

TOWN OF GREENFIELD

PLANNING BOARD

JUNE 9, 2009

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, Lorna Dupouy, Michael Ginley, Thomas Siragusa, John Streit, Michael Thrailkill, Tonya Yasenchak and Nathan Duffney, Alternate. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

MINUTES May 12, 2009

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of May 12, 2009 as submitted.

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

Noes: None

PLANNING BOARD CASES

OLD STONE RIDGE – Major Subdivision, Phase 2

Lester Park Road

Sharon Licata is present representing the application. Phase 2 of this subdivision was approved, however the plans were not filed with the County and have expired. They need re-approval and re-signing in order for the applicant to file.

RESOLUTION – Old Stone Ridge, Major Subdivision, Phase 2

MOTION: J. Streit

SECOND: T. Yasenchak

RESOLVED, that the Planning Board re-approves Phase 2 of the Old Stone Ridge major subdivision of John Witt, Lester Park Road, TM#164.06-1-98.

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

Noes: None

JEFFREY & AMY DOHERTY – Lot Line Adjustment

Alpine Meadows Road

No one is present for this application. G. McKenna explains that Jeffrey and Amy Doherty are under contract to purchase two lots on Alpine Meadows Road. One lot is land locked and one has frontage. They would like to change the lot line to make the land locked lot a keyhole lot. They are aware of the fact that they have to keep the one lot at least 6 acres and make the other as big as they can make it. G. Dake asks that

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everything will meet zoning afterwards. G. McKenna states that TM#111.-2-16.51 will end up being 6 acres because they will give that parcel a little corner off the back of TM#111.-2-8. G. Dake states that the other lot will then become 3.89 acres probably. G. McKenna states that it will be a keyhole lot so it will have that regulation on the plat but other than that they are making a pre-existing, non-conforming lot better. T. Yasenchak states that she would just like to see the hard numbers on the survey. M. Ginley asks if doing a lot line adjustment gets rid of the pre-existing, non-conforming status and if they will need a variance. G. McKenna states that they would need a variance if they cannot meet the setbacks.

RESOLUTION – J. & A. Doherty, Lot Line Adjustment

MOTION: M. Ginley

SECOND: M. Thraikill

RESOLVED, that the Planning Board grants a Lot Line Adjustment to Jeffrey and Amy Doherty for property located at 110 Alpine Meadows Road, TM#111.-2-16.51, and 142 Alpine Meadows Road, TM#111.-2-8, contingent upon the following:

- **TM#111.-2-16.51 must remain at a minimum of 6 acres**

VOTE: Ayes: Dake, Dupouy, Ginley, Siragusa, Streit, Thraikill, Yasenchak
Noes: None

DISCUSSION

G. Dake states that he had a meeting, primarily about Stewart's things, with Saratoga Plan and was talking with someone there about the County Green Infrastructure Plan. G. Dake said that he didn't know anything about that, but Saratoga County has apparently adopted one. He asked if they would be willing to come and do a presentation to the Planning Board at some point. He asks if the Board would be interested in learning more about this. Consensus is that they would. G. Dake states that he will coordinate with R. Rowland to see when they are available and suggests that we ask the Town Board if this would count towards the required training.

G. Dake states that he did speak with Matt Jones last week. R. Rowland had sent him all the information regarding the Mahay application – a copy of the easement as well as the supporting documentation. M. Jones had hoped that he would have something for us today, but he was not sure. We should receive something soon and we will get it to the rest of the Board members as quickly as possible. G. Dake states that his preference would be that M. Jones tell the Board that either yes, this easement does allow commercial use; no, it does not allow; or it is unclear and if it is unclear what do we do next, how do we decide what the next steps are. G. Dake states that he has a feeling that M. Jones will not be saying 'obviously, they can' or 'obviously, they cannot' have commercial traffic. J. Streit questions that this is a case of lawyers can't give a definitive rationale because of lawyers' poor work. G. Dake states that or at the client's direction, if the client says that they do not like something or the client wants to keep it as obtuse as possible. M. Thraikill states if that leaves the Board with option C, then would we go up and look at it? J. Streit states that before we make a ruling, we should make a site visit. B. Duffney shows the Board copies of ZBA minutes indicating conflicting statements by the applicant and the neighbor. G. Dake reads these for the Board. G. Dake indicates that he received a letter from D. Jacques requesting that he be allowed to come in and tell the unbiased version of the story. G. Dake's reaction is that it would be a differently biased version of the story and he feels that would only create a situation where each would be saying that the easement means something different. He will get his chance at a public hearing. B. Duffney states that the Board will be made to be the judge and that it basically puts the whole Town at risk to be sued. G. Dake states that Towns get sued. One of the most important things that the Board has to do in order to protect ourselves and to protect the Town in the case of a suit is to make sure that the Board has been prudent, building a good record and making sure that we are taking a serious look in evaluating the facts. You don't

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get over turned because you made a bad decision if you have all the facts; you get over turned because you didn't follow procedure or because you didn't bother to collect the facts. You want to try to make sure that you have a complete record before you make a decision. G. Dake states that he will tend to run the meeting with a few more 'i's' dotted and a few more 't's' crossed when you have obvious litigious applicants, because you know the odds are just greater that you are going to get sued. Hopefully we don't make a different decision, we just do the 'i's' and cross the 't's' better. We are supposed to use judgment, we are not supposed to be God-like with all-knowing powers. We are just supposed to use the best judgment possible as a group of laypersons – we look for engineering advice, we look for zoning advice, we look for legal advice and then we make the best decision we can and you don't lose the law suit if you do that. M. Ginley states that it is written so vaguely that he doesn't think that a judge could over turn the Planning Board one way or the other. J. Streit states that if we turn to a number of legal opinions and the original judge who made the decision, to sue the Planning Board they would have to hold the Planning Board to a higher standard than the attorneys. G. Dake states that he understands B. Duffney's frustration and that this is going to break down into a he said/she said situation, big time.

Meeting adjourned 7:18 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary