

TOWN OF GREENFIELD

PLANNING BOARD

MAY 9, 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, Lorna Dupouy, Deane Pfeil, Thomas Siragusa, and Michael Thrailkill. Mark Young is absent. Charlie Baker, Town Engineer and Gerry McKenna, Zoning Administrator, are present.

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APRIL 25, MINUTES

MOTION: T. Yasenchak

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of April 25, 2006 as submitted.

VOTE: Ayes: Dake, Dupouy, Pfeil, Siragusa, Thrailkill, Yasenchak

Noes: None

Absent: Young

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PLANNING BOARD CASES

JAMES OLDER – Minor Subdivision

Sand Hill Road

James and Jesse Older are present. Jesse Older explains that there were sight distance and road frontage issues. They have moved the driveway 315', the bank across from the driveway has been cut back to help with the sight distance and they will be making this a single lot. C. Baker states that the traffic engineer's report stated it was checked for a 40 mph posted speed limit and it meets. T. Yasenchak states that the applicant addressed everything that was asked for the last time, it is safer and no variances are needed. D. Pfeil questions the required acreage and G. McKenna states that this is an R1 zone. C. Baker states that the typical notes need to be on the map and that the septic system design is required before the building permit is issued. Public hearing is discussed and found to not be necessary. **The Board completes Part II of the Short Form SEQRA. All questions are answered "no". M. Thrailkill makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. L. Dupouy seconds the motion. All present in favor.** G. Dake states that a final survey map will be needed

RESOLUTION – J. Older, Minor Subdivision

MOTION: L. Dupouy

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants a minor subdivision to James Older for property located on Sand Hill Road, TM#150.-1-52.111 and waives a public hearing, contingent upon:

- **Review and approval of final survey plan by the Town Engineer and the Planning Board Chairman**

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The Board discusses the public hearing further and G. Dake states that since this is a 14 acre lot in 1 acre zoning with the neighbors only having 1 acre lots, he does not see what the impact would be. T. Yasenchak questions the 5-year rule regarding the property across the street. G. Dake states that usually when a road bisects the property the Planning Board waives the 5-year rule.

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

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**THOMAS KUBIAK – Site Plan Review**

Route 9N

Thomas Kubiak has withdrawn his application.

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**CHARLES GLESSING – Major Subdivision**

Locust Grove Road

Postponed to May 30, 2006.

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**SHELDON JENKS – Minor Subdivision**

Wilsey Road

Sheldon Jenks is present. G. Dake states that this is a simple, natural minor subdivision on property that is bisected by the road. G. McKenna states that it is in the R2 zone and meets all requirements. **The Board completes Part II of the Short Form SEQRA. All questions are answered “no”. T. Yasenchak makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. D. Pfeil seconds the motion. All present in favor.**

**RESOLUTION – S. Jenks, Minor Subdivision**

MOTION: M. Thrailkill

SECOND: L. Dupouy

RESOLVED, that the Planning Board grants a minor subdivision to Sheldon Jenks for property located on Wilsey Road, TM#150.-1-29.13 and waives the public hearing.

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

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**NEIL & EDNA ROSS – Lot Line Adjustment**

Sand Hill Road

Neil Ross is present and is requesting a lot line adjustment with his neighbor's property. He purchased a 30' strip of land. G. McKenna states that he had not seen the map prior to tonight and that this may need an area variance for the neighbor's property as it seems that they are making E. Stone's lot smaller than required. G. Dake suggests that N. Ross and G. McKenna discuss this and determine if the variance is needed. G. Dake states that once the applicant has the variance, this should be a lot line adjustment that can be handled administratively.

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**JOHN WITT – Major Subdivision**

Lester Park Road

John Witt is present. D. Pfeil recuses herself. J. Witt is here so that the Board can identify what are the outstanding issues on his application so that the applicant, his people, this Board, the Town Engineer and the Code Enforcement Officer can all be on the same page. The applicant is also on the agenda for a ZBA referral for a temporary use variance. Regarding the fossil issue, G. Dake states that he met with Prof. Lindemann, learned about *Cryptozoon proliferum* and that he learned that many of these stromatolites are little more than interesting geologic junk food. They are interesting, but not particularly rare, whereas the *Cryptozoon proliferum* is rare, so all stromatolites are not created equal. Lot 1, where the Board saw that it had already been taken down to bedrock, was one that had been inspected. The only other lot that really had much potential is either lot 4 or 7. G. Dake met with Matt Darcangelo from Aztech Engineering and talked about how to go back and evaluate based on his conversation with Prof. Lindemann. They discussed how to project the elevation where something would most likely be found. M. Darcangelo is going to verify that with Prof. Lindemann. The two roads that go through would be the two potential problem areas. G. Dake states that he explained to M. Darcangelo that the Board is far more concerned with protecting the stromatolites than with getting a lot of papers to put in a file, and that he should spend his time talking with Prof. Lindemann, checking in the field and seeing what is there. M. Darcangelo states that they will work with Prof. Lindemann on how to do their inspections. G. Dake states that he feels that the fossil issue is under control and that the Board will want documentation along the way. He believes C. Baker is satisfied regarding traffic. We have the letters, the speed limit was reduced and we have certification from Creighton Manning that it is acceptable. C. Baker confirms this. G. Dake states that another issue he has is one of storm water and that it needs to be decided who will own the storm water basins. If the Town is going to own them along with the road, we will have to deal with the issue of what is the mechanism that the Town is going to be compensated. The Town Board is hoping to have a draft ordinance on what to do with storm water detention basins. They are looking at the same approach that the Planning Board has talked about with Alec Stephens. G. Dake states that his thought is that that developer avoids that whole issue if the basins are owned by the Home Owners' Association, but there are good reasons that one might want them part of the town road system. J. Witt asks what the Highway Department would like. G. Dake states that he would have to discuss that with the Highway Superintendent. He explains that we are in this period of conversion because of the MS4 regs. J. Witt states that he is drafting the HOA now, so that is something that would have to be nailed down before finishing that part of it and that he is open to either. G. Dake states that he would almost rather that the storm water basins be owned and maintained by the HOA since he believes they are going to have other active management – they are going to have some mowing to do, some trail maintenance – if the Highway Superintendent is comfortable and there are no engineering issues with this. J. Witt confirms that and states that they are going to keep the one little meadow brush hogged, the trails, and flowers at the entrance. G. Dake states if they are going to be doing that kind of work, that would be the kind of work generally going along with mowing of a storm water basin. He states that there would need to be some sort of easement in case something went wrong so that the Highway Department could get in there and work on it because the Highway Department's road is draining into it. C. Baker states that he would agree with that and the only thing that he would recommend, if that is the case, is that in the writing of the HOA that there is a description about the maintenance – how to maintain it, how often, etc. G. Dake states that would dovetail into the storm water management report. C. Baker states that the report could draw the conclusions for that. J. Witt states that he will go that route. G. Dake states that there is an issue of septic on the showcase home lot. C. Baker states that he talked with Mike Shaw, DOH, yesterday. He explains that he was sent the plans to review and was uncomfortable reviewing them knowing that it was part of a subdivision that was going to require Health Department approval. He called M. Shaw to see what his opinion was and basically the way M. Shaw is approaching it is that right now they are building a single-family home on a large lot, as long as the applicant understands that they are proceeding at their own risk. When that lot does become part of the subdivision and it goes to the DOH for official review, it is going to be the applicant's responsibility to show that it meets all the separation distances, etc., within that particular lot within the subdivision and at that point, M. Shaw will look at it. Right now M. Shaw is comfortable with the

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Town looking at it with the applicant understanding that they are proceeding at their own risk. C. Baker states that they are scheduled to do additional test borings on May 16 and this will be one lot that they will be looking at. G. McKenna states that he does not have a problem with that. Regarding SHPO, G. Dake states that the letter has gone out from the Planning Board. We have a 4-page review letter from C. Baker, and G. Dake states that he believes these are really engineering issues. C. Baker states that is about as detailed as he could get. He tried to get all the issues out, talked with CT Male about a number of them and he states that they are working on responses. He states that he does not foresee anything additional, but when the additional borings are done on May 16<sup>th</sup>, there may be other things that come up. G. Dake states that the last item he had is the question that relates to the variance that the Planning Board is going to be making a recommendation on, and as C. Baker stated the approach we are taking since there is one 80 acre lot that has a house on it already is that you can only have one principle residence on a lot. There is a principle residence at the top of the hill and you are trying to build one at the bottom of the hill. The question is if there is some way to make the upper house uninhabitable, therefore being back down to one house when the new one is built. Discussion takes place as to how that can be done. G. Dake states that there is now the possibility that it might be occupied through the summer. J. Witt states that they are not quite sure, but that one of the Benton's might stay there on and off for the summer or the applicant might use it as a field site. He states that he does not want to tear it down in case they want to use it. G. Dake states that it is a nice building, and the Board understands that J. Witt does not intend to leave it there. No one believes he is going to give up one of those lots to keep the house there, but the Code does not allow for 2 principle residences. J. Witt questions that this is a primary residence, it is not even winterized, so technically maybe you don't call it a primary residence and let it slide. G. McKenna states that the Code does not say primary, it says principle. J. Witt states that it is not a principle residence for anyone. G. McKenna states that you cannot have a guest house either. J. Witt states that he did not understand that he could get a variance for that to stay or he would have done that two or three months ago. He states that he has 3 months to get this house built, if he waits to June that leaves two months and he does not think that he can do it in that time. J. Witt asks if there is any way not to give him inspections until the variance is approved. G. Dake questions some level of disassembly such as the power shut off or the building jacked up, etc. J. Witt states that it will cost \$20,000 to jack it up and that would defeat what they would like to use it for. G. Dake states that the Planning Board does not have a problem with a variance knowing what the intent is, but this Board does not have the power to waive anything in the Zoning ordinance. G. McKenna is the interpreter of the code and the ZBA is the arbiter of disputes over G. McKenna's interpretations. The Planning Board gets to make a recommendation to the ZBA and G. Dake states that he would be comfortable asking the ZBA for a motion to grant a favorable recommendation on the variance. He states that this is an issue that was identified a long time ago and is one more of those communication pieces throughout this process. G. Dake questions if the applicant can get a building permit and not a CO. G. McKenna states that none of that is even a choice. J. Witt states that the question is that it is up to the interpretation of what is written in the Code and if G. McKenna is saying two principle residences, it's obvious that it is not a principle residence for anyone. G. Dake states that regardless, this Board does not have the power to waive that interpretation. J. Witt states that he has to decide to either build this or not, or come up with some kind of interpretation that works and bring in attorney's to look at. Maybe the attorneys could find some language that G. McKenna could get comfortable with. G. McKenna states that there is an application before the ZBA for a temporary use variance and the public hearing is on June 6, 2006.

**RESOLUTION – J. Witt, ZBA referral**

MOTION: T. Siragusa

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants a favorable recommendation for a Temporary Use Variance for John Witt for the property on Lester Park Road, TM#164.-1-82.

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

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G. Dake states that he would love to see this project come to fruition as quickly as possible, he thinks it is going to be good for the community, generate a lot of tax base, be a beautiful project, but there are certain things the Planning Board can't short cut. He asks what other issues the Board or staff have. T. Yasechak states that the trail is not on the plans and she would like to see some details. J. Witt states that he wants to handpick the trail. G. Dake states that it could be on the plans conceptually with a note that the exact location will be verified in the field. He asks if it will be in the Home Owners' Association and can the Board have a copy of that. J. Witt states that it will be in there. J. Witt states that he can submit that next week as there is a short version that they are applying for. He states that doing the storm drainage might throw them into a bigger one, but he does not know. L. Dupouy states that she is happy with the information on the fossils and that the neighbors use their property for 4-wheelers, and they are concerned that the new resident's will complain about this. J. Witt states that the new resident's can complain about the noise, but there isn't much that can be done when they are on their own property, it is the country. C. Baker states that he hasn't seen the response yet and he still has some concerns with storm water, the center of the cul-de-sac in particular. He is not comfortable with that basin in the center of the cul-de-sac and thinks that in the long term it is going to have detrimental effects on the road base. J. Witt states that he will see if they can move that. C. Baker states that he has concerns with the ones at the entrance and he knows that is a very difficult area to work with. G. Dake states that the Board still needs the SEQRA form revised – there were some blanks, some boxes that got missed – and the maps have changed a little bit since this first came in. He would like them to go through and verify the information. F. Palumbo had a question about SHPO as an involved agency and now that the letter has gone out, that can be addressed. He suggests getting that revised as soon as possible so that the Board can review it and start talking about what the Part 2 looks like. He states that the one thing that has not been discussed in detail is the question of visual impact. The Board members talked a little about that in the field when looking at the steep slope and that you could not see anything down on the road because of the trees and the way the road curves. The theory is that you will not be able to see very much of that road from anyplace. G. Dake states that you will be able to see houses from a variety of places. The Board consensus is that it will be very nice and if it all goes along with the plans submitted, it should be fine. J. Witt states that there is a letter that should be forthcoming from D. Lindemann. C. Baker states that he would like to have the engineering responses at least 2 weeks before a meeting. J. Witt states that he will shoot for having that to C. Baker by May 16<sup>th</sup> and for final. C. Baker states that the only complication with that would be the borings and he does not see any point in meeting and discussing the detailed engineering until after those borings are completed and we know what the DOH is going to say. J. Witt reiterates that he will still shoot to get C. Baker everything on May 16<sup>th</sup> and then seek final approval contingent upon a couple of items. G. Dake states that would be aggressive. He states that we do not want to skip any steps and want to have that SEQRA form in to R. Rowland by May 16<sup>th</sup> so the Board can have a little time to look it over. If a part 3 were needed, that would push this into June. C. Baker states that based on his conversations with M. Shaw, he said that the applicant currently has an incomplete application with them, and he told C. Baker that his review time right now is at least 8 weeks out. G. Dake states that the Board is friendly to the project, would like to proceed as best we can and he thinks it is not impossible to get it done on May 30<sup>th</sup>, but he would not say it is super likely. G. Dake and C. Baker state that they will not be present on May 30<sup>th</sup>. G. Dake requests that the Board members get any issues or questions to him as soon as possible.

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**JEFFREY COLLURA – Major Subdivision**

Locust Grove Road

Jeffrey Collura is present and states that the April 21 map revision shows the silt fences. C. Baker states that he has not received a response to his March 24, 2006 letter regarding engineering issues, storm water in particular. J. Collura states that he has a rough draft response from P. Male for C. Baker and believes that storm water meets. He also reads from his response to S. Howard's concerns regarding storm water. T. Yasechak states that C. Baker's letter is important and needs to be addressed, and asks if the plans

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have been revised. J. Collura states that he has a set with hand written changes and the silt fences have been added to the plans. He was looking for preliminary approval before having D. Barass redo the plan because it will be the sixth revision and he would like it to be the last one. He feels that everything is pretty well covered at this point. He refers to the concerns regarding the proposed roadway; refers to the site visit and the issues with the hill, and that it could be worse to push the road in that direction. Discussion takes place about the 500' separation of roads and that the applicant is not technically proposing a road at this time. The Board is simply trying to provide for the best opportunity to make sure that we are doing something right in the future. C. Baker asks why the applicant is not proposing it directly across from Griffen. J. Collura states that there is an offset. C. Baker states that he believes that the offset would comply. G. Dake states that regardless of who is supposed to approve that, if the applicant asks W. Barss where the Highway Department would like to see it and if he makes a recommendation, recognizing the problem with sight distance, he believes that which ever Board needs to approve it would go along with W. Barss' recommendation. T. Siragusa comments regarding S. Howard's concerns and states that it seems that the applicant is trying to follow the rule of the law. He believes that S. Howard has made a pretty impassioned plea to do the best the applicant can and not make the situation worse. He asks the applicant if he is doing what is minimally necessary or what else could really be done. J. Collura states that the proposed house is so far away from S. Howard's house that he does not see where it could have any impact whatsoever. G. Dake states that if the applicant hypothetically built the road someday, if it is built on the property edge, would he not be building in ditches, etc., that would divert the water down to the ditch line on Locust Grove, and could you conceivably actually be helping her drainage by moving the road closer? C. Baker states that most likely, if there is ever going to be a road there it is going to require some type of storm water management basin at the base where it intersects. C. Baker states that with the new regulations the applicant will have to control any run off from that proposed roadway and he doubts that will be possible on a 60' right of way. Discussion takes place regarding the applicant's options and whether he may be able to widen the roadway or provide additional easement. J. Collura states that he believes most of S. Howard's water issues come from the rear of her property and he does not know what else he can do. C. Baker states that assuming that the response he gets from the engineer is what he is looking for, the applicant is not making anything worse that what exists today, because he is obligated under the Phase 2 requirements to maintain his post development flows to the pre-development rate. L. Dupouy states that when the Board members went on the site visit, they were all very sensitive to the neighbor's point of view and went looking for how her property was getting we. She states that her recollection was that it was very clear that the land was so separated that it wasn't an issue. It was vastly the neighbor's property and she does not feel that it is incumbent on the applicant to do anything because it is so separated. M. Thraikill states that you could see that a lot of the water that was coming off of there was kind of natural coming from the back of S. Howard's property. He states that maybe the road close to the property line might act as a buffer to divert some of the water. Possibly whatever the applicant does by putting in a house with drainage, will improve the situation. J. Collura states that he understands that the neighbor is very sensitive to her land and wanted a buffer. G. Dake states that this needs to be sent for County referral and that one of the tricky parts of this in dealing with the County referral and the SEQRA, is the phasing. As far as he can tell, they are functionally independent. The Board has given the applicant direction that says that for the purposes of avoiding segmentation, lets look at the whole thing and the Part 1 does attempt to deal with the whole thing. He asks if there is a reasonable approach that would avoid segmentation that would say that the Board can look at the east side of the road separately from the west side. He states that he believes that these are functionally independent lots and he would be comfortable reviewing the environmental impacts of the east side without any plan for what happens on the west, with the only potential impact where they could intersect each other being traffic. Which is an issue that the Board is already addressing by talking about where to put a road that is in a possible future subdivision that isn't even contemplated yet because the applicant does not control the land. C. Baker states that his first comment in November was that he thought that these could be handled as two separate reviews and he agrees that they are functionally independent. Obviously the other side of the road is going to have a lot more engineering, a lot more drainage details and will be a lot more involved environmentally. D. Pfeil states that she thinks it would be more practical to deal with this one first and then look at the other side when the applicant has it all figured out. She states that asking the applicant to come up with all the information for the west side is

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premature, it could change and it could be affected by what happens in the first phase. She asks, because of the natural road division, why couldn't he just subdivide one side from the other. G. Dake states that he would be doing that anyway with lots 1-5 and then everything on the other side would be lot 6. The question of the 5-year rule comes up and G. Dake states that the Board could pre-waive it the way it was done for the Benton's and the Kmen's when they did the same thing. The applicant is asked to redo the SEQRA form for the subdivision on the east side of the road and that this will be sent to the County explaining that there will be a phase 1 and everything to the west will be phase 2. G. Dake reviews what is being asked of the applicant and reiterates that he should meet with W. Barss. J. Collura states that he does not think that S. Howard would be very pleased with any road traffic right along side her house. T. Yasenchak questions who will enforce the deed restrictions that the applicant is proposing. G. McKenna states that the Town has no jurisdiction and that it will be up to the neighbors of the subdivision. J. Collura states that he will send a copy of the map with revisions to C. Baker.

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### **SCOTT FORO – Site Plan Review**

Whispering Pines, Sand Hill Road

Scott and Kim Foro are present. S. Foro explains that they would like to expand the campgrounds with 45 sites to the rear and 5 additional sites near the entrance; there are 70 existing sites making a total of 120 after the expansion. He states that 10 years ago they came to the Town for a use variance to reopen the campsite as it had been closed for some time. G. Dake asks if there have been any complaints or violations. G. McKenna states that there are no violations and that there were complaints in the beginning but none in the last 8 years. He questions DOH approval for septic and wells but it is a little early for that, and states that the applicant also needs to pay additional application fees as this is commercial. S. Foro states that the complaints came from one person who has since moved. The campground regs are discussed. G. Dake states that this will be State regulated more than Town so the Board is looking at site plan review. He states that this might be a project where the Board would want to visit. S. Foro has no problem with that and states that they are clearing out in back so you could drive in to a certain point. L. Dupouy asks if there are regulations for the sizes of campsite sites for tents vs. those for RV sites. S. Foro states that Kim Foro is the Regional Director of the campground owner's association. K. Foro states that they are basically the same. L. Dupouy asks if the applicant is going to be able to set the sites up in a way so that people are able to drive up and park, and then are able to pull straight out so that they are not backing up. S. Foro states that the upper level will all be back-in sites. They are basically designed for seasonal camping and the lower area will have 5 more pull-through sites. D. Pfeil expresses concern for the traffic on Sand Hill Road for Sunday evenings when everyone is trying to leave at the same time. S. Foro reiterates that the new 45-site expansion is designed for seasonal camping – they come in May and stay for the summer. He explains that the new sites will all have septic, water, electric, cable, Internet access, etc. He states that part of the expansion will be that they are upgrading the electric throughout the entire park as they do this because they have to come in from the road with a high-voltage line all the way to the back of the park and now is the time to upgrade the whole park. G. Dake states that will come under G. McKenna's review. T. Siragusa questions how the sewage hookups work. S. Foro states that they have 17 septic systems on the property; all those were inspected by the State before they reopened in 1996. He is envisioning 4 or 5 more septic systems for the new section – that is yet to be engineered. G. Dake states that those will all be reviewed by the State. T. Siragusa asks what improvements have been made during the last 10 years. S. Foro states that they did major reconstruction in 1996 because it had been shut down for 5 years and in a state of ruin. T. Siragusa asks if there are tent sites. S. Foro states that sites 45 –70 are all tent sites with no hookups. T. Siragusa comments that there are not a lot of campgrounds in the area and asks what attracts people here. S. Foro states that they see mostly people coming for Saratoga – SPAC, the track, construction workers, etc. K. Foro states that part of this is because of the central location between Albany and Lake George. S. Foro states that they did put in a swimming pool a few years ago. T. Yasenchak asks if all the septic systems are gravity. S. Foro states that there are no pumps. T. Yasenchak questions if there are any streams or ponds. S. Foro states that the only pond is the dam built by beavers behind proposed sites 93 to 102 and that is on a neighboring property. He

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states that those septic systems will be too close so they will have to come back, which will be up to the engineers. T. Yasenchak asks that those wetlands be located on a map and asks about water, stating that the applicant will obviously have to meet the State standards. S. Foro states that they presently have one well with one additional planned. G. Dake asks how Whispering Pines compares with the one on Brigham Road. S. Foro states that someone drove through there and he does not believe that they will even be opening this year. K. Foro states that as a Regional Director for the board of the campground owners, she is responsible for 16 campgrounds in that region so she visits them at least once a year so she can answer questions about any neighboring facilities. S. Foro states that with all the work he had to do to get open this year, and then to see that they have done nothing, it concerns him that they are going to be able to open by Memorial Day, which is essential in this business. Alpine Lake in Corinth is also discussed. S. Foro states that there is a big concern in the industry right now that that one will be gone, as it is believed to have been recently purchased by a developer. G. Dake asks if there is a time limit, as he remembers something in the Adirondack Park about how long you can have a seasonal trailer in there. G. McKenna states that there is an old rule that it is from May to October without permission from the Town Clerk. G. Dake states that one of the things that he would like to see, particularly in the area along the proposed expansion is house locations, and some idea of what we have for screening so that we have that information in the file. He also comments that the MS4 storm water regs have changed in the last few years. He explains some of those changes. S. Foro states that they are not getting into the virgin soil too much except for trenches and that they are actually bringing in fill to level them. C. Baker states that is still grading. He also states that issues would be wetlands, DOH approvals, storm water and traffic. He states that he believes that a sight distance survey had been done years ago and should be revisited. S. Foro states that they did have that done and that they have never had an incident. G. McKenna suggests that S. Foro come by and pickup the campground regs for the Town because there are setbacks and buffer areas, etc. S. Foro asks about a rough estimate time frame. G. Dake states that a lot will depend on that MS4 and what is needed for storm water. Regardless, the Board is going to want to have an engineer's report on storm water management. He states that it seems that the Board is favorable to the application, assuming that we can work out whatever issues there are. The Board will want to see what we have for the traffic study and the applicant may want to go back to see what would be needed to update it. S. Foro states that he thinks it might have improved as the Town has taken some vegetation down on that hill. A public hearing is set for May 30<sup>th</sup> and that we will wait to do the County referral until we have additional information. C. Baker states it is important to have someone do a Federal delineation for the wetlands. Discussion takes place about the State and Federal buffers from wetlands and that the applicant would want to locate the edge of the wetland. C. Baker states that most of the State wetlands are mapped. S. Foro states that the wetlands are at least 10' off of the property line on the neighbor's property.

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## **ZBA REFERRALS**

**PAUL JASYN – Area Variance, Lake Desolation** – G. Dake states that one of the things that is being considered in the new updated zoning ordinance is that any approval to do even a carport would require a septic test in the Lake Desolation circle, because we have a known problem up there and it just becomes the only way that you can get people to ever get around to updating their septic systems. He states that we do not have anything in the regs today that says that and that it would be very difficult for the Zoning Board to say that they are concerned about the carport's impact on the septic system. He states that he is reluctant to make that part of a recommendation, but he wants the Planning Board to be aware of it. G. McKenna states that part of the recommendation could be that the applicant identify the location of the well and septic on the lot. The size of the lot is discussed. D. Pfeil states that she lived on a very small lot in another County where there was nothing that they could do legally, except "repair the septic system". G. Dake states that his dream is that someday we get the Town, with some sort of matching grant, to find a way to put in some type of a package sewage system up there, but then where do you discharge to? They have a sewage treatment plant for Brookview. T. Yasenchak states that she is confused because there are times that people just cannot physically update their septic system. G. Dake compares this area to what it was like around Saratoga Lake years ago before the County put in a sewer line. T. Yasenchak states that those things happened naturally

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and you were not forcing someone to not fix up there home because their septic happened to be sub-standard when they bought it, now they want to fix it up and try to make it look nice. G. Dake states that there are pump systems that can be installed. G. McKenna states that you cannot do that for new construction or year round residences. G. Dake states that this is the direction that this may be going, but the Town Board has not yet approved the zoning rewrite.

**RECOMMENDATION** – that the Zoning Board consider location and impact on well and septic system.

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**THOMAS & BARBARA ASHBEE – Area Variance**– T. Yasenchak recuses herself. No Planning Board issues.

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**DANIEL NADARESKI – Area Variance** – No Planning Board issues.

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**DARREN TRACY – Area Variance** – G. Dake recuses himself. This will be coming back to the Planning Board for subdivision. T. Yasenchak reviews that this is for an area variance for frontage and that the applicant is requesting to have fewer houses than allowed by code. She points out that there is a high-pressure gas line through the center of the property. G. McKenna points out that there is a section of driveway that will actually be shared by three driveways. Discussion takes place that the applicant needs a variance because there isn't even enough land to have two keyholes. There is 31.67' of frontage each for lots 1 & 2, and then 30' each for lots 3 & 4. D. Pfeil states that she does not think that this is an impractical approach to this as these lots were always meant to be built on, it is 1 acre zoning, they are all huge lots and she does not have a problem with shared driveways. If the Zoning Board does not grant a variance, the applicant's other option would be one lot on each side of the Niagara Mohawk easement. G. McKenna points out that even if he gets the variances; they still have to come back to the Planning Board for subdivision. D. Pfeil comments that if there were enough room to do a road in there, the 60' would be sufficient for a road to service 6 houses in here. The soil issues in this area had been mentioned by C. Baker when D. Tracy was before the Planning Board. C. Baker states that he would definitely recommend soil borings.

**RECOMMENDATION** – The Planning Board is receptive to 4 lots, however, soil tests may not allow for the subdivision.

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## **DISCUSSION**

G. Dake states that he ran into Sam Landy, UMH, and they are close to being in a position to come back to the Planning Board for the Brookview Mobile Home Park.

G. Dake refers to the correspondence regarding sending public hearing notices to neighboring communities. R. Rowland states that she does this now.

The Town Board is working on the issue of storm water basins and trying to get a system in place.

G. Dake received a draft copy of a local law to allow the temporary data collection structures and says that the Town can grant an approval of not more than 12 months and may be renewed for one additional 12-month period. G. Dake states that he suggested "up to" 12 months so that the Board could extend it for a shorter period of time. He asks that R. Rowland make copies and distribute it to the Planning Board.

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G. Dake states that Dan Cochran has stated that he would be willing to rejoin the Board and G. Dake states that it would be nice to have someone who is up to speed. He has also invited Dr. John Streit, who sat on the Master Plan and zoning rewrite committees, to submit an application for the alternate seat. G. Dake suggests that the Board encourage others to do the same.

G. Dake refers to the information from L. Fiorino regarding illegal subdivisions and states that he will contact the County Planning Board and discuss this. He states that the County is accepting the maps without making sure that all the information is there and then kicking it back to the Planning Board afterwards. G. McKenna states that the County Clerk's office accepts certain things and then when it goes to Real Property it is not complete.

C. Baker states that W. Barss met with A. Stephens regarding the storm water basins. G. Dake states that A. Stephens did not like the figure that was presented to him.

G. Dake states that there will be a public meeting on May 16<sup>th</sup> at the Community Center on the new proposed zoning ordinance. The Town Board will have a public hearing in the future.

T. Yasenchak questions that by telling companies that they can put up the meteorological towers and have them spend all this money to do that, isn't that already telling them that we are almost open to having it there. She states that the Town is giving them sort of an idea that the Town is open to the idea. G. Dake states their position would be that they need to have the meteorological tower to find out if it is even feasible and that one of the things that he had suggested was the question of segmentation. How can you put up the meteorological tower, the first step of a wind farm, shouldn't you be doing the whole review of the wind farm from the SEQRA standpoint? D. Pfeil questions why the Town cannot decide ahead of time if they do or do not want the towers? G. Dake states that he thinks that is why we had as a Town, with Airtricity, that informational meeting and there seemed to be more concern about what happens about construction than when it is up there. He didn't seem to feel that there was concern about environmental issues. T. Siragusa states that there were concerns about the lights. G. Dake thought that the biggest piece seemed to be questions on the construction phase. He states that it is hard to be opposed to renewable energy. The argument now is that they do not even know if they have enough wind to be bothered to put in the application. He states that Airtricity is aware that it is not a given. G. Dake states that all the Board can do is to say that they are not guaranteed approval – even if they do not hear it – just like when the Board tells other applicants that they are proceeding at their own risk. T. Siragusa states that the Board can put any kind of stipulation they want on something that something is not reflective of permission, but they are going to come and if they can sue saying that you allowed us to spend money, they will. G. Dake states that the Board may want to take that into consideration when drafting a motion. D. Pfeil asks how the Board will be able to turn down playing field lights if they approve a 250' windmill. G. Dake states that it is a different part of town.

M. Thrailkill questions the activities taking place at the former Loeffler's Lumber, and states that J. Mihalek has cleaned up his area and it looks nicer. G. McKenna states that he is aware and is on it. M. Thrailkill also questions activities on Wing Road and that there are approximately 40 barrels and burning going on. G. McKenna states that he is also aware of this issue.

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Meeting adjourned 10:00 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary