Smith states that he would like to build craftsman style/cottage/farm houses. He states that the soil is excellent and he believes that they would have conventional septic. B. Smith states that if the Town does not want the parcel in the front, he will add it to another lot and will do minimal clearing. T. Yasenchak asks about the mobile home and a stream crossing. B. Smith states that the mobile will be removed and that he will need a permit. T. Yasenchak questions the spring and where it drains. C. Baker asks about the length of the cul-de-sac. B. Smith states that all the way to the end is 2000'. G. Dake explains that the road length can only be 5 times the required frontage with the new zoning proposing between 1300 and 1500 feet to the beginning of the cul-de-sac. G. Dake states that if that stub road cuts through, you could do something with an access road that is grassed over the top to provide an emergency exit. G. Dake states that while it feels a little dense it does comply with the new Master Plan. C. Baker suggests having soil borings done with the DOH as quickly as possible and he questions the cul-de-sac diameter. B. Smith states that he believes it is drawn at 300'. Wetlands will need to be delineated. G. Dake reiterates that conceptually it is ok and meets the new Comprehensive Plan. M. Young states that the Middle Grove Park is considered under used. G. Dake states that the next step would be a formal application and submission.

---

**ZBA REFERRALS**

**Paul & Patricia Komorny – Area Variance** – No Planning Board issues

---

**DISCUSSION**

G. Dake states that Melissa Vacula has resigned from the Planning Board. She had originally applied to be on the Zoning Board and that the Planning Board's twice a month meetings were too much for her with her schedule. Deane Pfeil has also resigned because her business is thriving. G. Dake states that the Town Board will be advertising for applicants. He is going to ask a member of the zoning rewrite committee

April 25, 2006

if he is interested in applying and he is going to contact Dan Cochran to see if he would consider rejoining the Board.

---

Meeting adjourned 11:32 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary