

TOWN OF GREENFIELD

PLANNING BOARD

AUGUST 14, 2007

REGULAR MEETING

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

JULY 31, 2007 MINUTES

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of July 31, 2007 as submitted.

VOTE: Ayes: Dake, Siragusa, Streit, Thraikill

Noes: None

Absent: Cochran, Dupouy, Yasenchak

PLANNING BOARD CASES

RICHARD SCHWARTZBECK – Special Use/Site Plan Review

Bockes Road

A public hearing is opened at 7:01 p.m. Patricia Schwartzbeck is present and explains that her husband has a portable sawmill; he has been there about 5 years and wishes to comply with the new zoning. There being no public comment, this public hearing is closed at 7:02 p.m.

M. Thraikill states that this was reviewed at the last meeting and there have been no complaints or issues. He reiterates that he goes by here everyday and didn't know anything was there. C. Baker states that the only concern he had was for noise, however it is pretty far back on the property and there doesn't appear to be anybody who will be affected. G. Dake asks if there are any conditions that the Board would like to impose regarding expansion. T. Siragusa states that he did have a question about expansion in terms of employees. P. Schwartzbeck states that R. Schwartzbeck does not plan on expanding. If he had a big order he might have someone help on a temporary basis. This is a retirement job.

RESOLUTION – R. Schwartzbeck, Special Use/Site Plan Review

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board grants a Special Use Permit/Site Plan Review to Richard Schwartzbeck for property located at 225 Bockes Road, TM#137.-2-19.11, as follows:

- **To continue the operation of a pre-existing sawmill**

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VOTE: Ayes: Dake, Siragusa, Streit, Thraillkill
Noes: None
Absent: Cochran, Dupouy, Yasenchak

NORMAN & JOANN PEPPER – Special Use/Site Plan Review
Sand Hill Road

A public hearing is opened at 7:05 p.m. Norman (Mark) and JoAnn Pepper are present and M. Pepper explains that he got a permit and built a 48 x 112' barn. He states that they want to become a Thoroughbred breeding farm and have applied for the special use permit and site plan review. He states that they are asking for the maximum number of horses. G. Dake reads into the record a letter from Thomas Smero who states that he is opposed to the request. Diane Whitten, Sand Hill Road, states that she has lived directly across the street for 20 years; she is delighted with the Peppers' attempt to create this horse farm. Brad Benson, Sand Hill Road, states that he lives next door, he has no objection to the applicant having horses there, he can see the barn from his home and is pretty sure that they are going to take good care of it. Stan Dake, Sand Hill Road, states that he has lived in Greenfield for 52 years, M. Pepper is his neighbor and he has no problem with this. Ron Diehl, Sand Hill Road, lives across the street from the barn and didn't even know it was there. Callie Stacey, Sand Hill Road, lives across the street, also did not know that the barn was there, has no problem with the request and is glad that they are doing this. Nick Morris, Sand Hill Road, states he has no problem with M. Pepper. The applicant has been a good neighbor; he keeps things really neat and quiet. He has no problem at all. He does not understand why M. Pepper is having a problem when there are cows right around the corner. Art Nolan, Sand Hill Road, states that he is new to the area, he is excited about this project and believes it will be good for the area. He has no problem, he has visited the site and it is nice and clean, and very well run professionally. M. Pepper states that he has never had a problem with T. Smero. There being no further public comment, this public hearing is closed at 7:09 p.m.

G. McKenna states that he has no issues with this application. C. Baker states that he had suggested a 100' buffer along the Kayaderosseras, similar to the application of Chris Baker, a vegetative, no-cut buffer. T. Siragusa asks where the property of T. Smero is located. M. Pepper indicates the location on the map. T. Siragusa asks about the relation between the manure pile, the barn and Mr. Smero's property. M. Pepper states that the manure is on the other side of the barn. J. Streit states that he has a lot of experience with horse and cow manure, and that cow manure is more objectionable. He thanks the people who came to speak for the public hearing because as far as he is concerned, the people who took the time to come here and speak helped him think about how to respond to the letter that we received. He states that he does not have a problem with this and applauds the request. G. Dake states that he has a horse farm across the street from him and he thinks that they are wonderful neighbors. This is exactly the type of thing we want to promote in the Town of Greenfield. G. McKenna states that the applicant is applying for a Special Use Permit for Agricultural processing, use and structures, and a large stable. M. Pepper states that he has equipment used on the farm and states that D. Wardell came in with the same questions. G. Dake states that has been pre-existing there and we can make reference to it in the motion. He thinks that technically it is a determination by the Code Enforcement Officer, whoever it may be at any time in the future. The Planning Board's interpretation in D. Wardell's case was that it was appropriate and normal for farming operations to have heavy equipment and in many cases, they also do some off-farm work with that equipment – some of it Ag related, some of it not – and that it is perfectly normal and appropriate for that to continue. It is very difficult for the Planning Board to determine where to draw that line, but we can make reference to it to say that the equipment that is in use and has been in use there is considered to be a related use to the Ag processing. M. Pepper states that he may eventually wind up doing hay off premises.

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RESOLUTION – Norman and JoAnn Pepper, Special Use Permit/Site Plan Review

MOTION: J. Streit

SECOND: M. Thraikill

RESOLVED, that the Planning Board grants a Special Use Permit/Site Plan Review to Norman and JoAnn Pepper for property located at 483 Sand Hill Road, TM#137.-1-90, as follows:

- **Agricultural Processing and large stable**
- **Recognition of associated use which currently exists of some heavy equipment**

This is contingent upon:

- **100' Vegetative, no-cut buffer along the Kayaderosseras**

Discussion: C. Baker questions whether the Board wants to put a limit on the number of horses. G. Dake states that he is a believer that the land will limit it. He states that we had this discussion on the Wing Road farm project.

VOTE: Ayes: Dake, Siragusa, Streit, Thraikill

Noes: None

Absent: Cochran, Dupouy, Yasenchak

G. McKenna points out that the new code lists three types of Special Use Permits and that we should make that determination for R. Schwartzbeck's and N. Mark Pepper's.

RESOLUTION – R. Schwartzbeck, and Norman and JoAnn Pepper

RESOLVED, that the Planning Board moves to amend the Resolutions for Richard Schwartzbeck and N. Mark and JoAnn Pepper to indicate that both these Special Use Permits are Permanent.

VOTE: Ayes: Dake, Siragusa, Streit, Thraikill

Noes: None

Absent: Cochran, Dupouy, Yasenchak

PCD CONSTRUCTION – Special Use Permit/Site Plan Review

Medbury Road

Peter Diedrich is present and states that he is a small excavation contractor, he has been there for quite a few years and wants to come into compliance with the new zoning. He states that he keeps his equipment at this location some times during the year, but not very often, usually in the off-season, and he does not have any trucks. G. McKenna states that this would fall under contractor's storage yard and fits either large or small. P. Diedrich states that he does not plan on getting any larger. J. Streit asks where on the property he stores the equipment. P. Diedrich indicates on the map and that the driveway is approximately 500'. There is a tree line at the road and in front of the barn. J. Streit asks if the parking area is visible from the road. P. Diedrich states that it is not. M. Thraikill asks what kind of equipment is kept there. P. Diedrich states that he would have 4 or 5 pieces – an excavator, a rubber tired backhoe, a bulldozer, and a skidder. T. Siragusa asks the frequency of the equipment going in and out. P. Diedrich states that it is never there at the same time, only possibly if there is a slow time or in winter. It is moved from job to job. T. Siragusa asks what got the applicant to come in to the Board. P. Diedrich states that he spoke with Walt Chandler and wanted to come into compliance. He didn't necessarily know that he needed to come in, but

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thought that he should. T. Siragusa states that he is just wondering because he is wondering how much of the population in general knows that we just had a major code change. P. Diedrich states that he didn't, because he missed most of the meetings and happened to talk with W. Chandler. G. Dake refers to Section 105-127, Contractor's Storage Yard standards. P. Diedrich states that he might have framing lumber, piping, forms and/or possibly stone in the yard. It is kept near the barn in the woods and out of site. A public hearing is set for August 28, 2007 at 7:00 p.m. J. Streit states that he was on the committee to help to re-write these rules and there was a public outcry when people thought that they were going to be limited from what they have been doing for years. The philosophy of the committee was the opposite. They wanted to empower people to do what they have been doing. It is good to see the tide reversing and seeing that people are getting that feeling now.

GENE & JAMIE ELLIS – Minor Subdivision

Plank Road

Jamie Ellis and Toby Middlebrook are present. J. Ellis explains that they were previously before the Board, they would like to subdivide a 6-acre lot and the Board did visit the site and from that visit, there was no issue or concern regarding the location of the driveway. G. McKenna states that he has no issues. C. Baker states that his notes he had from April indicated the need for topo, accurate location of stream corridor and wetlands, typical notes, and sight distance. G. Dake states that he does remember the Board visiting the site and confirming at the next meeting that sight distance was not a problem. M. Thrailkill states that he did visit the site, does not believe there are wetlands and that the property slopes up from the road. There was a large tree near the driveway location, which has since been removed to make for better sight distance. J. Streit states that he visited also and did not have a problem with this. G. Dake states that we do need to do SEQRA, and asks if the Board would like to see topo first. J. Streit states that the Board members saw the topo for themselves. T. Siragusa states that we do always ask for topo, but he knows the property. G. Dake states that we have not asked for topo on properties that the Board is familiar with.

RESOLUTION – G. & J. Ellis, Complete Application

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board deems the application of Gene and Jamie Ellis complete for a Minor Subdivision of property located at 80 Plank Road, TM#124.-1-32.

VOTE: Ayes: Dake, Siragusa, Streit, Thrailkill

Noes: None

Absent: Cochran, Dupouy, Yasenchak

A public hearing is discussed. T. Siragusa asks if anyone has spoken with Greg Moore, the adjoining property owner. T. Middlebrook states that he is going to. He states that there is a cut out in the deed and right now they are 15' past the stonewall, and they only want to use about 10' of that and not the whole thing to try to make him happy. They are going to discuss that with him. He states that G. Moore seems like a very nice guy. T. Siragusa states that as far as a public hearing there really isn't anyone else other than one across the street, himself and T. Middlebrook's dad.

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. Siragusa seconds the motion. All present in favor.

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RESOLUTION – G. & J. Ellis, Minor Subdivision

MOTION: M. Thraikill

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of Gene and Jamie Ellis and Toby Middlebrook for a Minor Subdivision of property located at 80 Plank Road, TM#124.-1-32 and waives the public hearing

VOTE: Ayes: Dake, Siragusa, Streit, Thraikill

Noes: None

Absent: Cochran, Dupouy, Yasenchak

PATRICIA GUARNIERI – Major Subdivision

Daketown Road

Patricia Guarnieri and Clark Wilkinson are present for this application. C. Wilkinson reviews that P. Guarnieri had received approval with a road bond contingency for this subdivision. He states that he believes that all the other issues have been worked out with C. Baker and that they would like to phase this subdivision so that P. Guarnieri can sell the two lots with frontage on South Greenfield Road and the remainder would be a separate lot. Once these are sold and P. Guarnieri has the finances to post the bond, they would continue with subdividing that separate lot into the additional 5 lots. G. Dake questions that there will be no lot line changes; all they are creating is phase lines. G. Dake states that his concern for phasing is always what happens if we never get to Phase 2, how screwed up are we? Usually if the first phase is dependent upon a road for frontage or access that is where it becomes a problem - the phases are somewhat interdependent. G. Dake states that it appears that without phase 2 ever being developed, the two lots have frontage on Daketown Road and are legal lots, therefore, if phase 2 never gets approved and signed the rear is just one big lot. It is effectively a keyhole lot if we never complete phase 2. C. Baker states that the only comment that he would have is that sight distance was an issue on Daketown Road for other properties there. This was evaluated as a town road and these two lots were approved with driveways coming off of the proposed road. Sight distance off of Daketown Road could become an issue. C. Wilkinson states that he had a discussion with C. Baker today and what they would propose is an access easement for both of these lots to use the one access point to enter onto the property. C. Wilkinson states that he will prepare the shared driveway language. G. McKenna states that this was subdivided under the old code and the frontage is ok. C. Baker suggests considering some type of a condition that CO's not be issued until the bond is posted as some kind of mechanism to ensure that the road will be built. G. Dake states that the challenge is that the applicant needs a CO to sell to get the money to post the bond, etc. If the Board is that concerned about getting the road built, we could force at least the first section to be paved, but that is wasteful and poor construction practice. C. Wilkinson states that if they are only getting approved for phase 1 and showing three lots, and then they can't file or get approval on the other until this is posted. G. Dake states that the Board can approve the entire subdivision with phase 2 not being allowed to have building permits until the road bond is in place and accepted. C. Wilkinson asks if G. Dake can sign the plans. G. Dake states that he can, the Board has approved the subdivision and all they are holding is the building permits, so the applicant can file the whole map at once. It is a construction phasing which says that we do not have any question of whether you are under old or new zoning. Everybody would get what they are looking for and would actually speed up phase 2, probably, because the applicant will not have to come back to the Board and get a second map signed. G. McKenna states that the applicant is only covered against changes in zoning for three years if the project is not completed. P. Guarnieri states that they already have a contract, which they cannot honor without finishing the contingencies. It is for the empty lot and it would cover almost the entire cost of putting in the road and it is their plan to put the money into the road as soon as they close. C. Wilkinson asks if the 180 days would start over as this is a new resolution. G. Dake states that it would. C. Wilkinson will get the shared driveway language to the Town Attorney. P. Guarnieri asks how long a process that will be.

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G. Dake states that will be up to C. Wilkinson – the sooner he can get the language to the attorney, the better. M. Thraikill states that while we are discussing not building this to town road specs right now, can we make sure that the road is a nice road just in case this doesn't happen, then these people are not stuck on a trail or construction road. C. Wilkinson states that is part of the shared driveway language as well. It has to withstand a 50,000-pound vehicle, etc. G. Dake states that it would be in the developer's best interest to put down sub-base. T. Siragusa asks about spending for SWPPP compliance? C. Wilkinson states that he has the SWPPP documents created, but has not yet filed the NOI. He will get that filed and states that phase 1 will probably be less than one acre of disturbance. C. Baker states that he gets nervous that the Town is going to sign these plans, the applicant is going to file the map, and we don't have a road bond in place. He asks if the Board feels comfortable enough with the contingency that no building permits would be issued on these lots. G. Dake asks if under the three-year rule, once it is signed and filed, it is filed even if they have no frontage and there is no provision where we can go back and rescind a filed map. C. Baker states that it is a marketable subdivision once it is filed. G. Dake states with no ability to get a building permit on those lots, except for the front two. That it is abnormal, but he thinks we are protected enough as long as that is a condition of the approval that they cannot get a building permit. Even though it is a lot, it is a lot that is restricted from being built upon until a condition is met. C. Wilkinson will add that to the map

RESOLUTION – P. Guarnieri, Major Subdivision

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board amends its March 27, 2007 approval of Patricia Guarnieri's Major Subdivision at 160 Daketown Road, TM#149.-2-35, as follows:

- **The two lots with frontage on Daketown Road can be built upon as soon as easement language is received for a driveway off the proposed new road**
- **All other lots shall not receive building permits until the road bond has been accepted and put into place**
- **Note to be added to plans to reflect that restriction on the rear lots**
- **Driveways for lots with frontage on Daketown Road may not access Daketown Road, they must enter from the easement**

VOTE: Ayes: Dake, Siragusa, Streit, Thraikill

Noes: None

Absent: Cochran, Dupouy, Yasenchak

UMH PROPERTIES – Special Use/Site Plan Review

Brookview MHP/ Route 9N

The applicant has requested a postponement.

BONNIE & CLIFF OLDER – Minor Subdivision

Lake Desolation Road

Cliff Older and Bill Wellmaker are present. C. Older explains the proposed subdivision. G. McKenna states that lots 2 and 3 do not have the required frontage. G. Dake explains keyhole lots and how they should be designed. A. Carpenter states that if they move the frontage, they would have to move a portion of the shared driveway to lot 2 and that he prefers to have shared driveways all on one lot. Options are discussed for how to reconfigure the frontage for these lots. G. McKenna points out that this is also in the Kayaderosseras Ridge Overlay District and has specific construction requirements. The applicant will

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need to provide shared driveway language. C. Baker states that he has no issues at this point. J. Streit questions what the problem is with lot 2 having the building in front and not being considered a keyhole lot. G. Dake explains that the keyhole provision is for when you have an unusual piece of land and so that you can subdivide and build front and back. The keyhole gives you access to the back. G. Dake states that his concern becomes that once you become too sloppy and too easy with it, does it just become a way of not getting a frontage variance and then your frontage regs mean nothing. G. Dake asks if lot 3 is also going to share the driveway, and if so the deed language needs to reflect that also. C. Older questions that his attorney should know how to draft the deed language. G. Dake suggests that it might be in the attorney's best interest if he has not done shared driveway language in Greenfield to see a copy of something that has already been approved by the Town Attorney. C. Older states that Carol Osborne has done his legal work and he will contact her about this. The easement to maintain the mountain view is discussed as being an issue between the two property owners and not something for the Planning Board to be concerned with.

ZBA REFERRALS

J & J Enterprises, Area Variance – G. McKenna explains that in 1998 J & J Enterprises received a Use Variance for a used car dealership with 22 autos. They would now like to be able to have an additional 18 autos on the southern portion of the lot on the other side of the Bell Brook. They are before the ZBA for an Expansion of a Use Variance. The ZBA thought they would just try to do it as another use variance. They almost cannot get another use variance because they cannot prove the four conditions. G. McKenna got a message through the Supervisor from Mark Schachner stating that they do not need to get a use variance; they need to get a modification of the conditions of approval from the ZBA. G. Dake states that there were grave concerns when this first came in because this is the entry to Greenfield. He states that they have done a much better job than the Town had dared hope. G. McKenna states that it is very nicely kept. G. Dake states that the Town had grave concerns about protecting that stream at that time. He has no knowledge of whether they have done any harm to the stream. It does not appear to have any erosion around the sides; everything appears to be in pretty good shape there. He questions where they stand on percentage of lot coverage. G. McKenna states that he would think that they are getting pretty close to max if they ever pave the new area. G. Dake states that we have historically counted the gravel as impervious surface. He states that he is thrilled that they have been successful. When this was originally looked at the fact that the Stewart's plant, Ballesteros' and Utter's mobile home park were across the street was considered. J. Streit questions the two entrances and suggests possibly not having the one off of Route 9N and then planting some trees as mitigation. G. McKenna states that takes away from the applicant's objective. G. Dake states that he does not like it, he has nothing against the applicant as they do a great job, but it is the entrance to town, next to a stream, etc. He states that the new area is not practically contiguous to their current use. G. McKenna states that the coverage ratio may put them over the limit. M. Thrailkill states that it seems ok as it is, but there are houses across from it and it is a residential section. The stream area is somewhat of a buffer. G. Dake states that it does not feel like a contiguous parcel. C. Baker asks how, functionally, they are going to bring clients to the new area. G. McKenna states that the applicant wants to put a little bridge to the rear and golf-cart the clients around. J. Streit states that he drives by here all the time but would like to walk the property.

REFERRAL: The Board feels that they do not think that this is a practically contiguous parcel and there is a concern for the aesthetics and the appropriateness for the neighborhood. The Board has concerns for the above and feels that further review is needed. This is not a negative recommendation, but lot coverage may be an issue. The Planning Board would suggest that the ZBA consider these things in their review.

Timothy & Sharon Clemmey – Area Variance - G. Dake states that he received a phone call from a neighbor and refers to the ZBA minutes requesting a definite answer from the Planning Board about what their plans and the developers plans are, prior to the next meeting. G. Dake explains the layout of the

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subdivision. He states that Walker Drive is not built. The gentleman who owns the parcel (TM#125.-3-6) across from the subject parcel does not have lot frontage and is one of 2 or 3 existing original owners of a home back in there. G. Dake states that he drove up there today, at the neighbor's suggestion, and he has a rather minimal driveway on what is officially Walker Drive going back to his house. The subject parcel, for which the applicant is seeking a frontage variance has no frontage - it had frontage when it was approved but the definition of frontage has changed. C. Baker states that this is the reason why we have road bonds in place now. T. Clemmey apparently told his neighbors that he wanted this additional parcel only as a buffer and now he is looking to get the variance and sell it. He needs a frontage and an area variance. G. McKenna states that the reason he needs the area variance is because this subdivision has never been finished. It is way past the 3-year rule and all these lots are now non-conforming lots so they do not even count as building lots. G. Dake states that the applicant owns two lots that, if combined, might comply. It is not a grandfathered lot, which is why they need a variance; it does not have frontage; the Town has very little trigger to force the road to be built because we do not have a bond; and the driveway is substandard. G. Dake states that he would like to respond to the ZBA that the Planning Board would definitely like to see the road built and they feel strongly that an existing lot back there is being deprived of a road, that under today's standards, would never have been allowed to be built, and that the Town would be taking a lot of heat off of the developer if we allow anything back there. If the applicant wants to he can put in a town road to give him the required frontage, even the 200' of frontage, then the Planning Board might look at it differently. Without the Road, we are going to end up with sort of a shared driveway. G. McKenna questions how you would even get deed language for a shared driveway. C. Baker states that realistically he does not think that we will ever see that road built because of wetland issues.

REFERRAL: The Planning Board makes a recommendation against this variance and would like to see the road completed to the end of the property before it even is considered. Ultimately the Planning Board would like to see the entire road built.

Paul & Patricia Komorny – Area Variance – G. McKenna states that the applicants received an area variance in June of 2006 and it has expired. This is a pre-existing, non-conforming lot, it has road frontage, and it is a very small lot. With the new zoning they have to be 50' away from the mean high water mark of the stream (105-146).

REFERRAL: No Planning Board issues.

Kelly Hurley – Area Variance – G. McKenna explains that this property was subdivided in 1998-99, there is an old house foundation on this lot and the applicant would like to finish the house that her father started. The garage would be too close to the right property line.

REFERRAL: No Planning Board issues.

Nina Sinnott – Area Variance – G. McKenna explains that the subdivision request would create a keyhole lot and the remaining lot would lack frontage. The applicant is before the ZBA at the suggestion of the Planning Board from the last meeting.

REFERRAL: The Planning Board is comfortable with the proposed plans.

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Duane Wright – Area Variance – G. McKenna states that the applicant would like to put an addition on his existing garage and needs a left side yard variance.

REFERRAL: No Planning Board issues.

CORRESPONDENCE

G. Dake refers to the correspondence from the Town of Corinth Planning Department that they are going to be holding some training which will be conducted by the Saratoga County Planning Department. If anyone is interested please let R. Rowland know. J. Streit states that he is interested. G. Dake states that they are also looking for suggestions for things that might be good to cover. J. Streit states that R. Rowland is aware of the issues that have perplexed the Board in the past.

DISCUSSION

C. Baker states that he received the geotech report on Denton Road from Polo and he feels that it is incomplete – there is no estimate of cost, which they were asked for, etc. He has spoken with W. Barss and A. Janik about this and they are all real concerned about the timing. To C. Baker's knowledge, there is still no approval from the Saratoga County Sewer District for the sewer line. Polo is pushing to be able to construct this fall. W. Barss is concerned with the timing as well coming into the fall and winter season, they do not want to be stuck with a road that is excavated and partially built, and have the winter come upon us quickly. G. Dake states that if he remembers the approval correctly, the condition of approval that involves Denton Road was that W. Barss, C. Baker and G. Dake had to sign off on the amount of money Polo is to give the Town for the Town to do the road construction. Obviously when the Town rebuilds the road is when they would want to do the sewer line. G. Dake states that if W. Barss does not want the road built this fall, then the road doesn't get built this fall. If it is spring, and if the applicant is interested in that timing, we have to look at spring condition costs. C. Baker states that the copy of the report he got is very difficult to read and he is requesting another copy from Lisa Nagle. G. Dake states that after he met with A. Janik and W. Barss last week, he called L. Nagle to say that the Town had not received copies of the report. He got a return call saying that they had just received the report. This is not the first time that Polo has rushed and waited, and their timing does not need to pressure the Town's timing. He believes that the mechanisms are all in place, it is important for this Board to know about it, but the mechanisms are in place that W. Barss, C. Baker and G. Dake all have to sign off on what that number is. Putnam Brook Transportation Corporation has not yet applied to the Town to expand their service area to cover Polo. Any pipes they put in the ground are purely speculative anyway. G. Dake states that he will be shocked, as will W. Barss and he presumes C. Baker, if there is not rock that has to be blasted in there. C. Baker states that he will respond to L. Nagle. Saratoga County Sewer has not been addressed; Putnam Brook Transportation Corporation has not been addressed; Kirby Road is an issue; DOH – we haven't got the wells figured out.

G. Dake states that he wants to make sure that the Board is aware and to consider, and he will follow the Board's suggestion, on Polo and Prestwick Chase, as he understands that Prestwick Chase will be back in front of the Planning Board after the sewer issue is resolved to come in with an application to expand their project. Several of Stewart's employees, at G. Dake's direction, have been talking with Prestwick Chase and Polo about the possibility of once this road is open running a water line from the proposed new County line and that Stewart's would participate in case they decide to use some city water. They have just drilled a new well, put up a water storage tank – water is a big issue to the plant. Because of that, because he has employees who are in direct negotiation with those people, he does have a potential, at least perceived if not real, conflict of interest, and he would like the Board to consider if they would prefer and think it is appropriate for him to recuse himself. He has generally abstained on everything south of Daniels Road to avoid the perception. With Polo and the whole idea of the County water seemed like it was a million years

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away, now we are talking about negotiating a line. He believes he can be objective, but he also recognizes there is a pretty significant potential perceived. He states that he does not want this Board to look bad through his actions. We could ask someone else from the Board to sign off on the road number or maybe just C. Baker and W. Barss could sign off.

Meeting adjourned 8:43 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary