

TOWN OF GREENFIELD

PLANNING BOARD

SEPTEMBER 26, 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, Michael Thraikill, John Streit and Michael Ginley, Alternate. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer are present. G. Dake welcomes Michael Ginley as the new alternate.

SEPTEMBER 12, 2006 MINUTES

MOTION: J. Streit

SECOND: D. Cochran

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of September 12, 2006 as submitted.

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

Noes: None

PLANNING BOARD CASES

ADIRONDACK ADVENTURES – Site Plan Review

Brigham Road

A public hearing is opened at 7:02 p.m. M. Leahy explains that the campground would like to put in a 9-hole mini golf course by the pool area for kids and families camping on site. They hope to have some scenes such as bamboo huts, some additional landscaping, etc. He states that there is a 50' buffer from the property line and they will be adding landscaping. Garret Simon, Brigham Road, asks about additional landscaping and M. Leahy points out where they will be adding shrubbery and states that the campground wants it secluded for their own purposes also. G. Simon asks about proposed lighting. M. Leahy states that the lighting will only be as high as they can reach with a ladder, there will probably be 4 lights, and they will only be on during hours of operation. Joan Taylor, Brigham Road, states that she lives across the street and her daughter lives next door to the campgrounds. She asks if this will be open to the public. M. Leahy states that it will only be for the campers. Mr. Yakush states that he lives one-half mile from the campgrounds and he is concerned with traffic and speeding on Brigham Road as he has experienced this especially with young people camping there after concerts at SPAC. M. Leahy states that they are aware of this and that there are also others using Brigham Road who drive too fast. M. Leahy states that the mini golf course will not create additional traffic since it is only for campers. Mr. Yakush asks if the proposal will take up some of the tenting sites. M. Leahy states this will take up some of the campsites and that they are trying to weed out some of the problems with tenters. Susan Livsey, Brigham Road, asks if they plan to open this to the public in the future. M. Leahy states that they do not, it is an attraction or amenity for the campers and they are not equipped to open this to the public. Mr. Yakush asks if there is anything we can do about the speeding. G. Dake suggests that he contact the Supervisor or Town Board and explains that the Town must petition the State to change any speed limits. He indicates that the Planning Board can also convey the concerns

September 26, 2006

regarding speeding to the Town Board. There being no further public comment, this public hearing is closed at 7:11 p.m.

T. Yasenchak thanks M. Leahy for providing the additional information that was requested of him. She asks if there will be any additional buildings for the mini golf course. M. Leahy indicates that there would be a 10 x 10 ticket office, probably designed to look like a tiki hut. T. Yasenchak states that she would like to see a specific light detail and some kind of cut off on the lights. M. Leahy indicates that they have contracted with an electrician and will get that information from him. T. Siragusa asks for clarification on what type of permit the applicant would be granted. G. Dake explains that this would be a Site Plan Review as it is an existing use being expanded. T. Siragusa asks about the fountains and M. Leahy states that they will be self-contained. L. Dupouy states that she would like to see some more general details on the landscaping and the type of plantings, and a little more information about the pumps for the ponds/fountains. M. Leahy states that he will get that information from the electrician also. J. Streit asks how close the closest neighbor is. M. Leahy explains that the closest neighbor to the mini golf course would be 1000' (Simon) although there are neighbors closer to other property lines. J. Streit asks if there are existing trees there now. M. Leahy states that there are and that he cannot see G. Simon's property from the campgrounds. M. Thraillkill states that he would also like to see some more information on the lights to see how high they are and to make sure that they are shining down. T. Yasenchak asks if there will be music and if so she would like to see that only played in conjunction with the lighting. M. Leahy states that if there is music it would be a radio in the ticket booth but they will not be pumping music throughout the campgrounds. He states that they have not really discussed that. G. Dake asks if the Board would like to wait for the additional information asked for: landscaping and how it provides a buffer; lighting details; hours of operation; not being open to the public and only for the campers; and music, or if the Board would like to make a motion to approve and have G. McKenna, G. Dake and/or C. Baker look at the additional information.

RESOLUTION – Adirondack Adventures

MOTION: J. Streit

SECOND: M. Thraillkill

RESOLVED, that the Planning Board grants Site Plan approval to Adirondack Adventures for a mini golf course at 265 Brigham Road, TM#126.-1-81.1, contingent upon the following:

- **Mini golf course to be only for campers use**
- **Hours of operation to be 9: 00 a.m. to 9:00 p.m.**
- **Lights to not be visible to the neighbors**
- **Mini golf course to have sufficient existing shrubbery or additional shrubbery**

M. Leahy asks if the hours could be 9:00 a.m. to 10:00 p.m. Discussion takes place regarding whether to include a contingency about music. D. Cochran asks if any of the neighbors are bothered by music from the campgrounds. J. Streit states that the impression he gets is that they are not trying to offend the neighbors. M. Thraillkill asks if the campgrounds have a quiet time. M. Leahy states 10:00 p.m. on weeknights and 11:00 p.m. on weekends.

Motion amended to:

- **Hours of operation to be 9:00 a.m. to 10:00 p.m.**

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

September 26, 2006

MICHAEL HICKAM – Major Subdivision

Medbury Road

Michael Hickam and Kurt Bedore are present. D. Cochran recuses himself. A public hearing is opened at 7:25 p.m. and K. Bedore reviews that this is an 8 lot subdivision; that Medbury Estates, Phase II was approved in the early 1990's and was never completed; the applicant is now trying to get this reapproved under the current Town standards and the current State standards for drainage; the average lot size will be 1-½ acres with lot 4, where M. Hickam's house is located, being 2 ½ acres and there is also an open space proposed under the cluster development for which M. Hickam will retain ownership; the site has an unimproved road, which serves as a driveway; there is a drainage system installed which will be completely reinstalled to meet Town and storm water standards. There being no public comments, this public hearing is closed at 7:28 p.m.

M. Thraikill states that his questions have been answered, but he is unsure about the storm water system. K. Bedore states that in light of the last discussion, that has been completely redesigned and will no longer be a dewatering system. M. Thraikill asks if the cul-de-sac issues have been clarified. K. Bedore states that he received the Town Engineer's comment letter and they have a resubmittal here to present to the Board. He states that he spoke with and worked with Randy Davis at the Highway Department and a turning analysis was done. They are submitting a design with a 150' ROW and 120' pavement radius. G. Dake states that a letter from W. Barss would be needed for the file. J. Streit states that his questions have been resolved and that the remaining issues are for W. Barss and C. Baker, and he has faith in their judgment. L. Dupouy states that when she walked the property with M. Young, he felt that the cul-de-sac issues would not be a problem. She believes that the applicant and his engineer have done a good job to meet the requests of the Board. T. Siragusa asks where we stand with the open space ownership and the HOA. K. Bedore states that the open space, 26 +/- acres, is proposed to be parcel 2 of lot 4. M. Hickam would retain ownership and it would be forever wild. The applicant does not want a homeowner's association. T. Siragusa questions the cleanouts. K. Bedore states that the applicant needs to comply with the Town regs and he has agreed to do that. He believes that from discussion, it would be all right to work those details out within the first year, as he understood it. From what he understands the policy to mean, the developer will be responsible for maintaining the system prior to it being dedicated to the Town. T. Yasenchak questions the road being under private ownership until all of the homes are built out. G. Dake uses Larkspur Court as an example of a road that had many houses and had been in service for years, and the Town never accepted it until some final maintenance was done and upgrades. The Town maintained and held that bond throughout that entire period. When the Town takes ownership is when they release that bond. C. Baker states that generally, the Town will not take a road until all houses are completed. G. Dake states until the road is completed with a top course with some unsold lots. K. Bedore asks if all the lots are built with a binder course, will the Town accept prior to the top course being installed? G. Dake and C. Baker state that has not been done. Lead Agency letters are discussed and were sent to Saratoga County and DEC. A letter needs to be sent to DOH. G. Dake states that the bulk of the remaining issues are engineering, some correspondence from W. Barss and the review of SEQRA. M. Hickam questions that he can get preliminary approval if the DOH responds before the 30 days are up. G. Dake states that if DOH acts prior to the 30 days, we can review the SEQRA, and he goes on to explain the lead agency process.

RAYMOND DUFOUR – Minor Subdivision

Braim Road

Clark Wilkinson and Raymond Dufour are present. C. Wilkinson states that the property that R. Dufour owns on Braim Road was subdivided approximately 3 years ago and at that time there was discussion on the flag lot issue. He states that R. Dufour wanted to pursue it at that time, but it was something that the Board did not feel was proper use. They are here to request a further subdivision of one additional lot and waiver of the 5 year rule, and as mitigation for requesting the waiver they would put a stipulation on the

September 26, 2006

minor subdivision that no further subdivision of either of these lots would ever occur, basically rendering most of the 123 acres open space because it would be under one ownership and restricted from any further subdivision. They are offering this to the Board in compensation for allowing this subdivision to take place. C. Wilkinson points out that in the letter he had indicated that the proposed lots would be 50 and 70 acres. They are now looking at a different configuration and he does not necessarily want to get stuck into those numbers. They are now talking about one lot of only 10-acres and with the remaining lands being lot 2, but no lot will be less than 10 acres. G. Dake states that he has had a few conversations with R. Dufour since this was approved. G. Dake reviews the project and the issues that concerned this subdivision for the Board members who were not on the Board at the time. He states that there was discussion about sight distance; a lot of discussion about the use of a flag/keyhole lot and what they could do with a shared driveway; different options were looked at; there was a question of the stream crossing and how that would impact things, etc. G. Dake reviews that the purpose of the 5-year rule is to avoid creeping through the process without ever triggering the larger review that might come with a major subdivision or someone not being forthcoming. He states that the fact that R. Dufour is offering to put a no further subdivision deed restriction on the lots suggests that there will not be further creeping. He states that there was a driveway that the Board was concerned about and a sight distance question that the Board thought would not be a problem for a driveway. D. Cochran states that the letter indicates that we had problems with the keyhole lots and he believes that there must have been other reasons such as sight distance that we wrestled with this. G. Dake states that there were some shared driveway issues also. M. Thraikill states that he thinks that was the biggest sticking point, that the Board had not done many shared driveways at that time, and we have done a number since then. He states that he does not have a problem with shared driveways. G. Dake states that his concern, with shared driveways, has been the question of its being great up front, but in the future when there is a major repair and no one wants to pay for it. Can that be efficiently done a manner that the Town is not going to get dragged into it through proper deed language and rights-of-way? M. Ginley states that it would be put in the deed and you can file a driveway agreement with the County Clerk's office. M. Thraikill states that language has been required on the approved shared driveways to date. G. Dake asks the Board's input on waiving the 5-year rule. D. Cochran states that the Board has done it at least once before, not very often, and he might be concerned about maybe setting a precedent. G. Dake states that if everyone who does this states that they will allow no further subdivision and have minimum lot sizes of 10-acres, he would be fine with waiving it. T. Siragusa asks if that kind of stipulation on a deed is 100% binding, regarding shared driveways. M. Ginley states that it depends on how it is worded, but he would say it is 100% binding. G. Dake states that the way he understands it, in order to get rid of a deed restriction you have to have all surrounding property owners signoff and a Supreme Court Judge signoff. M. Ginley states that it is complicated. T. Siragusa states that he would be all for waiving the 5-year rule to get open space in return. L. Dupouy states that she is against it, she states that there are other people who want to come in and their projects are just as important to them and they are not allowed to do it until the 5 years are up. She states that she thinks that some of them would be willing to give up land for open space as well and can think of at least 2 who were told no. J. Streit states he has no objection. T. Yashenchak states that she is unsure. She tends to stick with the way the law is written, and that owners' understood when it was first subdivided, regardless of whether or not the Town was up in the air about a certain issue at the time, she likes to stick with that. Also, lots on Braim Road are bigger so the 10 and 110 seem out of scale with the size of the lots occurring on Braim Road, along with the issues of stone and water, to build on Braim Road with 10 acres may restrict someone. She would like to see something a little more even. C. Wilkinson states that having 123 acres, there are a lot of possible variations. The way the lots are configured, they are trying to find a nice way to divide it and it looked like something around 10 acres was a way to do it easily. G. Dake states that he is not going to ask for a motion to grant a waiver until we see what actually comes in, but that the applicant has gotten a sense from the Board that we do not have unanimity on the issue and that does raise the bar on demonstrating that this is going to be a good thing for the Town.

September 26, 2006

SARATOGA POLO – Site Plan Review
Bloomfield Road

Jack Daley, Lisa Nagle, Tim O'Brien, Charles Duvall, Jere Tadich, David Baugh, Todd Johnson and Scott Pellman are present for the application. L. Nagle comments on the recent submittal of August 30, 2006, that there are very few changes since July, and they will be making some changes to the carpports bordering the Orthwein property. L. Nagle states all of the systems are privately owned, functioning under a homeowner's association, so she and C. Baker are looking for some guidance from the Board. There are items that C. Baker will need further details on. T. O'Brien has completed some testing on the Putnam Brook pump station and will now be able to complete the engineering design and make a submittal to the Saratoga County Sewer District. Regarding the HOA, the applicant can certainly supply any of these documents to the Town as they are drafted. G. Dake states that he is not certain of what the appropriate level is, because if the applicant submits to the Attorney General's Office and the Planning Board has a problem with what is submitted, then it gets to be messy if the Planning Board wants the submittal changed. The Attorney General may want control over things or things done differently than what the Town wants. G. Dake states that the HOAs the Planning Board has seen to this point have dealt with subdivisions and not fractional ownerships to this degree. C. Duval asks what would be a concern on the part of the Town that it would want to review the HOA paperwork because this is a document that establishes the rules of governance for the HOA, the budgeting, the way it is going to be marketed, etc. He states that the purpose of that is to act as the people's lawyer in the matter and it would be filed with the Attorney General and then recorded with the County Clerk. G. Dake states that in no way does he want the Town of Greenfield to usurp the power of the Attorney General, but throughout the PUD process, there were several points where the assertion was made that a certain item would be addressed in the HOA legislation, so it would be disingenuous at this point not to look at that at all. He states that it is prudent for the Planning Board to understand what is in that document to determine if we need to amend our SEQRA determination in any way because something that we thought was going to happen is not going to happen, restrictions on activities, things of that nature. J. Daley states that he thinks it would be ok for them to have a copy ready before the submittal to the Attorney General. They are looking at having the submittal to a firm in New York City by November 15th to be filed by January 15th in order for Polo to be able to sell come Polo season next year, which is critical to the applicant. He reiterates that he thinks they can provide either the draft version or something that the firm is done with and ready to submit. G. Dake states that the draft version would be good. He states that he would rather deal with that before submitting it and make sure that we are on the same page rather than afterwards. He states that it would be in the applicant's and the Town's best interest that the sooner the Board can look at that document, the better off we will be. The Town Attorney may also need to review this. J. Daley states that the site plan approval has to be done before they can file because they have to have some of the issues addressed in that document. L. Nagle states that C. Baker has reviewed the SWPPP and T. O'Brien states that they have designed a system and they will do borings at the proposed locations including the building locations, and they will provide that information to C. Baker. He indicates that they have also met with the DOH who has approved the location for the third well, DEC has approved the location and it is being drilled later this week. Additional information will be provided on this also. L. Nagle states that regarding their connecting to the Putnam Brook Transportation Corporation, and in talking about the Saratoga County water line extension in the PUD, they contemplated that water coming by the site and agreed to hook into that system when and if that comes by. She states that they would like to show this on the plans and asks if the Town has copies of the location of the water line. G. Dake states that Saratoga County Planning does and that the plans were done by CT Male. L. Nagle states that they have been in discussion with the McNeary's, they are moving forward and coming to an agreement on a couple of things and also talking about expanding the transportation corporation down the road, for which they need approval from the Town Board and then the PFC. T. O'Brien will be finalizing the engineering of that system and the information will be provided to the Town. L. Nagle states that during the PUD conversations they talked about bringing the sewer line down the Northern shoulder of Denton Road, going across Skidmore's, T. Mina's, and J. Jayco's property and then connecting with Prestwick Chase. J. Daley states that they need to get easements from the neighbors. C. Dumas states that Denton Road is a user highway, therefore in order

September 26, 2006

for the applicant to lay within the ROW the applicant has to obtain easements from each of the adjoining property owners. He states that his thought was to obtain those in the name of the Town so that the Town possessed those easements. G. Dake states that it sounds like an excellent idea because the applicant will not own the line at that point either. C. Baker states that the Town will not own the line. G. Dake states that it would be better for the Town to hold the easements instead of Putnam Brook. L. Nagle states that their other reason for the Town holding the easement is so that when they run the shoulder down there for the bike path, etc., then the Town can continue to maintain it or improve it. T. O'Brien states that they would also like to bring a gas line from Prestwick Chase to Polo and lay it in that easement. J. Daley states that they are looking for some direction in terms of what they do along that pathway. He states that they think it makes sense that the Town should do something from a grant perspective and bundle this. G. Dake states that when they improve Bloomfield, they can extend it up there. J. Daley states that they asked A. Janik and think it would be appropriate to get a wish list, but they need to have a sense of what is on the table. The sewer is a very expensive endeavor on their part and there are other things that they want to do like what they did with the intersection already, and continue to be a good neighbor. G. Dake states that is a good idea, but A. Janik does not get a vote in the site plan approval, and what the Board had envisioned and did discuss at the time of the PUD legislation was to do something along Bloomfield as long as we are already digging it up, from a maintenance standpoint, something that would actually get used and has a chance of being maintained in the winter. Something where the Highway Department can just drop their wing and knock the snow off of it would strike him as being a lot simpler than a sidewalk, a separate path, etc. He states that he is not as concerned with Bloomfield Road as there is not the level of use as Denton Road. J. Daley states that in getting the easements, they need to know how far they are going from the center of the road. L. Nagle states that they have looked at different configurations but during the PUD process they were primarily talking about the sewer line, how it would be paved, etc. G. Dake states that he would like it to be striped to make it safer. G. Dake states that the County is proposing a trail connecting Moreau State Park with Saratoga State Park. If you got near enough to the Skidmore bike trail, which is roughly where that comes through, then you have the potential, if you can get to Bloomfield and to Daniels, somewhere, somehow, grant money, a future applicant – there could be the opportunity to get someone to kick in some money to extend it. L. Nagle states that in meeting with the neighbors, they would like to see that continued and they talked about grant monies. G. Dake states that in talking to the neighbors about this, part of the conversation becomes about easements. T. O'Brien states that they have had a survey done of Kirby Road and there is one section of line that is not adequate. They propose to lay parallel lines so that there is no interruption to existing service. J. Daley states that they met with Saratoga a few months back and the applicant will remind them that they were comfortable with the applicant doing the roadwork there. C. Dumas asks if the Board wants to see the draft easements before they go out for signature by the property owners. G. Dake asks that they be submitted as the Board has consistently asked for drafts for the Town Attorney to review. C. Dumas states that he will contact M. Schachner and G. Dake states that he should let M. Schachner know that it was at the Planning Board's direction. C. Baker states that he has tried to keep his comments to things the Town would be concerned with and if there are other issues that the Board members see that they would like C. Baker to look at, to let him know. He states that he did review the lighting plan and it does not look like it will impact any of the neighbors and will be within the site boundaries. G. Dake states that he presumes that part of what has to be submitted is the PUD legislation, so the Attorney General's office will also be checking to make sure that the HOA is consistent with the PUD language. C. Dumas states that what they want to see is that this is duly authorized and permitted by the laws of the municipality in which it is going to be located, and that the proposed uses are consistent with the legislation. G. Dake asks to what extent the applicant has addressed with the neighbors the proposed architecture. J. Daley states that they met with Will Orthwein and Tabitha Orthwein is present tonight. W. Orthwein gave the applicant some direction or suggestions in terms of the coverage to make sure lights do not come through, etc. He states that they had contemplated just doing half walls on the carports and they are probably going to redesign and make them full walls. They are also looking at redirecting the light fixtures so that they will be shining into the Polo property. G. Dake states that the Putnam Brook Civic Association does an excellent job of representing the neighbors and that Prestwick Chase has been very involved. L. Nagle comments that Birch Run residents have also been involved and the applicant has been asked about the plans for Skidmore. G. Dake states that he has a

September 26, 2006

meeting with the Supervisor, the Deputy Supervisor and the people from the long range planning department of Skidmore where they are going to be giving the Town the advance look at their master plan for what they are anticipating in the future. T. Yasenchak comments that the PUD legislation states 38' for height of the buildings, that the applicant stated that G. McKenna had said that it was the mean height and the PUD legislation states maximum height. G. Dake states that 38' was what had been agreed to. T. Yasenchak states that all the buildings are over 38'. D. Baugh shows a diagram and states that it represents the housing units at 3 stories. They thought that they would have a flat roof on them but as they developed the design of the building they realized that by pushing the roof height down and then connecting the gables in the center, that it was much more in keeping with the historical character and it pushed the scale of the buildings down. They believe they are being pretty consistent with what was presented, so they may have said 38' maximum height, normally when you measure the height of the gable roof, you really go to the middle or mean level. T. Yasenchak states that 38' to her does not mean half way up the roof, they did a great job with the design, but when we talked about this, the Board was very concerned about how these buildings would show from the roads, from Daniels, and part of it was how this would look in comparison with the buildings that are already there so that the Board could have an idea when driving down Daniels how big the new buildings would be. These are all definitely 3 stories with an additional roof and cupolas - 38' half way up the roof with another 6' of cupola seems excessive to her. She states that she understands that for the size of this building you need to have a gable, but it is excessive and she does not believe it was the Planning Board's intent. G. Dake agrees with T. Yasenchak that 38' throughout the entire process was going to be the top of the building. T. Yasenchak states that is what is stated in the long form and the PUD legislation. G. Dake instructs the applicant to bring the height down. T. Yasenchak comments that the applicant is trying to make these look like one large, grand house and you can do that without the extra 15' of height. G. Dake states that the applicant has the option of amending their PUD and starting that process over. D. Cochran asks if when the sewer runs by private individuals, will they be able to hook into it? T. O'Brien states to a certain point it is a force main and that anyone will be able to connect to it. L. Dupouy states that she would like to see the roadway wider instead of using sidewalks and she would like to see diagrams painted in the paths for bikes, walkers, etc. G. McKenna states that he agrees with the Planning Board regarding the building height issue. C. Dumas states that when they initially came in with their proposal of 65', they brought that figure down to 38' based upon the discussion and interpretation that D. Baugh gave. If they did not believe that they had an understanding with the Board on how that was going to be interpreted, they never would have agreed to the 38'. He states that it bears going back and looking at what was discussed regarding what can and cannot be included in that 38'. He asks if there is a cupola that is a foot or two higher, is that absolutely impermissible and he does not think that is what the Board means to say. He states that it was clearly his understanding that the number was arrived at and based upon the discussions. G. Dake states that he believes that the drawing that the Board looked at is an accurate representation of what was discussed when the applicant was discussing a flat roof, and that is a very different drawing than what is provided in the packet. D. Baugh comments on cupolas and chimneys, or roof top equipment. T. Yasenchak explains that from the drawing it looks like they have a 3' parapet, that is the drawing that the Board saw and is what they are thinking of. When looking at the new information, they have the 38' to the same point, but extended the gable up and made it a lot larger. G. Dake states that if we go back and look through the minutes, you will also find that the Fire Department was opposed to the Town giving the applicant the extra 3'. The fact that the applicant applied for 60-some feet, in no way suggests that they could have gotten it. G. Dake agrees with C. Dumas that there was a great deal of conversation regarding height and the context in which that dialog took place was in talking about visual impact from height of structures at Skidmore, we then came into talking about visual impacts of structures on Polo and going to 38' was not a 'no problem' compromise to this Board. C. Dumas believes that it was understood that they were not talking 38' from the ground to the antenna, that they were talking about allowing some ornamentation above and beyond the 38'. D. Baugh states that they will present something to the Board that they believe is appropriate, proportional to the buildings and reasonable. G. Dake states that we should send a note the Town Board and the Town Attorney regarding the applicant proposing that the Town hold the easement and ask for their input. He states that it makes sense to him because of the potential to put other utilities through there. The Board discusses the wish list and G. Dake states we should also contact the Highway Department and ask for a wish list from them.

September 26, 2006

C. Dumas asks about having a public hearing at the next meeting. G. Dake states that we should get a little more information on storm water, water supply and sewer; get a better sense from the architect; then set up a public hearing at the next meeting if possible.

AIRTRICITY – Site Plan Review

Plank Road, Rear

G. Dake questions that the address should be Lake Desolation because that is where the access is from. R. Rowland states that the property address for the subject parcel is Plank Road. Bill Wagers is present and reviews the application. He states that after discussing the SWPPP with their environmental consultant, their engineer felt that they did not need it because they are not doing any grading, excavating, filling of soil, etc., on the parcel. C. Baker states that it has been his experience that the applicant will need the SWPPP, but if not he would like to see a letter from DEC that states that one is not needed. G. Dake states that the most liberal interpretation that he has heard is that if you are leaving the stumps, if you are not dislodging roots, it does not count. The applicant has a driveway which begins at Lake Desolation Road which is the nearest Town/County Road, and he does not know if the applicant will be making any changes to that driveway. B. Wagers states that the roadway will only bring in the components of the met tower. G. Dake states that he understands that it will not be regularly traveled by normal vehicles, but anything they are doing to change that roadway would all count. That is all part of the driveway. B. Wagers states that would easily get them to an acre required for a SWPPP. G. Dake states that if they will not be improving that, and just driving on it, great. If they will be running a grader across it, then that counts. T. Yasenchak comments that the application does indicate that they will be clearing about 2000 square feet to construct the tower. B. Wagers states that the original application was about 40,000 square feet, which was the area where the tower was going to be erected and 8000 to 9000 square feet is just the short driveway from the roadway. G. Dake states that he is not trying to create extra work, he is trying to not skirt DEC regulations and keep the applicant out of trouble as much as the Planning Board. G. Dake asks if a PE were to sign off that this application does not require a SWPPP, would that suffice. C. Baker states that the application states that more than one acre would be disturbed and unless they can justify now that that is not the case, then he believes they need the SWPPP. B. Wagers states that he did not understand the term “disturbance” either. He thought they were disturbing 50,000 square feet, 40,000 of which was cutting trees down, but leaving stumps in the ground, and 10,000 was the road. He states that when he left here, his intent was to get the plan prepared, and an environmental consultant, rather than preparing the form, came back and said that they did not need the plan. C. Baker states that he has spoken with B. Lupo at DEC numerous times and he does not see why it is not possible for the applicant’s environmental consult to talk with him and request a letter stating that this project is exempt. If we can get that as a Board that would solve the problem. B. Wagers states that he does not know if it makes a difference, but the landowner is Finch Pruyn and they will be doing the work on the road and the property. G. Dake discusses the map, screening, etc. that are normally part of a site plan review. C. Baker suggests that the notes on the plans indicate that trees will be cut and stumps remain, no grading will take place or something to that effect. B. Wagers states that they picked this site because they do not need to grade. M. Thrailkill states that he is ok with the map because it is in the middle of nowhere, the notes are fine, and the fence doesn’t matter as long as it encompasses the project and no one can climb over it. M. Ginley asks how long the tower will be up. G. Dake states that there is a limitation in the code of one year with a one year extension. L. Dupouy asks about the need for the barbed wire on top of the fence. D. Cochran asks about a bond to remove this, as with cell towers, and that the applicant has done what was asked. T. Siragusa states that he was asked what effect, if any, a tech tower and more specifically the turbines have on cellular or radio communication for the neighbors who have that access now and it may be their primary means of communication. B. Wagers states that before you can site a wind turbine, you have to go to the FCC and you have to make sure that you do not interfere with those signals. He states that he has not heard of anyone having interference with a cell phone and the NYSERDA web site has a lot of information on meteorological towers and wind towers. G. Dake states that Airtricity could be asked to address this for the future application. G. Dake reads from 105-113, the new code section on data collection

September 26, 2006

and the discontinuance of use. It does not address a removal bond, but this does not preclude the Planning Board from having one. Board consensus is to leave the barbed wire on. A public hearing is discussed and set for October 10, 2006 at 7:00 p.m.

ZBA REFERRALS

M & M Tagliafierro, Area Variance – G. McKenna explains that applicants' request. This will be left the ZBA and will then come back to the Planning Board for the Lot Line Adjustment.

M. Lupi, Area Variance – Board discusses that this will be for a two family residence. No Planning Board issues.

Chatfield-Rockwell, Area Variance – No Planning Board issues.

S. Wagner, Temporary Use Variance – No Planning Board issues.

ALEC STEPHENS – Major Subdivision

Moss Creek, Middle Grove Road

C. Baker states that he has a letter for the Board regarding the road bond for Alec Stephens. He states that the applicant has done a lot of work on his project and his intent was to go ahead and get the work done so that he wouldn't have to post as much of a bond. The letter basically states that the applicant has done a significant amount of the work. EDP feels that at this point an \$80,000 bond would cover the remaining work that needs to be done and C. Baker believes that the Town Board and the Building Department are not going to allow any building permits until he has a bond in place. C. Baker states that he spoke with A. Janik earlier who suggested that the Planning Board make a resolution whether or not they agree with the amount so that the Town Board can take official steps to accept the bond. G. Dake states that this only includes the road, it does not include the storm water retention basin maintenance. C. Baker states that is correct and that the storm water maintenance will be discussed prior to the Town taking official dedication of the roadway. At that point we will have a little bit of a history and know what is involved with maintaining those basins.

RESOLUTION – A. Stephens, Major Subdivision

MOTION: D. Cochran

SECOND: L. Dupouy

RESOLVED, that the Planning Board recommends to the Town Board that they accept the \$80,000 road bond for Alec Stephens for the Moss Creek Subdivision, Middle Grove Road.

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

Noes: None

G. Dake states that the Board should be cautious about how we do this in the future. This sort of came about in a very awkward way, and this is a way to get out of a problem that might be the least painful to the Town and the environment. He does not think that it is advantageous in the long run for builders to be going out of pocket and starting to do a lot of roadwork without a bond in place. He states that it is a dangerous way to go and the Board should be cautious about not encouraging people to do that.

JOHN WITT – Major Subdivision

Olde Stone Ridge, Lester Park Road

September 26, 2006

L. Dupouy recounts an incident occurring on Lester Park Road last week where there was a rockslide into the road, which nearly caused an accident on the curve. She states that everything they told us wouldn't happen, did happen. She said the workers were scurrying to get things picked up and there were 5 cars backed up and bus comes along. C. Baker has a letter for the Witt subdivision also. He received an estimate from CT Male and EDP suggested that they add a couple of minor items and brought the bond up to \$500,000. G. Dake questions that this includes the entire road for the entire subdivision, not just Phase I. C. Baker states that is correct.

RESOLUTION – J. Witt, Major Subdivision

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board recommends to the Town Board that they accept the \$500,000 road bond for John Witt for the Olde Stone Ridge Subdivision, Lester Park Road.

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

Noes: None

DAVID MURRAY – Minor Subdivision

Route 9N

D. Murray is present and would like input from the Board regarding a possible subdivision. He explains that he has purchased neighboring property and would like to reconfigure the 10 acres and the existing driveways into 5 lots with 3 sharing a driveway. He would like to build a small house for his mother, a smaller house for himself, and sell part of the property. He would start with 4 lots and end with 5 lots. G. Dake states that D. Murray would need a variance on the back lots for frontage. M. Thraikill states that he would be more comfortable with 2 houses/lots instead of 3. G. Dake comments that losing a curb cut on Route 9N would be nice. J. Streit states that he would like to see two diagrams, one with the property as is and one with the proposed configuration. G. Dake suggests the possibility of a shared curb cut. G. Dake comments that it might be a good thing in that the septic systems would be spread out. The Board consensus is that they would consider 2 lots.

DISCUSSION

Discussion takes place regarding moving the October 31, 2006 meeting to October 24, 2006 to avoid Halloween. Board agrees with this change.

G. Dake asks for a Board member to volunteer to be Mike Ginley's mentor as discussed at a previous meeting.

Meeting adjourned 9:35 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary