

TOWN OF GREENFIELD

PLANNING BOARD

JUNE 27, 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, Dan Cochran, Lorna Dupouy, Thomas Siragusa, John Streit and Michael Thraikill. Mark Young, Gerry McKenna, Zoning Administrator, and Charlie Baker, Town Engineer, are absent.

JUNE 13, 2006 MINUTES

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of June 13, 2006, with the following corrections:

- Roll Call – Gerry McKenna and Charlie Baker were present.

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

Noes: None

Absent: Young

DISCUSSION

G. Dake states that on June 21st, he entered the Woodlawn Avenue Stewart's and was quite surprised to see Deborah Fellows, who was an applicant before the Planning Board, working behind the counter. On further checking he found that she had been hired on June 10th, so when she was given her approvals, she was an employee. He states that he would have disclosed this had he known.

PLANNING BOARD CASES

THOMAS JOHNSTON – Minor Subdivision

Allen Road

Thomas Johnston is present and reviews that he would like to subdivide his 13+ acres into three lots. He has provided a new map with topo and standard notes. G. McKenna's notes state that it complies with zoning. T. Yasenchak states that the applicant had been asked to have the topo placed on the map and that was done, along with the notes. D. Cochran asks about sight distance. M. Thraikill states that he lives near this property and thinks it is fine. **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. T. Siragusa seconds the motion. All present in favor.**

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RESOLUTION – T. Johnston, Minor Subdivision

MOTION: L. Dupouy

SECOND: J. Streit

RESOLVED, that the Planning Board grants a minor subdivision to Thomas Johnston for property located at 333 Allen Road, TM#111.-2-48.2 as per the map submitted, contingent upon:

- **Review and satisfaction of the plans by the Town Engineer**

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

Noes: None

Absent: Young

FRANK BENCZE – Minor Subdivision

North Creek Road

F. Bencze is present and states that he would like to only subdivide off one 2-acre lot versus two lots that they had previously proposed. G. McKenna's notes refer to the lot line adjustment to be made also. T. Yasenchak comments that the notes are on the map and the topo. C. Baker has not seen this map and the Board discusses having a public hearing. This also has to go to County Planning. Since C. Baker will have to review, a public hearing is scheduled for July 11, 2006 at 7:00 p.m.

BRYAN MacPHERSON – Minor Subdivision and Lot Line Adjustments

Bockes Road

Bryan MacPherson and Maureen Salino are present. G. McKenna's notes state that the lot line adjustments were previously approved and lapsed, twice. B. MacPherson explains that they are attempting to settle an estate. There were some discrepancies with the lot line adjustments in what one of the neighbors wanted and what the lines worked out to be. That has been resolved. He would like to subdivide the remaining property into two lots. The easement across a neighbor's property is discussed. B. MacPherson states that he would like to negotiate with that neighbor for them to take ownership. He would also like to put a deed restriction on the subdivided parcel that it not be subdivided further. D. Cochran asks about the original subdivision of this property. B. MacPherson states that was done in 1995. T. Siragusa asks about topos and wetlands. B. MacPherson states that the property is probably 65' above the flood plain. M. Thrailkill states that he does not believe there will be any sight distance issues at this location. G. Dake states that C. Baker has not received a copy of this plan and the Board would like to see topos on the map. The applicant also needs to complete the SEQRA form. A public hearing is scheduled for July 11, 2006 at 7:00 p.m.

MICHAEL HICKAM – Major Subdivision

Medbury Estates II, Medbury Road

Michael Hickam, Jason Tommell and Kurt Bedore are present. D. Cochran recuses himself. J. Tommell explains that the applicant would like to do an 8-lot cluster subdivision. He states that Kurt Bedore has been working on the issue of the drains and they have a June 22, 2006 letter from C. Baker. They are looking for conceptual approval tonight so that they can proceed with DEC and DOH, giving them some guarantee that they do have a project and that the Planning Board is at least on board with the concept. G. Dake gives a brief overview of the history of this project and explains that M. Hickam wants to get enough approval to be able to sell it to someone else to develop the subdivision. K. Bedore states that he is an engineer for Tommell and Associates, and he would like to address some of the concerns from the April

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meeting minutes. One of the concerns was for the life of a septic system given the historical high ground water here. He states that he and J. Tommell went out and inspected the system, that he crawled in every structure. The system was installed circa 1992 and the intention was for it to act as a dewatering system. Based on his findings of May 11th or so, right after the week of really hard rain, water was flowing in the system, it was acting in a dewatering fashion and he believes that it was operating adequately as a dewatering system. He did not see any ponding of water; everything seemed to be positively flowing towards the detention basin towards the back. He states that there are telltale signs that will indicate the performance of a system and the big telltale sign inside the catch basin at the bottom was the water stain. The water stain was never higher than halfway up any of the pipes and the majority of the time the water is only a couple inches deep running through there. Another indicator was that there was dust and dirt hanging off of the concrete below the crown of the pipe, which is a strong indicator to him that the system never fills up. G. Dake explains that this is one of the key issues that has been discussed, and he asks if K. Bedore is willing to certify that it is functioning. K. Bedore states that he does have some qualifiers on that which he will address. He states that the system was installed 13 – 14 years ago according to the records, and based on his findings he is inclined to believe that it has effectively lowered the water table in the area. He believes that they will be able to prove that when they go out with Charlie Maine, the Town Engineer, DOH, etc. and do the test holes. He thinks that the catch basins are salvageable, however, the risers are brick and mortar, and they will have those removed and the proper concrete rings installed. C. Baker had raised the concern from the cul-de-sac down to the detention basin; the end drainage pipe going into the basin is curved. K. Bedore did confirm that in the field, he believes it is operating adequately, but if need be they will go in and reset it. The cul-de-sac was discussed as being substandard in terms of the radii of 75' instead of the Town required 120', and he believes that the Town Highway Superintendent was willing to work with what was there. G. Dake states that the Highway Superintendent was willing to work with the applicant, but he is not sure that he said that 75' was okay. K. Bedore states that there are two items that he is not willing to certify – the curved pipe and the under drains. The under drains were all high and dry where he observed them coming into the structures, which leads him to believe that the main pipes are dewatering that. He reiterates that he is comfortable with the functioning of the system as it is installed subject to an as built survey that they are doing right now. Regarding the septic system issue, the water table has been reduced from this installation and it shouldn't be any problem. He refers to the June 22nd letter of C. Baker. Regarding the detention basin, the system does not meet the current Phase 2 storm water requirements. The original plans were approved for a retention basin and the system was installed like an extended detention basin with a release pipe. It is functioning adequately that way, but it is under the old rules and the applicant would have to go back in and bring it up to new standards. He states that they will get the test pits scheduled, delineate the wetlands, and asks about the performance bond. G. Dake states that is based on an engineer's estimate and goes to C. Baker for review. He gives K. Bedore a copy of the Town's Storm Water Retention Basin Maintenance policy. K. Bedore states that they are seeking sketch plan approval and if they obtain that they will proceed and get more detailed engineering drawings, etc. G. Dake explains for the Board that Mike Hickam inherited this; he did not create it. He states that he would like to see this project get built and there is some logic in getting this thing done with some level of compromise. He states that he believes this is the conversation that the Board had, even with C. Baker, when the applicant was here in April. The consensus of the Board is that they agree with this and that the applicant is working in the right direction. M. Thrailkill states that it seems that the certification is the big sticking point, and he asks K. Bedore if he will certify this when it is done. K. Bedore states that things will be abandoned in place or ripped out and installed correctly, then he would be willing to certify. He states that he understands from the history of this that a number of engineers were unwilling to certify this and asks if there is some other reason for that. He states that he is going on the evidence of what he saw and asks if there is anything he is missing. L. Dupouy states that her understanding is that they would not certify it because they were not there for the installation. She does not think that there is something hidden. M. Hickam states that there is also 14 years of working experience now. K. Bedore states that another positive proof will be when they do the test pits and if the water table has come down. G. Dake reviews the requirements for a Sketch Plan. He states that it is not appropriate to do a full SEQRA review until the test pits are completed. He would be comfortable with sketch plan approval with the caveat that there is still a lot of engineering that needs to be done and with the recognition that we do not have a

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final resolution to the cul-de-sac issue. He states that lot lines for 5, 6 and 7 could change depending on the cul-de-sac. T. Siragusa asks what sketch plan approval gives the applicant. G. Dake states not a lot, but explains that it gives them some comfort that the Board likes the idea, makes it more palatable to a developer, and it may, with pending zoning changes, be enough to keep the existing zoning in place, but that is up to the Town Board. M. Hickam states that his plan is not to market it until he has preliminary subdivision approval because he does not want a developer in charge of his destiny with regard to the zoning law changes. G. Dake states site plan approval gives the applicant some level of confidence that he is going in the right direction. J. Tommell states that when they are contacting the involved agencies, they can say that the Town is behind it. K. Bedore states that he has begun the process of talking to the involved agencies. G. Dake states that he thinks that the best thing that can happen for the Town and the applicant is to get M. Shaw, C. Maine, C. Baker and K. Bedore out there at the same time looking at it.

RESOLUTION – M. Hickam, Sketch Plan Review

MOTION: T. Siragusa

SECOND: L. Dupouy

RESOLVED, that the Planning Board grants Sketch Plan approval to Michael Hickam, Medbury Estates II, for property located at 23 Medbury Road, TM#137.-1-14.111.

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

Noes: None

Absent: Young

G. Dake states that the SEQRA will still need to be reviewed and that the applicant should check with C. Baker regarding the short or long form. Public hearing is discussed and the need for additional information before scheduling that. This will be placed on the next agenda.

JELENIK CONSTRUCTION – Major Subdivision

Greene Road

No one is present representing this application.

DARREN TRACY – Minor Subdivision

Locust Grove Road and Liberty Drive

Darren Tracy is present. G. Dake recuses himself. T. Yasenchak reviews G. McKenna's notes, which state that the variances have been granted and he points out that lots 1 & 2 of this subdivision would share access with existing lot 5 of the Liberty Drive subdivision. D. Tracy explains that there are two existing parcels which the applicant would like to split in half, creating a total of 4 lots with two shared driveways. He states that the Torgesens received permission to put in a driveway to their garage, it is not an easement, it is just a gentleman's understanding that they could use that driveway. T. Yasenchak reiterates that in subdividing the additional two lots there, they would be looking at having three shared driveways. D. Tracy reiterates that Torgesen doesn't have any right to that land legally. T. Yasenchak asks if he would have any other access to his garage and comments on the letters received from the adjacent property owners. D. Tracy states that he could put in a driveway straight from Revere. D. Tracy explains that this proposal was amended from 5 lots to 4. T. Siragusa states that he is uncomfortable with this not knowing exactly where that additional driveway is. D. Tracy states that he would like to allow them to continue to use that access. D. Cochran states that this looks like a creative use for keyholes, but given the lots he is not too uncomfortable with the concept and there is a lot of engineering. J. Streit raises a question regarding a separate parcel that is not labeled. T. Yasenchak states that the Board would need to have topos, soil borings to determine the water table, proposed building locations and a formal survey map. D. Tracy explains that

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the two letters in the file were unsolicited. He did introduce himself to all of the neighbors. T. Yasenchak explains to the applicant that there is a list of requirements in the code that he should become familiar with regarding his submission. D. Tracy states that the plan is to sell the lots to individuals and for them to build their own homes and have their septic designed, etc. T. Yasenchak states that the Board will still need to see proposed locations, that the Board cannot create a lot that is not buildable, etc. D. Tracy states that according to the DEC map there are no official wetlands. T. Yasenchak states that a surveyor or engineer should be able to check that and she would like to see something worked out with Torgesen regarding the driveway. D. Tracy reiterates that they would like to give the future owners enough freedom to determine things for themselves. Public hearing and SEQRA are discussed.

COHEN CARTIER – Minor Subdivision

Cohen Road

Jason Tommell is present representing the applicant. G. Dake reviews the changes from the previous map and G. McKenna's notes stating that this now complies. C. Baker's notes state that he had recused himself and that the final map needs to have the standard notes. J. Tommell states that they were able to shift the lot lines and retain the acreage. **The Board completes Part II of the Short Form SEQRA. All questions are answered "no". J. Streit makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. T. Yasenchak seconds the motion. All present in favor.** A public hearing is discussed.

RESOLUTION – C. Cartier, Minor Subdivision

MOTION: L. Dupouy

SECOND: M. Thrailkill

RESOLVED, that the Planning Board grants minor subdivision approval to Cohen Cartier for property located at 23 Cohen Road, TM#99.-1-20.114 and waives the public hearing.

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

Noes: None

Absent: Young

MICHAEL HICKAM – Major Subdivision

J. Tommell asks about the wetlands, states that he is unsure that it is DEC and asks if it is adequate to locate the break with a 100' buffer or should they have a wetlands biologist look at the property. G. Dake explains that the Board has allowed a no disturbance line to be placed on plans. J. Tommell will look at this.

JEFFREY COLLURA – Major Subdivision

Locust Grove Road

Jeffrey Collura is present and presents an updated map and engineering information, copies of which should be forwarded to C. Baker. J. Collura explains the changes to the map. T. Yasenchak states that it appears that all of C. Baker's comments have been met, and reiterates that the approval of the keyhole lot is not an approval of future use of the access as a roadway. There may be additional engineering that will need to be looked at for such a roadway including a possible basin.

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RESOLUTION – J. Collura, Major Subdivision

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants Major Subdivision approval for Phase 1, east side of Locust Grove Road, to Jeffrey Collura, 937 Locust Grove Road, TM#112.-2-24, contingent upon:

- **C. Baker’s review of final map and engineering information**

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

Noes: None

Absent: Young

CHARLES GLESSING – Major Subdivision

Grace Estates, Locust Grove Road

Dave Myers is present for the applicant and states that, per the letter copied to the Planning Board, the ACOE agrees with the wetlands delineation. G. Dake reviews that the three issues that C. Baker identified were the posting of a road bond, compliance with the storm water management basin maintenance fees and complete set of final design plans. M. Thraikill states that on the site walk and at a previous meeting, the tires and dumping on the property were discussed. He asks who would be required to clean that up. D. Myers states that is in what will be the roadway and will have to be picked up by the developer and disposed of. SEQRA and public hearing have been taken care of.

RESOLUTION – C. Glessing, Major Subdivision

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants Major Subdivision approval to Charles Glessing, Grace Estates, for property located at 482 Locust Grove Road, TM#138.-2-17.1, contingent upon:

- **Satisfaction of Town Engineer’s concerns**
- **No building permits to be issued until all pre-existing trash dumps on site are removed and legally disposed of**

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

Noes: None

Absent: Young

D. Myers asks if the Town Board has made any decisions regarding storm water basins. G. Dake states that they have and gives D. Myers an overview. D. Myers states that he will take copies of the final plans to C. Baker. The road bond is discussed. D. Myers states that the bonding may not be imminent.

SCOTT FORO – Site Plan Review

Whispering Pines, Sand Hill Road

Scott and Kim Foro, Bob Klauss, Executive Administrator of the Campground Owner’s Association and Dave Myers are present. S. Foro states that some reconfiguring has been done as they were unable to meet the setbacks along the property line. They have relocated some sites. T. Yasenchak reviews that a public hearing was held and the issues that were raised. S. Foro states that it is wooded in the expansion area and that the neighbor has an additional 150’ of woods on his property. D. Myers states that the roads are

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rough-cut into the campgrounds now and if they are finished at 14' wide, they will have less than an acre of disturbance. T. Yasenchak questions the amount of clearing for the actual campsites. D. Myers states that those would be tree cut, but not soil cut. G. Dake states perhaps what the Board could accept would be a letter over D. Myers signature and stamp that less than one acre is being disturbed. D. Myers believes they are exempt and explains a tree care/tree harvesting exemption - Silva culture - from the EPA, Phase II. He believes that what the applicant is going to do here with the trees falls under this. G. Dake suggests that D. Myers reference that in his letter as to how he came to his determination. T. Yasenchak states she would still be curious to see how much would be cleared or involved with leveling some of the sites. S. Foro asks if that would involve some protection until they can get vegetation growing again. T. Yasenchak states that it depends and is up to the engineer. D. Cochran asks about outside lighting. S. Foro states only on the restroom building and he indicates the location on the map. Additional septic systems are discussed and are yet to be designed. D. Cochran asks about pads for the RV's. S. Foro states that they will be gravel and there will be very little disturbance. Discussion takes place that some of the sites have been relocated. Sight distance is discussed and the speed of the road. R. Rowland states that she did send a letter to the Town Board requesting that they seek a speed reduction. D. Myers explains that there is an issue with making sight distance making a left hand turn out of the driveway as there is a horizontal and vertical curve, and he has identified three options. A copy of his letter will be forwarded to the Board. SEQRA is discussed. The Board would like to wait to see more information from D. Myers regarding the engineering. D. Myers states that the sanitary needs may impact what lots stay or go. S. Foro states that they have also discussed reducing the number of full hookup sites if necessary. G. Dake asks the applicant about a time frame for completion. S. Foro states that they would like to be open for next season. B. Klauss thanks the Board for their consideration of this project.

ZBA REFERRALS

KEN BRIELL – Area Variance – Planning Board recommends that the ZBA consider requesting the applicant to prove that the septic system is functioning, which is going to be the new standard under the new Zoning Ordinance in that area, if it is passed as presently proposed

DARREN & LISA TRACY – Area Variance – No Planning Board issues.

DARREN TRACY – Minor Subdivision

Locust Grove Road and Liberty Drive

D. Tracy comments on the land-locked parcel on the map which does not belong to the applicant nor does it belong to Torgesen. The map does not indicate ownership. T. Yasenchak explains that when the applicant has the survey done and they put in all the correct information, that will show up. D. Tracy asks if that will effect his application. T. Yasenchak states that the Board will have to discuss the future use of that, but the Board is aware that it is a pre-existing land locked parcel. The land owner may have assumed that there would someday be a road through there giving him frontage, but once it is made a private driveway he would have to come to the landowner to get access, get approval from this Board and an area variance. D. Tracy states that there are some recent blow-downs and asks if he can go in, cut the trees down and put gravel in for access. The applicant has the right to put in driveways anywhere they would like, but if they are planning to develop that property, there is no guarantee that where they put the driveway prior to approval will be approved by the Town. T. Yasenchak states that she was at the public hearing held by the ZBA, is aware of the concerns voiced by the neighbors, the Planning Board will have to have a another public hearing, and if he proceeds with the driveway, it may concern the neighbors further.

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DISCUSSION

G. Dake states that he attended a seminar by Bond, Schoeneck and King on ethical considerations for Planning and Zoning Board members, that was very interesting, on conflicts of interest and when one should disclose certain information vs. when you would recuse yourself. He states that they made a very big point on objectivity and that if you have your mind made up going into a project, you should recuse yourself. You have to look at individual applications objectively and that is one of the reasons they caution people against talking to the press. If you make a comment to the press before you get too far into the process, saying that you do not like a process, you can be deemed pre-judging the case before it comes before the Board and that has been grounds for overturning decisions. Bringing things up such as G. Dake informing the Board about D. Fellows, just informing people, is half the battle. Any Board member is the ultimate judge of whether or not to recuse themselves. One of the other things that was recommended was that the applicant also has to provide information about a conflict. They are also subject to those rules. If you have a financial interest, you need to recuse. Anything else is just a disclosure.

M. Thrailkill comments that the Porter Corners post office is almost completed and almost covered in brick.

L. Dupouy suggests having an administrative meeting regarding procedures, policy, etc. that we don't have time to talk about at regular meetings. She states that we have discussed this in the past. G. Dake states that we can discuss an agenda for that and possibly set up a meeting.

Meeting adjourned 9:13 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary