

TOWN OF GREENFIELD

PLANNING BOARD

SEPTEMBER 8, 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 Thraikill, and Nathan Duffney, Alternate. Tonya Yasenchak is absent. Gerry McKenna, Zoning Administrator, and Charlie Baker, Town Engineer, are present.

MINUTES – August 25, 2009

MOTION: M. Ginley

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of August 25, 2009, with minor corrections.

VOTE: Ayes: Dake, Dupouy, Ginley, Siragusa, Streit, Thraikill

Noes: None

Absent: Yasenchak

PLANNING BOARD CASES

PAUL & LORRAINE VARLEY – Minor Subdivision

Ballou Road

B. Duffney recuses himself. Lorraine and Stephanie Varley and Justin Burwell are present. L. Varley explains that they own a 10-plus acre lot and would like to subdivide a lot for their daughter, Stephanie, and her fiancé to build a home there. The plan is to subdivide them into two 5.05-acre lots per the Zoning Board approvals. G. Dake states that he read the Zoning minutes and instead of putting the lots back to what they originally were, the Zoning Board has given them variances to subdivide the lot equally. G. McKenna states that he has no comments. C. Baker states that since this was once subdivided into two lots he does not see why the lots would not be able to support an additional house. The Board is in agreement. G. Dake states that the Planning Board will need a final map with everything on it. **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.**

RESOLUTION – P. & L. Varley, Minor Subdivision

MOTION: L. Dupouy

SECOND: J. Streit

RESOLVED, that the Planning Board grants the request of Paul and Lorraine Varley for a Minor Subdivision for property located at 345 Ballou Road, TM#111.-1-65, contingent upon:

- **Receipt of survey map with all the appropriate notes and to be reviewed by the Town Engineer and Planning Board Chairman**

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

Tonya Yasenchak arrives.

MICHAEL HICKAM – Major Subdivision
Medbury Road

Michael Hickam is present. G. Dake reviews that this project was approved for M. Hickam in October of 2006 to expire in October 2007; reapproved in August 2007 to expire in October 2008 and reapproved in October 2008 to expire in October 2009. M. Hickam states that he is here to ask for another extension. He explains that he has 39 acres on Medbury Road that was part of an existing subdivision that did not have final approval years ago. He tried to sell it as is and was unsuccessful. He went through the Planning process, hired an engineer and received approval for 8 lots, one of which he lives on. The price of infrastructure has sky rocketed and he has been unable to sell. G. Dake states that the Board did a site walk, much of the subsurface infrastructure was in place when Mr. Hickam ended up with this. M. Thraillkill asks if the applicant is marketing it now. M. Hickam states that he is. He states that they started out to use the existing infrastructure, he spent a lot of money and his engineer was ready to sign it, but the Town did not approve it after he was \$20,000 into it. He spent another \$20,000 getting it done again and now the cost per lot for the infrastructure is extremely high. M. Thraillkill asks if the infrastructure is completed. M. Hickam states that it is not. M. Thraillkill states that then if someone were to buy it, they would have to do the infrastructure. M. Ginley asks what infrastructure still has to be done. M. Hickam states that the whole existing drainage system has to be redone and the road has to be paved. M. Ginley asks if M. Hickam is trying to sell these individually or the whole thing. M. Hickam states that he is trying to find a builder. He states that the reason he got the approvals himself was because he had it sold about 5 years ago for \$468,000 but the Town wouldn't approve it, so they reduced it from 9 lots to 8 lots and that was approved. He decided that he would not be at the mercy of a builder again and the zoning laws were changing, so he got Tommell and went after it himself. In the meantime, the issues with the economy have occurred. He has given consideration to taking it to a private subdivision. His approval expires next month. G. Dake states that one of the things that he told M. Hickam was that he appreciated M. Hickam being prompt about coming in and approaching the Board for an extension before he expires, keeping track of his own deadlines and not letting things lapse. It does make our job a little bit easier because we do have options. G. McKenna states that there are no changes. C. Baker states that the only comment he has is on the road bond estimate. It is very possible that the estimate of cost may be down a little bit from what it was originally, but the longer this goes on he becomes concerned about how valid those numbers are when it comes time to actually build. He would like the Board to consider some type of language that we have the option to revisit that number when the time comes. C. Baker states that the other thing that he noticed in looking through the file is that there is a letter from the DOH that stated that if the applicant didn't file the maps within 90 days of their review that the review was null and void. M. Hickam states that he was aware of that. G. Dake states that we did a relatively lengthy review as a Board a number of times on this project and it has become a policy question. The challenge always becomes whether you leave it open forever, we keep getting another look at it with the one year extensions. One risk for M. Hickam is that the Board changes from time to time, and the zoning changes from time to time and at any point it could change. G. Dake states that he does trust M. Hickam's intent. M. Hickam states that the property is listed on MLS and Dan Gaba is the agent. T. Yasenchak states that the fact that we have the option to continue to have M. Hickam back to review this gives the Board the opportunity to review any State codes, have C. Baker look at it from an engineering standpoint, etc., so if something does change the Planning Board is not liable for still approving a subdivision that isn't up to those standards. She states that as long as M. Hickam understands that that could happen at some point, she does not have a problem granting an extension with the way it has already been approved. T. Siragusa states that

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nothing has changed and he would be in favor of extending it. M. Hickam has been very forthcoming with information and hopes that things change for the applicant. M. Ginley states that he is in favor of the extension. L. Dupouy agrees, states that while she loves that C. Baker always makes the Board think about the important things, she thinks that having the ability at this Board to help our neighbors in instances just like this, that this is the benefit of having hometown government where we can be effective and help one another. J. Streit states that M. Hickam has been very forthcoming with and honest with the Board, that he was snake bit by a number of unforeseen circumstances, that the Town is not negatively influenced or affected by a continued extension and that indeed the property is better off in the hands of a responsible citizen such as this. B. Duffney has no problem with an extension. M. Thraikill agrees, states that the applicant is doing the best he can and wishes the applicant luck. He states that it is a nice piece of property. G. Dake cautions that the longer this stays out there, as T. Yasenchak expressed, things change, the longer it is out there the greater the probability that something will come backfire. There is no guarantee. Every extension is only good for that extension, because the applicant has gotten three extensions does not mean that he will automatically get a fourth. He states that he does believe that the applicant is making the best effort to try to sell the property. G. Dake states that he wants to make sure that the applicant understands that and that it is in the record, because he does not want to have that argument someday down the line. He states that he does not have a problem granting the extension; he believes it will be a nice subdivision when it is built out and he hopes it is sooner than later.

RESOLUTION – M. Hickam, Major Subdivision

MOTION: T. Yasenchak

SECOND: T. Siragusa

RESOLVED, that the Planning Board extends its approval of a Major Subdivision for Michael Hickam for property located at Medbury Road, TM#137.-1-14.111, as follows:

- **Extension for an additional year to October 10, 2010**
- **All of the same conditions including DOH approval and road bond being in place**
- **The road bond dollar amount will need to be updated to a current cost at whatever time the road bond is put in place**

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

MICHAEL VINCENT – Minor Subdivision

Allen Road

No one is present for this application.

DISCUSSION

M. Thraikill comments that the Maytag dealer has put up an internally lit sign. He states that the two banks wanted interior lighting and we denied them. G. Dake states that we had discussed reviewing a sign for the hockey shop but does not believe that we ever did. M. Thraikill states that there was an exterior lit sign but they have changed it. G. Dake states that the Planning Board makes a request to the Code Enforcement Officer to review what has gone on with that sign and determine if it meets code. G. McKenna states that he will do this.

C. Baker states that he received a call from M. Shaw, DOH, that he was reviewing a subdivision plan for Goosehollow Road and if C. Baker had any comments on it. C. Baker states that he did go out and

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witness soil borings, but told M. Shaw that he thought it was premature as we don't really have a project here yet. Shortly after that he received a call from the LA Group stating that they would be coming back to the Planning Board to present the project.

G. Dake asks if we have received a response from the Water Authority. R. Rowland states that she has not.

Meeting adjourned 7:25 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland