

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**JULY 31, 2007**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Dan Cochran, Lorna Dupouy, Thomas Siragusa, John Streit, Michael Thraikill and Michael Ginley, Alternate. Gary Dake is absent. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

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**JULY 10, 2007 MINUTES**

MOTION: M. Thraikill

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of July 10, 2007 as submitted.

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

Noes: None

Absent: Dake

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**PLANNING BOARD CASES**

**RICHARD SCHWARTZBECK – Special Use/Site Plan Review**

Bockes Road

Patricia Schwartzbeck is present and explains that her husband has a building with a sawmill, he has been there about 5 years, he has a bulldozer and other equipment. T. Yasenchak asks if they would like to continue the use. G. McKenna states that this is in the MDR-2 and what they are looking for is Agricultural uses and processing. They need 5 acres with 200' of frontage and they have 103 acres and 550' of frontage. This falls under Section 105-22-C-3. T. Yasenchak asks if they employ anyone or if it is just something that they do as a family. P. Schwartzbeck states that there are no employees. J. Streit asks if the sawmill is portable. P. Schwartzbeck states it is not, it is set up here. M. Thraikill asks if there are any complaints. G. McKenna states that there are none. J. Streit reiterates that this is not a new use, just what has been happening there. L. Dupouy asks that this property was only before the Planning Board for subdivision in 1997. P. Schwartzbeck confirms this. D. Cochran thanks the applicant for bringing this before the Board. A public hearing is discussed. T. Yasenchak explains that it is part of the zoning regulations and explains the process for the applicant. D. Cochran states that he has no problem with the project. T. Siragusa questions that the applicant indicates possibly 3 employees in the future. P. Schwartzbeck states that they currently have no plans for employees, but R. Schwartzbeck is just trying to cover the future. T. Yasenchak questions the actual location on the tax map. This is clarified. T. Yasenchak questions that the equipment is brought in and out through their own property. P. Schwartzbeck states that it just sits there. M. Thraikill states that he drives by there every day and had no idea anything was there. T. Yasenchak questions if there is a limit in the code for employees. G. McKenna states that home occupations have a limit, but this is an agricultural use and is treated almost like a farm. C. Baker states that the only question he would have would be noise, but it is such a big lot and he does not see any close neighbors. SEQRA is discussed and is not required. Public hearing is set for August 14, 2007 at 7:00 p.m.

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## **DISCUSSION**

J. Streit states that it seems to him that, as part of the zoning rewrite committee, they felt that it is kind of a silly regulation. He would much prefer that the law be changed to say something such as “to the discretion of the Planning Board” a public hearing will be held. He feels that having a public hearing on a project like the Baker’s or this one, to him, is kind of absurd. He states that there will be times that a public hearing is absolutely called for. He does not know what the mechanism is and asks if we would propose to the Town Council that that law be changed and that a public hearing not be mandatory but left to the discretion of the Planning Board. T. Yasenchak states that under the current code it is required for special use permits. M. Thrailkill states that it is left to the Planning Board’s discretion in some cases. L. Dupouy states that this was just to bring people back into compliance for something they are already doing and she thought we had discussed this previously about bars, heights of bars and working with our neighbors. T. Yasenchak states that the Planning Board has been told by the Town Board that we cannot waive public hearings for special use permits. J. Streit states that we should request the change in the law. G. McKenna states that this section is only valid through October 2, 2007, 180 days from the date of approval, and then everyone falls under the regulations for Special Use permits. If it is commercial, it is a \$1,000 fee and the “free-ride clause” is gone. J. Streit states that he feels it should be at the Planning Board’s discretion for all Special Use Permits. T. Yasenchak states that we can ask the Town Board to review that, and dependent on the depth of the project, the depth of the Special Use Permit and what the applicant is looking to do, perhaps we could have that discretionary right.

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## **NORMAN & JOANN PEPPER – Special Use/Site Plan Review**

Sand Hill Road

N. Mark Pepper is present. He states that he got a permit and built a 48 x 112’ barn with 12 stalls, and they are within the allotted zone and lot size to be able to have horses. He states that he does not like the idea of calling it a public stable, because it is not just for anyone to come in, it is going to be invitation horse only. It will still be public because they will make money off of it. He states that it will end up being a breeding farm. G. McKenna states that this falls under Agricultural processing, use and structures, which also includes public stables because if you look at the agricultural definition, raising horses is there. M. Pepper states that the other thing he would like to do is the same thing that Mr. Wardell did. He has equipment for the farm and he would like to be able to not have a problem having a bulldozer, track hoe, back hoe, etc. He questions if that would be a large storage lot and that he does not think it is two businesses in one because it is not. T. Yasenchak asks if it is the intent that it is equipment for the farm, then that is more of an accessory use to what he is doing. If he plans to dig holes for other people that would be something different. She asks G. McKenna how he would address this if it were a second business. G. McKenna states that this also falls under Section 105-22-C-3, because he has had an excavation business so he still has the equipment, he had the horses and the farm so it is kind of cleaning this up. T. Yasenchak questions that the 48 x 112’ barn is there and that the approximate location is indicated on the plans. She asks about manure storage. M. Pepper states that the 100 year flood plain is to the rear of his property and that is 75 to 100’ off of the barn, and the barn to the Kayderosseras has about a 15’ elevation difference over 400’. T. Siragusa asks about the number of horses. M. Pepper states that there are no real guidelines. The County suggests 1 per acre and he will probably not have that many, but he would like to ask for that many to protect himself, because if they start foaling with 12, get 24 and keep a couple for the following year, etc. He does not think he will have 36, but he wants to protect himself. He has approximately 38 acres. T. Siragusa asks what the plan is for manure removal. M. Pepper states that he has an area out back where he is going to mix it with topsoil and will be top-coating all the fields and using it for any future grassy areas they want to do. If he gets overwhelmed, he will get someone to come in and remove it. M. Ginley asks, as far as putting the manure on the fields, if there is some sort of distance requirement to the Kayaderosseras? C. Baker states not that he is aware of, that 100’ is pretty much the standard, but he is not aware of anything specific to spreading manure. D. Cochran thanks the applicant for coming in. L. Dupouy asks where the

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equipment is stored. M. Pepper states that he has an area behind the garage at the top of the hill right behind his house, which is probably 60 x 80, which is where he parks everything. He states that he may leave things at the barn if he is using it, but the storage will be behind the garage. J. Streit asks about the topo on the map. M. Pepper states he believes they are about 10'. He states that there is about a 60' elevation difference between the house and where it drops down for the barn and then levels out. There is about 300' between the house and the barn to where it starts leveling out. M. Thraikill asks where the fields for the horses are. M. Pepper states that there are some around the barn right now, and then they are going to go north on the property. M. Thraikill states that it is always neat. T. Yasechak asks if there will be additional clearing. M. Pepper states some is cleared, eventually he will want to do some more and he will stay within the clearing guidelines. He states that he will have the County involved, as well, to help plot it out and everything. M. Thraikill asks if the applicant will have a well at the barn. M. Pepper states that there is a well at the barn. M. Thraikill asks about the separation from the manure area. M. Pepper states that he just measured it and it is about 180' and the manure is down hill. C. Baker states that the only comment he would have would be similar to what we asked of the Baker's which was a 100' wooded buffer around the perimeter and especially around the Kayaderosseras. T. Yasechak asks if it is already cleared near the neighbor. M. Pepper explains that there is already some cleared property, that he may put in a couple more paddocks in that area, that this was all his father's property and it is cleared into what is now B. Benson's property. He indicates for the Board, on the map provided, where the clearing extends. M. Pepper states that he does get along with his neighbor. M. Pepper states that A. Nolan is his other neighbor and he is present with the applicant tonight. A public hearing is scheduled for August 14, 2007 at 7:00 p.m.

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### **UMH PROPERTIES – Special Use Permit/Site Plan Review**

Brookview MHP, Route 9N

Sam Landy, Mark Millspaugh, Jeff Yorick and Dave Engel are present. M. Millspaugh explains that when the applicant obtained approval on the Site Plan, there were several conditions and a few items that were still open. One significant item was that the Storm Water Pollution Prevention Plan required affirmative approval by the NYS DEC and there was an exchange of letters that G. McKenna was copied on, one of which was April 24<sup>th</sup> and the DEC had comments and were seeking revisions to the SWPPP. He states that they revised, resubmitted and he believes that G. McKenna was copied on the correspondence from Sterling to the DEC. On June 5, 2007, the DEC approved the Storm Water plan and he noticed that G. McKenna was not copied on that letter. M. Millspaugh will have copies for G. McKenna and the Town's consultant. He has a letter signed by William Lupo approving the storm water plan. Another piece of business was the NYS DOT permit for the interconnects with Route 9N. They have made application, have a comment letter back from DOT with what amounts to fairly minor comments. J. Yorick has revised and resubmitted the permit application and they feel it is a formality at this point; they just need the letter back from them. M. Millspaugh states that there were efforts on their part to obtain further documentation from both the school district and the fire department, neither of which has sent further correspondence. The Town file has a letter from the Fire Department dated March 14<sup>th</sup>. M. Millspaugh states that they have that one and that there was a comment in that letter about the turning radius, however, the applicant followed Town Code and it seems their quarrel was more with a concern about the Town Code than about the applicant's design. He thinks that the other comments have been complied with. He states that they have basically offered to do whatever the school district wants. If they want a place where the bus can do a three-point turn, they would accommodate that. He believes that they will have to take a trial run in the park and see if they can loop in the new roads and come back out. The 2 turns of concern to them exist right now so they could come in and do that trial run. At this point they do not have a final determination from them. He thinks that the fall back would be coming in the new entrance, which is the Manor Court extension and creating a place where they can do a safe three-point turn. M. Millspaugh states that the NYS DOH has purview over mobile home park expansions, they have provided the full site plan package, that was approved by the Town, to the DOH and they had two minor comments along the lines of whether the water supply was sufficient. They provided the clarifications within the site plan submission where the water supply information exists. They know they

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have existing permitted wells with capacity such that the smaller of the two wells acting independently can serve the whole community with the additional units. They do not have a letter back from the DOH with their final approval. M. Millspaugh states that the other direction they have been moving in is to get contractor bids. They had a bid opening last Wednesday and are in the process of evaluating the bids now. Part of what they would like to discuss tonight is what tasks they may be able to proceed with. The DOH letter isn't going to be so much about the size of the expansion, as he understands from the people he has spoken to at the DOH. Their issue normally is septic systems. S. Landy states that when they met with contractors there were certain items that came up in the plan that the contractors felt there were different ways to do them. J. Yorick states that a question came up on the storm water culverts. The Town's Code provides for a minimum of 18" on the culverts and there are a few locations where there is one catch basin connecting to another across a street where 18" is far larger than necessary. S. Landy states that on the bridge between the old and new sections, on the plans they drew up a rolled curb and sidewalk. They have been told that that is a very expensive and difficult thing to maintain. If they just keep the road wide with the additional room for pedestrian and bicycle traffic, and paint a line on the asphalt, that will provide significant savings as well as the maintenance headache of snowplows not breaking the sidewalk, etc. L. Dupouy asks if 18" is too large, what would they go down to? J. Yorick states that 12" would do. T. Yasenchak states that C. Baker would have to make that decision and asks if he has received updated revisions to the storm water? C. Baker states that the only thing he has been copied on to date is the correspondence with DEC. M. Millspaugh states that these issues came up today when they were negotiating with the two low bidders to see if there were areas where they could improve their pricing. T. Yasenchak asks if the Town has been copied on the revisions that DEC has requested? M. Millspaugh states that he believes so. C. Baker states that the only thing he has is copies of the DEC letters, he has not seen any of the responses. M. Millspaugh states that he will make sure that C. Baker has those. C. Baker states that as far as the 18" vs. the 12", he is not aware of any minimum size in the Town Code requiring 18". We accept 12" pipes quite regularly. D. Cochran states that, with due respect to the applicant, these are questions for C. Baker. T. Yasenchak states that is what she is getting at. C. Baker states that he thinks that the bridge is really something that the Planning Board needs to make a determination on. T. Yasenchak states that was a tough issue for the Board, and asks if we can remember exactly why we wanted a concrete sidewalk with an actual curb, if we felt that that was safer, etc. She states that we can understand that it obviously has benefits for the contractor to install as well as to maintain. There are curbs everywhere in Saratoga and they still plow around them. M. Ginley asks what we had wound up with – a divider in the middle, some kind of divider between the two lanes? M. Millspaugh states that he believes the comment on the evening that it was discussed is that having the sidewalk separated with a curb was a bit safer than just a line when people were walking on the sidewalk. It does not prevent a car from coming up on the curb, but there was added protection. The sidewalk is on the outside. S. Landy states that the cost of added width for ingress and egress in the case of an emergency and this one item became a major, major expense, and the additional curb and sidewalk is furthering the expense. L. Dupouy states that every time the applicant has come before the Board from the very beginning, in her personal point of view, S. Landy personally has been on top of this, he has had control of all of the people working with him on this project and now he comes back with an important point which was contentious. Now she is wondering why he is not on top of his game as he normally is that he wouldn't have exactly what it was that we had, and put it before us that way and then show us pictures of how he wants to do it. S. Landy states that this came up only this afternoon and they can draw something up. J. Streit states that there might be other options instead of a painted line or curb such as some type of small barrier that might be easier to maintain, not as expensive to install and still provide some safety. C. Baker states that he believes that the Board had asked for details on the bridge and that we have not received any – as far as how it is going to be graded, guide rails, etc. T. Yasenchak asks if the applicant can bring something to the Board with options that would still have the safety of the pedestrian in mind. M. Ginley asks about response from the school district. M. Millspaugh states that the school district has taken their calls but the applicant has received no response. T. Yasenchak reiterates that the applicant is going to provide the Board with the letter from DEC that they approved the revisions and questions that C. Baker was just handed the most recent revisions. M. Millspaugh states that he just gave him the full set of contract documents and the final SWPPP. T. Yasenchak states that DOH is within their purview for the approval and we have placed it in

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their hands. That will be something that, when the applicant gets the letter, obviously we will need a copy of it. T. Yasenchak states that she is unsure as to what the applicant needs from the Board until they bring back the details on the bridge. M. Millspaugh explains that there is a timing issue with some of the other permits and in particular the ACOE permit. They are obligated under that permit to complete the wetland related work prior to the end of this construction season. They had their bid opening last week; there are negotiations that have to be had with the low bidder to try to get this where they need it. One of their options, if the Planning Board is agreeable, would be to start with a downsized initial phase, do the crossing and the other work that is called for under the US ACOE wetland permit. That is the main embankment crossing and then 4 additional smaller culverts, and because that would result in some ground disturbance, the applicant would be obligated to start with the first phase of the SWPPP as well – the basins and some of the ditches and swales. They would proceed at their own risk and they would understand that no units would go in, no other construction until they have the requisite approval from the DOH, but it would help them preserve a large part of this construction season. Even ahead of the earthwork related activities, they need to get a logger in there to pre-clear some of the areas that are going to be the subject of the earthwork and grading. T. Yasenchak asks G. McKenna what the procedure would be when they are following their SWPPP and they are proceeding at their own risk. C. Baker states that he does not see why they do not ask for a phased plan. G. McKenna states that would change the whole system by phasing it. S. Landy states that they do not need to phase it, they are just telling the Board what they need to get done before winter begins and then after winter they will get the rest done. The only issue is that they normally wouldn't start construction until they had everything in order, but what is left is just the letter from the DOH, which they do not have yet. They are asking the Planning Board to allow them to proceed at their own risk. They need to proceed right at this moment, in the next few weeks, with the tree clearing, the rough grading and especially the storm crossings, which are required under the wetlands permit. G. McKenna states that C. Baker hasn't even reviewed the drainage changes and the crossing. M. Millspaugh states that there were no drainage changes, the States comments were limited to the design of the outlet structure and the basins, and he believes that the State of New York took a primary review roll on the SWPPP because there were other state permits involved, namely the wetland permit. Normally the Town's review would be sufficient alone on this but because they had a State wetland permit in addition to the Federal permit, DEC is obligated under their storm water program to do an affirmative review of the SWPPP. The comments were about the micro pool design, aquatic benches, etc., but the basins are still where they were proposed, where water goes - all the routing ditches, piping, etc. - stayed the same. They had to include an entire additional sheet just on the landscaping plan for the aquatic bench, what type of plants were going to be incorporated, etc. C. Baker states that he personally does not see a problem with what they are suggesting doing. The Planning Board gave them preliminary approval based on securing these outside agency letters and they are proceeding at their own risk. If the DOH comes back and says that they need to drill another well or they need to put in additional chlorination, or whatever, they are going to have to do it before they get any building permits. He reiterates that he personally does not see a problem with what they are describing as this is private. M. Ginley asks what the ramifications are on the ACOE permit. M. Millspaugh states that this is under a Nationwide 39 permit which is a predetermined permit where the applicant just asserts that they are keeping their disturbance under the threshold conditions and they gain coverage under that permit. Back in March, basically the expiration date of that permit came up so the permittees were instructed that they either had to initiate coverage and do their work within 12 months or they would have to apply under the new Nationwide permit, and by the way, there is no guarantee that you will get it. UMH has asserted coverage, but now they have to live with the deadline. D. Engel states that under that permit they are required to file restrictive covenants, which have been filed with the Saratoga County Clerk's office and they would be in a bit of a legal never-never land if that permit were to lapse. G. McKenna asks when that permit was issued. M. Millspaugh states that a Notice of Consistency was issued October 2006. G. McKenna states that he just got a permit to disturb a shoreline in the Adirondack Park and it is good until 2009. M. Millspaugh states that might be under the new Nationwide. He states that he believes the G. McKenna is correct, if they got coverage under the new permit that would not expire until some time in 2009, but they might not get the coverage. C. Baker asks what the hold up is with DOT and why they cannot give the applicant a letter. M. Millspaugh states that the DOT has issued a comment letter and the applicant responded. He states that this

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is within the context of the formal permit application. They had a prior opinion letter saying that it looked good; they sent the full detail in with the permit application including the drawings provided to C. Baker tonight with all the final construction details, and the comments they got back were fairly straightforward. They want to just tweak one of the intersections and there was a comment on the curb detail. J. Yorick states that DOT wanted notes added to the plans showing the right-of-way, things like that. He states that they had to change traffic consultants mid-stream and that cost them several months. D. Engel states that their traffic engineer essentially disappeared and went off to work on other projects. C. Baker asks if in their conversations with DOH, they feel they are getting close. M. Millspaugh states that the comments have been limited to questions about water supply and they believe they have clearly answered those. He explains that they have 2 viable wells that are serving the current community; they have done pump tests and were able to show that with only the lesser of the two wells working it meets the needs of the community. There are engineering discussions that can be had if there are questions and certainly solutions. He states that he spoke with them as recently as a week ago and tried again over the last two days. C. Baker asks who he is dealing with. M. Millspaugh states Vince and Allen. T. Yasenchak asks if C. Baker would feel more comfortable now that he has plans, if he would like time to review those. C. Baker states that he was going to suggest, at this point, maybe one more meeting and that would give him a chance to look things over. T. Yasenchak states that seeing how the applicant did have to make modifications to storm water, intersections, etc., and since we hadn't received those revisions, she would feel more comfortable with C. Baker having the time to look at those. She states that she would really like to have a copy of that letter from DEC. D. Engel asks how much time the applicant needs from the Planning Board's approval. M. Millspaugh states that they had represented previously and he thinks it is still the case, that they were going to do this project over two construction seasons. D. Engel states that his question is regarding the ACOE permit. M. Millspaugh states that there is a fair amount of work to do over the balance of the season and he thinks it is going to take to the end of the season. C. Baker asks if the permit says that the work has to be completed or just initiated? M. Millspaugh states that it has to be completed and there is a procedure for requesting an extension but they make clear that that it not a guarantee and you would not have an answer in time to figure out whether to accelerate the schedule to finish this year or not. D. Cochran asks if they would be ok with the bids in waiting two more weeks. C. Baker states that he does not see how the Board can make a decision tonight anyway because the applicant needs to provide the additional detail for the crossing in order for the Board to approve that. This will be on the agenda for August 14.

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**CHRISTOPER & NINA SINNOTT – Minor Subdivision**

Plank Road

Christopher & Nina Sinnott are present. N. Sinnott states that she has redrawn the plans with one keyhole lot. T. Yasenchak states that this is pretty straightforward and meets the acreage. N. Sinnott states that they have 122' on that side of the road and the final would be based on the survey when that is completed. T. Yasenchak questions the house, well and septic locations for the existing home. N. Sinnott explains that the existing house will keep 7 acres and 20 would be the new lot. M. Ginley asks about sight distance. N. Sinnott states that Plank Road goes down gradually, the proposed driveway for the other lot would be somewhat across the street from somebody else who has a driveway there and does not have a problem. She explains that there is kind of a clearing right at the entrance to the driveway. T. Siragusa asks if they plan a shared driveway. N. Sinnott states that they do not. T. Siragusa explains that there is a list of things that will be needed for the survey plans. C. Baker asks if the applicant needs a frontage variance on the 7-acre lot. This is discussed, the applicant is proposing large lots, and the applicant is referred to the ZBA for a variance. N. Sinnott asks if the ZBA will approve this. T. Yasenchak states that the ZBA sends the applications to the Planning Board for referrals and the Planning Board will let the ZBA know that they do not have a problem with this subdivision. The applicant can come back to the Planning Board once they have the updated plans.

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**DISCUSSION**

A spectator asks the Board to explain the application of UMH Properties. She states that she is in a Master's program for nursing and was required to attend a public, government meeting. T. Yasenchak explains.

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Meeting adjourned 8:17 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary