

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**MAY 8, 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, Thomas Siragusa, John Streit, Michael Thraikill and Michael Ginley, Alternate. Tonya Yasenchak is absent at roll call and arrives during first case. Gerry McKenna, Zoning Administrator is absent. Charlie Baker, Town Engineer, is present.

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**APRIL 24, 2007 MINUTES**

MOTION: L. Dupouy

SECOND: J. Streit

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of April 24, 2007 with the following correction:

- **Young Road LLC – M. Ginley abstained from voting**

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

Noes: None

Absent: Yasenchak

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**PLANNING BOARD CASES**

**YOUNG ROAD LLC – Major Subdivision**

Young Road

Michael Ginley recuses himself. Joe Fuerst reviews the proposal for a 6-lot subdivision of 45 acres, keeping the clearing to a minimum. A public hearing is opened at 7:02 p.m. Mary Ann Fiore, Sand Hill Road, asks when the applicant states that they are going to keep clearing to a minimum, is there any regulation on how much they can clear and are they clearing any swamp land? J. Fuerst states that there are no wetlands and that the clearing would be only for the driveway access and house sites. G. Dake states that there are clearing guidelines. M. A. Fiore states that she is here for the animals because they don't speak and the impact of these developments disturbs their natural paths so clearing to a minimum is very important to her and she does not know if there are any regulations on it. J. Fuerst states that it is an approximately 45-acre site and the total land they would be clearing would be about 5 to 6 acres. He states that it is a pretty well wooded area and the houses would be set back 300 to 400 feet from the road. M. A. Fiore asks if after a development is built does anyone follow-up with any kind of impacts on the environment. G. Dake explains that under the State of New York code, we do an environmental review as provided for by DEC and in this case we do have a big packet of information, some of which is impact on wildlife. One of the things that the Planning Board has the power to do is to set limits on clearing. One of the problems is that the applicant does not necessarily know where people who buy this property will want their houses. We are not limiting exactly on the lot where the house may go, we are only limiting where the property lines will be unless we have some particular reason. Where you have wetlands, steep slopes, etc., the Planning Board will generally ask, and it also makes sense that the applicant will generally try to, stay away from those areas because it is also more expensive to build in those areas. Wetlands are protected, regardless, by NY State and the Federal

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government under separate regs. Wildlife is one of the sections we look at in the environmental assessment form. M. A. Fiore asks if someone wanted to build another development real close to this, would the Board take into consideration that this one is already built, that it might not be healthy for the wildlife and could the Board stop it because of that. G. Dake states theoretically yes, but in practice, given the size of these lots, over 6 acres, he thinks we would have a hard time holding up in court that we were being overly generous in letting people build single family homes on 6-acre lots. M. A. Fiore asks if someone wanted to further subdivide these lots, could they. G. Dake states this is 6-acre zoning and any applicant would have to go through a similar process with another public hearing, etc. J. Streit states that the Board had discussed at the last meeting that there is a wide diagonal ridge that goes through the central portion of this property and that would be a good refuge for wildlife. M. A. Fiore asks if the Town requires and is the Planning Board doing any solar or wind built into the houses, is that going to be required of each person. J. Fuerst states that the applicant is not stipulating on the types of houses. G. Dake states that in the Town of Greenfield there is no additional regulation above and beyond what is in the recently changed NY State Building Code, which does require better energy efficiency than what was in the old code. In the Town of Greenfield you need a permit to put a wind turbine on your property and we have had neighbors object to people doing so. There being no further public comments, this public hearing is closed at 7:10 p.m.

G. Dake states that we have received response to our lead agency request and county referral. G. Dake reviews the SEQRA part 1 for the changes that were discussed at the last meeting. C. Baker states that he has spoken with a couple of people regarding the SWPPP requirements and he received an email from M. Ginley regarding the conversation he had with Bill Lupo, DEC. C. Baker states that the Planning Board had told the applicant that if he was disturbing more than 5 acres of land he would need to do a SWPPP and prepare an erosion and sediment control map. Since then, M. Ginley and C. Baker have spoken with DEC. He states that the projects we have in Greenfield are kind of unique in that people subdivide the land but do not necessarily want to build the houses. They want to sell the lot to someone else to build. The question is do we make the developer prepare the SWPPP and the NOI and be responsible for the construction under these laws even after they sell the lots. He states that does not make a whole lot of sense. According to the most recent conversations with Bill Lupo, he is saying that the Town should look at this as a 'plan of sale' where it allows this particular type of development to occur and then look at each individual lot as it comes in for building permits. C. Baker states that the problem he sees with that is that it puts all the onus on G. McKenna who becomes the person who has to look at each individual plot plan, decide how much disturbance there is and tell the applicant they need to file the NOI, the erosion and sediment control plan and G. McKenna has a lot to do. The problem with making the Ginley's file the NOI and the SWPPP is the fact that he does not know how much control we are going to have over it during construction because they are going to sell the property. G. Dake states that his thought would be to try it. Make sure that we have notes on the plans indicating that each lot will be subject to filing and that it is not being done at subdivision approval because of a 'plan of sale' and the fact that the applicant is not going to have anything to do with the development of the property, just the splitting of it on paper. Make it clear in the note and find out through the process how it works. As long as we are clear about the fact that this is a test, G. Dake states that he is not worried about somebody else coming back in and saying that the Planning Board did it for M. Ginley. He states that M. Ginley is the one who went to DEC and gave us the idea. If it works, it does make a lot of sense because you could have someone come in and put houses up against the road. C. Baker states that this is more typical of what we see here in Greenfield, we don't see the typical developer coming in here and staying with the project from beginning to end where he would be responsible. D. Cochran states that by putting the note on the plans we are putting the onus on the land buyer to adhere to the rules. C. Baker states that when a purchaser comes in to the Building Department with their plot plan, G. McKenna is going to have to look at that and make the determination and see the erosion and sediment control plan. G. Dake states that the legal burden still sits with the landowner. If G. McKenna misses it, it does not make the Town of Greenfield wrong. It makes the person who bought the land with the note wrong. It is potentially more work for G. McKenna, but it is not like a setback issue. This is a situation where you have to follow the State and Federal law. D. Cochran states that not putting too much more on G. McKenna, but as anyone knows who has seen him about a permit, he gives you pretty good laundry list of what you have to do. He

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asks if we need to have the verbiage run by the Town Attorney. G. Dake states that he does not think we need the Town Attorney, that it just has to be clear and that C. Baker could come up with some language. C. Baker states that he did have a note on the subdivision that he just recently did. J. Fuerst asks if this is not already covered by note 5 on the plat regarding plot plans. G. Dake states that he believes note 5 is just talking about the septic, not storm water management, and it is not part of the building permit process. The purchaser will be bound by the State and Federal laws regarding storm water management and should be advised that if more than an acre of disturbance is required, additional action will be required. M. Thrailkill states that most people will not clear 1-acre, that is a lot of work, and asks if the driveway is included in that. It does include the driveway. C. Baker states that one of the things that B. Lupo suggested when the Planning Board approves a plan is that it should not show house locations, which is kind of contrary to what we normally ask the applicant to do. G. Dake states that maybe we include in the note that the house locations are only to demonstrate that they are buildable lots. Part 2 of the SEQRA is completed.

**RESOLUTION – YOUNG ROAD LLC, SEQRA**

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board moves to check box A, Negative Declaration, for the major subdivision proposed by Young Road LLC, 244 Young Road, TM#161.-1-6.1.

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

Noes: None

G. Dake reiterates that we will want a note on the plan regarding the SWPPP/NOI issue. He states that there were no issues on G. McKenna's notes. D. Cochran comments on the possible driveway on lot 6 and whether there would be a sight distance issue here. J. Fuerst explains the area and G. Dake states that he thinks it is okay because it is on the outside of the corner. C. Baker states that the engineering issues have been addressed. G. Dake asks if the Board would be comfortable that the only remaining issue is the note on the plan be added as a contingency. C. Baker states that he will e-mail the note to the Planning Board members to take a look at it and if it is something that we are satisfied with, we could use it again on other projects. G. Dake reiterates that the minutes will reflect that this is something we are trying on a trial basis to see how it works. T. Yasenchak asks about adding this to the list of building permit requirements. C. Baker states that he is working on the MS4 annual report for the Town and one of the things that he is doing is a checklist for G. McKenna that he is going to have to start using when he goes out on sites, so he will include it on that list. He explains that once an applicant prepares a SWPPP they are responsible for hiring a PE or landscape architect to do the inspections. T. Siragusa questions that this project is in the Kayaderoseras Ridge Overlay District. It is not; the KROD begins above Hughes Road.

**RESOLUTION – YOUNG ROAD LLC**

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board grants approval of the 6-lot subdivision to Young Road LLC, 244 Young Road, TM#161.-1-6.1, contingent upon:

- **A note added to the plans, satisfactory to the Town Engineer, regarding the requirement for builder/property purchaser to comply with Federal and State Storm Water notification and runoff laws**

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

Noes: None

G. Dake states that the applicant should draft and add the note, however he believes that C. Baker would be more than happy to consult with them.

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**JAMES DORSEY – SITE PLAN REVIEW**

Maple Avenue

J. Dorsey is present. G. Dake states that he had spoken with J. Dorsey who has an approval for Hillside Plaza for the rear building and conceptual approval for the front building. G. Dake reads from the approved copy stating that: the rear building has received final approval and a building permit can be issued; the front building has received site plan approval conditioned upon the Planning Board review/verification of the final building specifications including occupant/use and elevation before a building permit can be issued; the proposed site size must be reviewed and approved by the Planning Board prior to issuance of a permit to construct. G. Dake states that we had approved the overall plan and idea, and because he assumed that the rear building would be built first we approved that with some specific review. Now he has a live, real tenant proposed with a smaller than originally approved building, G. Dake states he was not sure how the Board would want to proceed so he suggested the applicant come in. J. Dorsey explains that the tenant is First New York Federal Credit Union. They have six offices currently, are headquartered in Schenectady and take care of a lot of smaller credit union customers like the City of Saratoga Springs employees. They are looking for a location and have put together a site plan which reduces the building size down to a 3000 square foot stand-alone building from an 8500 square foot building, and we have opened up a lot of green space in doing so. Also, by reducing the size they have been able to reduce the parking down to 25 spaces from 32. The building will be clapboard and stone. G. Dake states that we had reviewed, and there was a lot of discussion regarding, parking, storm water management and septic. By losing some building size, he lost some parking spaces as well, so the applicant is in better shape on green space. The one story building on the plot plan is already in existence and is occupied with traffic coming in and out that entrance. The bulk of the traffic theoretically was going to be coming in and out Hillside. This had been previously reviewed. G. Dake asks if this is a simple review or does the Board want to get into a deeper review. He states that he believes we did a pretty extensive review and just wanted to make sure that it wasn't going to be ugly. This is still missing signs. D. Cochran states that he would question the sign. J. Dorsey states that he did go through this with the tenant because that was their concern before getting involved in a lease. He reviewed the Town's requirements regarding external lighting, etc., they seemed fine with that and were going to put together a sign proposal and come before the Planning Board at a future date. L. Dupouy states that she does not like vinyl and asks if the clapboard is going to be real wood or vinyl. J. Dorsey states that is sort of open right now. The two banks that are in Town right now are both vinyl. The bottom three feet would be cultured stone with some nice decorative brackets. L. Dupouy states that it is a great design. M. Thraikill questions that there are two or three lanes as depicted in the handouts. J. Dorsey states that there would be an ATM and that he drew the elevation when he was marketing the property, which was drawn to a 5000 square foot building, and the site plan from the Credit Union is smaller. The traffic pattern is discussed and that entrances will be from Hillside and Route 9. T. Yasenchak questions that the parking meets the new requirements. J. Dorsey states that a bank is 5.55 per 1000 so they need 16 spaces and 25 are proposed. G. Dake states that you could make the case that the parking was already approved. He asks what the applicant's limit of paving is going to be. Is he going to build the entire lot or limit how much of the parking lot will be constructed at the time he builds the bank? J. Dorsey states that he will have to confer with the engineer but imagines that they will put silt fence in the center of the parking lot and build the front portion first. T. Yasenchak asks about the width of the entrance. G. Dake reads from the new zoning that a bank requires 1 space per 200 square feet of floor area. J. Dorsey explains that the driveway width was expanded to 24' and there are cross easements with Tom Ellis, the adjoining property owner. C. Baker states that the reduction in impervious area is a good thing. J. Dorsey states that he had a tenant for the back, submitted a building permit, but that is in limbo right now. G. Dake reviews that we would be looking to verify the site plan based on the previous approval, which had stated that the Planning Board needed to review and verify the final building before a building permit could be issued. It has a conditional site plan approval now, and all we are saying is that the conditions are met with the exception that we have to define the parking and the Planning Board wants to see the sign before the building permit is issued. C. Baker asks if we are going to request an amended site plan. J. Dorsey states that he will be providing that.

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**RESOLUTION – J. Dorsey, Site Plan Review**

MOTION: D. Cochran

SECOND: M. Thrailkill

RESOLVED, that the Planning Board reaffirms the Site Plan Review for James Dorsey, 424 Maple Avenue, TM#153.17-2-25.2, contingent upon:

- **Receipt of a full size site plan showing the whole parcel which would indicate sign details, indicate the parking construction phasing and exterior lighting**

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

Noes: None

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**EILEEN LEARY-KELLY – Special Use Permit/Site Plan Review**

Lake Desolation Road

The applicant has withdrawn her application as the subject property was purchased by another party.

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**NINA & CHRISTOPHER SINNOTT– Minor Subdivision**

Plank Road

Nina Sinnott is present and states that they would like to subdivide their property and give a lot each to her parents and inlaws. G. Dake reads from G. McKenna's notes that the applicant would like to subdivide a 27.28 acre lot into three lots. The existing lot has 122' of road frontage and the proposal is for 3 keyhole lots. G. Dake states that he does not believe that these lots would fall into the keyhole definition. N. Sinnott states that they drew the lots off of the road incase they needed their own driveways. She states that they are not planning to build, they are lots they hope to give to their parents who may have summer homes here and if their parents build, they would not go too far in because they do not want to pay to excavate. She states it gets pretty hilly in the back. G. Dake reads from the definition of keyhole. He states that his concern is that these are not keyholes but three lots side by side that do not have enough frontage. G. Dake states that one of the things that the Planning Board has to address is the fact that while it is currently proposed as family members, someday it may not be. T. Siragusa asks if these would not be keyholes, could they have some type of shared driveway? N. Sinnott describes the property and that you could not build to the rear as the excavation costs would be obscene. She states that there are no direct neighbors, just vacant land. D. Cochran states that it does not meet the keyhole definition and that a redrawing is in order. He states that a shared driveway might be a consideration. G. Dake states that while the applicant owns a tremendous amount of land, there is limited frontage and would require variances as they do not even have enough frontage for one lot, which is pre-existing, non-conforming with 122'. N. Sinnott states that she had asked G. McKenna about bringing in a road with a cul-de-sac, but the cost of that is astronomical. M. Thrailkill asks if she wants to sell this to the parents. N. Sinnott states that the plan is to give it to them and pay for the cost of subdividing, and then the parents are going to build something small. D. Cochran states that if the applicant gets a variance, then the Planning Board could entertain ideas about subdividing and it would not have to be a town road. T. Yasenchak states that the applicant could then have frontage for all lots on the road. C. Baker states that any road built would have to be to Town road standards. T. Siragusa asks if there is any property nearby that she could purchase. N. Sinnott explains that she would have to try to buy 6-acres. The possibility of doing a lot line or property swap are discussed. T. Yasenchak states that the applicant has plenty of land, but this is a zoning issue and they may be able to show hardship because of the lack of frontage. The Planning Board cannot say yes or no at this point. N. Sinnott asks if they did not get approval for a variance, could they bring in a road. G. Dake explains that the road itself would become frontage, would have to be built to Town road specs and the applicant will want the Town to maintain it. J. Streit states that he would like to see a bigger map showing topo, neighboring properties and roads. M.

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Thraikill states that the applicant should go to the ZBA before spending more money on this project. G. Dake states that the Board sounds optimistic, but he is struggling with how the applicant can make this all work. He believes that the only way to make this work is to put in a road which does not make a lot of sense cost wise. The only thing to do would be to find out if there is any way to get a variance. M. Thraikill asks if the road went in, could the applicant get more lots out of it? G. Dake states that N. Sinnott should talk to G. McKenna and the ZBA.

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## **ZBA REFERRAL**

**Michael Vincent – Area Variance** – G. Dake explains that the applicant has gone to the ZBA, who accepted the application, and they are asking for a big variance. The May 1, 2007 ZBA minutes are in the Planning Board files for tonight showing that the application was accepted with conditions to provide additional documentation. R. Rowland states that the ZBA does have copies of the Planning Board minutes. G. Dake states that he had thought that we could find a way to do this, but that since they are two different parcels under different ownership, this would require an 8 acre variance. M. Thraikill asks if he should recuse himself as his son plays with B. Guild's younger son. He does not know the applicant or the parents well. G. Dake states that M. Thraikill has no financial interest but that disclosure is good. G. Dake states that he knows that the ZBA is frustrated if the Planning Board does not give them a negative recommendation, they do all the work and then a project comes back to the Planning Board and is denied. If you are going to vote no, or do we not have the information to vote no? He states that if the applicant has a variance to do it, we still have the sight distance issue. C. Baker states that the applicant still does not have sight distance and the traffic engineer's report does not state that they do. G. Dake states that maybe we need to say that even if the variance is granted, we still do not have demonstration that they have sufficient sight distance to subdivide the land, other than that, it is all zoning. That is still a major open issue. J. Streit asks what if the applicant gets a traffic study showing that they do have sight distance? G. Dake states that if they get a variance and they have sight distance, he has no problem approving it. T. Yasenchak states that the applicant has to prove certain things to the Zoning Board and hardship is not that the Town didn't do the work for free, they could have done it themselves.

**Recommendation** – This is a Zoning issue, however, even with the variance, the applicant still has not demonstrated that they have sight distance.

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## **DISCUSSION**

L. Dupouy states that regarding her comment during the M. Ginley application, she was being funny but not entirely, when she said to give G. McKenna a performance bonus. When C. Baker says that if the onus is on the applicant, they have to pay someone to go out and make sure that everything is in order. G. McKenna is just getting reports, but if that isn't done, and we do it the other way, then G. McKenna has to go out and see that these things are done. G. Dake states that he would just have to make sure that if the plan shows that they are clearing more than 1 acre, G. McKenna would have to tell the applicant that they have to file the documents. They initiate the process and then everything else happens the same. The only additional thing that G. McKenna has to do is when he is looking at the plot plan say that there is more than an acre of disturbance and they have to file. L. Dupouy asks if it increases the work load. G. Dake states that it makes the Building Department's checklist a little longer. R. Rowland states that there are other times that subdivision plats have to be checked for certain things. L. Dupouy states that she just wants to understand that better because when we are making decisions about something, she wants to make that decision based upon not making more work for someone who already has a lot of work and is not going to get extra hours pay, etc. C. Baker explains that if it is over an acre of disturbance, who ever buys and comes in for a building permit, has to file a NOI with the State and they become responsible for the disturbance. Then they have to prepare an erosion and sediment control plan and make sure that the plan is adhered to during the

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construction. If there are any violations along the way, they are ultimately responsible because the permit is in their name. G. Dake states that is not even an issue on something that has not been before the Planning Board for subdivision. He states that he has a 5 acre parcel, bought land around his and cleared an area for parking and a barn. If he had done that today, because it was more than an acre that he had cleared and leveled, he would have had to, technically, file with the State. He states that because he needed no permits from the Town, technically he would have been violation. He believes that still happens because people do not know. D. Cochran states that DEC does catch people. M. Ginely states that if you have a builder, they are in a better position to know what has to be done. L. Dupouy states that her concern is that the decisions we make do not overload someone. G. Dake states that what is the secondary and tertiary impact of decisions we make is very important to keep in mind.

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Meeting adjourned 8:21 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary