

TOWN OF GREENFIELD

PLANNING BOARD

OCTOBER 24, 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, Michael Thraikill, Thomas Siragusa, John Streit and Michael Ginley, Alternate. Charlie Baker, Town Engineer and Gerry McKenna, Zoning Administrator, are present.

OCTOBER 10, 2006 MINUTES

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of October 10, 2006 with the following corrections:

HICKAM – Dan Cochran abstains on both the SEQRA determination and the approval Resolution

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

Noes: None

PLANNING BOARD CASES

SARATOGA POLO – Site Plan Review

Bloomfield Road

A public hearing is opened at 7:02 p.m. and Lisa Nagle introduces those present representing the application - Jack Daley, Tim O'Brien, Charles Duvall, Scott Pellman, Jim Rossi and V. Lambert. L. Nagle reviews the site plan and explains that it is unchanged from the PUD process. She explains that there will be 6 residential units each with a carport, and explains the other buildings and their uses. She states that the applicant has discussed with the Planning Board some pedestrian improvements along Denton Road, and explains that they would be paving an 8' shoulder with a white stripe separating it from the travel lane. Tim O'Brien explains that there will be a storm water detention pond in the front of the property with a system of catch basins and underground pipes running to the front and discharging into the existing stream. He explains that water and sewer will both loop the site, with the sanitary connecting with Prestwick Chase. He states that they are looking at an on-site water supply system, and there is the possibility of connecting to Prestwick Chase's water supply system and storage tank. Question was raised at the last meeting as to whether the applicant would be phasing the infrastructure and T. O'Brien states that they will probably do it all up front. S. Pellman explains the architecture and that they have tried to give this a very residential flair using gables, double-hung windows, etc. He states that the height of all the roofs has been brought down below 38' and each of the residential units will have it's own formal driveway. He goes on to explain each of the separate buildings. G. Dake explains that the use and zoning change have already been approved through the PUD process, that everything currently complies with Town Code, and this process is for the site plan review. Bob Hyndman, Denton Road resident and President of the Putnam Brook Civic Association, states that he has no issue with the site plan but has a concern for the figure of 56,000 gallon per day waste water being used compared to Prestwick Chase at 7,000 gallons per day. He questions why the volume is so high. He states that his biggest concern with the infrastructure is what will be off site and run along Denton

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Road and that none of these things have been defined yet. Regarding the bike path, he states that the last Planning Board meeting was the first they had heard of that and with the increase of impervious surface, where will the rainwater be going? He does not believe that the SEQRA addressed this and explains the issues along Denton Road with storm water and wetlands. B. Hyndman states that it is hard to have a public hearing on things that are still just conceptual, the Board minutes were just approved from the last meeting and the public has not had time to review them. He states that he thinks that this public hearing is premature and that he had a conversation with a former Board member who stated that the Planning Board hates public hearings to begin with, but suggested that the Planning Board could be asked to not close the public hearing. He states that there are a lot of people here tonight who will be affected by the infrastructure, road widening, etc.; he cannot recall anything being discussed about bonding; and he questions what will protect the citizens during the work on the infrastructure. Paul Bouchard, Denton Road, states that he has the same concerns as Bob Hyndman. According to the proposed road widening and easements for shoulders, from the centerline over is Saratoga Springs, and he does not know if they have been contacted or commented on this project. He also questions the County's involvement. Jane Bouchard, Denton Road, questions who will be responsible for the maintenance of the detention basin. Gary Priest, Bloomfield Road, expresses concerns regarding lighting. He states that last weekend they took the tents down, have new lighting put up and it is coming right into his bedroom window. He states that it was on all weekend and he spoke with someone who stated that the light was on a timer. The timer was re-set and G. Priest was told that the lights would only be on during events, which he has no problem with. He states that when he left tonight for this meeting it was on again. Tom Mina, Denton Road, states that the Polo people have been very accommodating to the Putnam Brook Civic Association. He states that the infrastructure is part of the project and without that the other project couldn't be. He states that has to be discussed more fully and it should either be a separate PUD or an attachment to the original. He has two houses that are very close to the road, and if this project is going to come another 10' they will be virtually unusable. If he were told that this could not go into the Saratoga side, and the road had to be widened, he has no problem with it, but if it could move to the other side of the road, his two houses would still be accessible. Tabitha Orthwein, Bloomfield Road, states that she is very concerned about the lighting specifics and is looking for some assurance that lighting is being addressed. G. Dake asks the Board's feeling about closing the public hearing. He explains that he feels that if you wait too long to have a public hearing, if the whole project is designed, you have to re-design it and waste a lot of time and energy in that process. If you have it too early, the neighbors will generally say that they would like more information. He states that it is the Planning Board's job to be judgmental of the project and for the public to identify the issues that they wish the Planning Board to review. While it is felt that if the public hearing is closed, the Planning Board always has the option to reopen it, after some discussion this public hearing is suspended at 7:37 p.m. to be reopened at an undetermined future date.

G. Dake states that the road widening and the shoulder were added to the project during the PUD process based on concerns of the neighbors and to help accommodate those concerns. He states that P. Bouchard is correct, the southern portion of Denton Road is in the City of Saratoga Springs and that numerous discussions have taken place with Saratoga, which have included the Highway Superintendent. The detention basin is to be owned and maintained by the applicant. Regarding G. Priest's and T. Orthwein's comments, we do need to talk about lighting. G. Dake states that he is very interested in G. Priest's comments - how that has become a problem and how to mitigate that. He would like the applicant to address the concerns for the amount of wastewater and believes that figure is based on design calculations versus actual usage. Bonding is something that will be addressed on any improvements. There would normally not be SEQRA on road changes, but the applicant and Town Engineer can talk about and review the questions of the increase in impervious surface. T. O'Brien states that the sewer figures are based on DEC and DOH design criteria. He believes that Prestwick Chase's design guidelines are actually in the 45,000-gallon range with their actual usage just under 6,000. He states that his guess would be probably in the 25,000 to 30,000 range. Polo does not expect to be as high as they are quoting, but there are reasons why the figures come out higher - commercial kitchen, spa, etc. L. Nagle states that Denton Road is a user highway with a right of way of 49 1/2'. She states that the drawing was showing it as it is and their intent from the beginning was to put the infrastructure in the north shoulder of the road. Then, in conversations the

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type of pedestrian improvements have come up and an 8' paved shoulder that would go on top of the infrastructure was contemplated. She states that there is no road widening occurring, it will be road fixing. G. Dake asks if they will be increasing the impervious surface. L. Nagle states that they will, but they are not widening the road. T. O'Brien states that he is going to visit the site the next time it rains to see where the drainage problems are and see if they can design it so that the shoulder has a swale to it. G. Dake states that what this hearing was designed to do, as early as it was, was to tell the applicant what things to address. J. Daley apologizes to G. Priest and states that he believes that the lights that G. Priest was talking about are two spot lights on a tree overlooking the entrance to Polo and that the tent that was blocking that light from view was removed; the timer was not working, and he will address that issue. G. Dake asks what will be the maximum light height. L. Nagle states that they will be 14' with full cut offs, they are not intended to be streetlights only to illuminate to be able to see your next point. G. Dake states that the photo metrics showed that it was not even reaching the northern property line. L. Nagle reiterates that the lighting on the carports is being moved to the front so that the light source is not visible from the Orthwein property. The lights are for safety to be able to see into the carports and that there will be no up-lighting. G. Dake asks about the height of the existing floods. J. Daley states that he does not know, they are up in a tree and have been there for years. G. Dake states that he recognizes the need for security and asks the applicant to bear in mind and recognize that there is a sensitivity to lighting. C. Dumas states that the bond issues were addressed in the PUD with the amount yet to be determined by the Planning Board. T. Yasenchak states that is taken care of prior to the issuance of building permits so that the public is protected. G. Dake asks about the anticipated schedule of getting through these issues and working towards approval. J. Daley states that they need to have their paperwork in to the Attorney General by January 1st, as it is a 6-month process. T. O'Brien has given a preliminary report and drawings to J. DiPasquale to provide comments on. C. Dumas states that the Planning Board could give the applicant preliminary approval conditioned upon certain specific things. G. Dake asks F. McNearly about the expansion of the transportation corporation's area, states that it needs to go to the Town Board, and asks if that process has been started. F. McNearly states that they have had a preliminary meeting regarding the intent to connect to Prestwick Chase's sewer system and they just set another meeting for later this week. As far as water, he states that he had mentioned it at their previous meeting and Polo is indicating interest. He states that they are in the preliminary stages of some sort of an agreement. They have not gone to the Town Board. G. Dake asks C. Dumas if that is something that Putnam Brook Transportation Corporation must initiate. C. Dumas states the corporation must initiate that and there is also a PFC process as well. F. McNearly states that he was not aware that the applicant needs approval by January 1st. G. Dake reiterates that the Planning Board does have the option to make a conditional approval. D. Cochran states that regarding B. Hyndman's comments, we do have town engineers; we do have a lot of professionals who really scrub this stuff. Some of the Board members are engineers and do look at this information pretty closely and do not just rubberstamp it. He states that lighting is an issue and will be reviewed. T. Siragusa reiterates that it might be a good idea if G. Priest is concerned with the lights, he might be happier if they are off tonight. T. Yasenchak states that all the public comments were very good and that the applicant has already addressed a lot of those issues in some of the discussions we have had, as well as in their PUD. Regarding the shoulder, she states that if the public does not need it, then why have Polo go through the hassle of putting it in? When the applicant went through the PUD process, people came out and said that everyone walks on this road, people need a safe place to walk, etc., and now there are people who are commenting on concerns with it. She states that the bike path will affect the road in some way and that will affect drainage in some way, but it is not something that is insurmountable, it can be accommodated with revised drainage on the sides of the road. She does not want to ask Polo to do this if people don't want the front of their yard dug up for a bigger ditch. She would like to see the lighting addressed a little more, liked the photo metrics and would like to see any other lighting that will be on the buildings and asks if there will be motion sensors at the building entrances. M. Thraikill agrees with T. Yasenchak's comments regarding the wider road and bike paths, and states that he is in favor of scraping it also. He states his concern with the lighting comments and that Polo has been very accommodating, so he believes that will be addressed. J. Streit states that the residents put forth some very clear issues, that Polo has responded to them in a responsible way, and that the Planning Board's only interest is to make sure that these issues are resolved to the satisfaction of all. L. Dupouy comments that

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regarding B. Hyndman comments on public hearings, she does not feel that way and does not know anyone on the Board who feels that way. She asks if decisions have been made regarding the paint colors for the buildings. S. Pellman states that they will be very neutral tones. C. Baker states that review is ongoing with the information that was recently submitted and will continue. B. Hyndman asks to clarify regarding the bike path and states that he does not think that anyone actually said that they do not want it, they had not seen anything to comment on and they want to make an intelligent comment on it. He states that regarding the public hearings, the comment made to him was that the Planning Board does not like them going on forever, he thanks the Board for adjourning it and states that they appreciate the job being done by the Board. J. Streit states that what he heard in the comments was that the public is concerned about the problems that might be created by the bike path in addition to problems that might already exist and is there a way to mitigate them. He states that is exactly what C. Baker does, to mitigate and plan for those problems. Paul Bouchard states that it is his understanding that Denton Road is a substandard road, and that part of the Town's overall plan is to bring it up at least one notch, and in the process of doing that, aside from being more durable, it would be wider. His understanding, when he spoke with the head of the highway department, that these figures would represent the new width of the newer standard road versus the width of the current road.

ESTHERVILLE ANIMAL SHELTER – Site Plan/Special Use Permit

Russell Road

Muriel Gurren and her daughter, Tracy, are present for this application. M. Gurren states that she would like to open and have a permanent garage sale building, like a thrift shop, in a building already located on the property. M. Thraikill asks how often they have a garage sale there now. M. Gurren states that they do the yearly Town Wide Garage sale and sometimes at other times. She states that people donate all year long and they are overwhelmed with items. G. Dake questions that they have a principle residence with a shelter and this building is on the same property. He states that the challenge is, whether or not we have any opposition to this, we already have a principle residence with a shelter and we are looking to have what amounts to, technically, by law, a retail establishment on the same property, in an R-4 Zone. G. McKenna's notes state home occupation. Tracy states that this is part of the shelter; this thrift shop is solely for financing for the shelter. G. Dake states that then we would have to figure out how it becomes an accessory use for the shelter. Tracy states that there has always been a shop associated with the shelter, they got overloaded and moved it to the other building. M. Thraikill states that this would be no different than others who have yearlong garage sales. G. Dake states that it is a little different and the ideal way to do this is to get a determination from G. McKenna and/or the ZBA that says that this is a home occupation or it is an accessory use. He uses having horses and a tack shop as an example, and the applicant would have to sell cat equipment out of the garage sale building that is related, such as cat carriers, etc. The applicant states that they do sell those items. T. Yasenchak reads from the Code regarding the accessory use definition and especially the phrase "contributing to the comfort, convenience or necessity of occupants of the principle building or principle use". G. Dake asks under what grounds the applicant currently operates? M. Gurren states that they have been there since 1955. G. Dake states that then they are a pre-existing, non-conforming use. He reads from G. McKenna's notes - parking could be an issue; building is approximately 256 square feet; he refers to Section 105-128, B, 3; pg. 10663 limits home occupations to 25% of the dwelling unit's square footage. G. Dake states that he does not think this was contemplated in the Code, and if the Board thinks it is a good idea we need to get a little creative on how it applies. If the Board does not think it is a good idea, we should be fair and tell them. If they should be referred to the Zoning Board, that should be done now. He states that they are not on a very heavily traveled thoroughfare. J. Streit asks about neighbors. M. Gurren states that there are not many neighbors. Tracy states that there are parking spaces – 2 by the dumpster, 3 in another location and then space for additional parking. J. Streit states that he believes that what T. Yasenchak read from the Code book covers this situation well. T. Yasenchak states that she does not think it is a stretch; it is something that is an accessory use to the principle buildings that are already in use on the property. She states that she has been on that road and does not see the applicant having 10 cars out

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there. It is not going to be detrimental to the community and there are no neighbors in close proximity. G. Dake states that would suggest that rather than a special use permit, the Board is just looking at a site plan review which is a little different. He asks about hours of operation. This is discussed and the applicant suggests 10 a.m. to 3 p.m. G. Dake asks if there will be physical changes – construction, etc. J. Streit asks where donated items are stored. M. Gurren states where ever they can. A public hearing is discussed and scheduled for November 14 at 7:00 p.m. The Board consensus is that this is a good idea and that the hours are also good. C. Baker suggests that if this is approved the applicant be restricted to not storing items outside the building.

RAYMOND DUFOUR – Minor Subdivision

Braim Road

Clark Wilkinson and Raymond Dufour are present. C. Wilkinson reviews that the applicant would like to subdivide one 11.8-acre lot and one 111.8-acre lot. G. Dake states that there is the issue of the 5-year rule on this subdivision and the applicant has suggested a deed restriction of no further subdivision of the 111.8-acre parcel. G. McKenna's notes indicate that each of the keyhole lots should have 40' of frontage or area variances would be required; the applicant is suggesting a shared driveway. C. Wilkinson states that he would have to discuss this with R. Dufour and that the lot line adjustment may be the easier solution. T. Yasenchak questions when the initial subdivision was done, states that she still has a slight issue with that and feels it is the responsibility of the applicant to know. She also does not understand why the lots are not more comparable in size. C. Wilkinson states that there is a house being built on lot 1 with a building permit and the reason for cutting that particular lot into the smaller size is that the larger lot will remain in the hands of his client who wants it to remain green and he will have control over more of the land than what he cuts out. T. Siragusa comments on the deed restriction on the 111-acre parcel. D. Cochran states that he feels that this is good land management and is a tradeoff. He is in favor of waiving the 5-year rule. L. Dupouy states that she is adamantly opposed to waiving it; C. Wilkinson just stated that the applicant owns it, is building a house and the other piece might be for retirement purposes which does not sound like it will be in less than 2 years. J. Streit, M. Thrailkill and M. Ginley agree with D. Cochran's comments. R. Dufour states that when he initially subdivided this, the shared driveway was not a possibility. He states that he has a number of things going on and he may have to sell the house, it is unclear at this time, and he would like to keep the 111 acres. M. Ginley asks the reason for the 5-year rule. G. Dake explains that it is to prevent applicants from skirting the SEQRA and segmentation rules. He also agrees with D. Cochran that the mitigation of no further subdivision is sufficient mitigation of that and that the Planning Board does have the right to waive that rule. C. Wilkinson states that they would still fall under minor subdivision including the Smero lot. L. Dupouy comments on the other people who have wanted to subdivide their land before the time constraint expired, and they were turned away. She does not believe that the fact that this applicant has 100 acres to commit to no further subdivision should be a consideration since everyone does not have that amount of land to commit to something like this. G. Dake states that is why he feels that we should consider this, because the Board is talking about such a large piece of land that it is not the same as for someone with a smaller parcel. Discussion takes place regarding other applicants and M. Thrailkill states that the Board has the option of looking at every individual project that comes before them and making that decision. T. Yasenchak states that the applicant won't be able to subdivide it anyway, so his saying that he is going to keep it at 111 acres is not giving the Town anything because it is un-subdividable because of the frontage. She feels it is a moot point. T. Siragusa comments on the possibility of adding other surrounding lands that might open it to full subdivision in the future. C. Baker states that the typical keyhole notes should be added. G. Dake states that the Planning Board cannot consider this without variances and that the ZBA would have a public hearing, so he suggests waiting for that process. C. Wilkinson states that they will talk to the neighbor about a lot line adjustment.

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ALEC STEPHENS – Major Subdivision – Reapproval

Moss Creek

Alec Stephens is present and explains that he is on his third attempt with a letter of credit from the Adirondack Trust Bank. He has obtained a sample letter that was accepted by the Town previously and his has been submitted to the Town Attorney as of this afternoon for review. Upon the Town Attorney's acceptance, it will be recommended to the Town Board. G. Dake reviews the approval letter and contingencies. He states that the only thing we are waiting for is the road bond to be put in place and this is something that he has discussed with the applicant, Town Attorney and C. Baker. C. Baker states that the applicant took it upon himself to proceed with the construction in an attempt to get a significant amount of the work done so that it would not have to be bonded. The road is cut in now and it is very nice. He has done a good job in there, the road is significantly complete at this point and the applicant is entitled to posting a lesser amount of a letter of credit. The applicant has established an escrow account for the Town Engineer's inspections and inspections were completed during the construction. G. Dake states that we have made a lot of accommodations and the applicant has been through more funding agencies to set this road bond in place than G. Dake has ever seen. G. Dake explains that the control that the Town retains at this point in time is, even if we reaffirm this subdivision, that the applicant still does not have a subdivision until he completes everything.

RESOLUTION – A. Stephens, Major Subdivision

MOTION: D. Cochran

SECOND: M. Thraikill

RESOLVED, that the Planning Board reaffirms its approval of April 11, 2006 of the Major Subdivision, Moss Creek, for Alec Stephens, SAS Builders, for property located at 247 Middle Grove Road, TM#163.-2-74.

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

Noes: None

Abstain: Streit

DARREN TRACY – Minor Subdivision

Locust Grove Road

Gary Dake recuses himself as this is near the Stewart's plant. Clark Wilkinson and Darren Tracy are present. T. Yasenchak states that test pits were to be completed. C. Wilkinson states that the survey is being completed. They are asking to create a 4-lot subdivision from 51+ acres for which they have received variances. Test pits were completed by Charlie Maine and are on the plan; wetlands are flagged in the northeast corner of the property and they are addressing C. Baker's concerns regarding additional wetlands. C. Baker states that he went out in July and they got holes dug on the 2 northern lots before the backhoe broke down. They looked at the 2 on the southern end of the property and the area that C. Baker is concerned with is very wet. C. Maine did do some hand shovel digging and there was water at the surface or very close to the surface. They left the site that day and it was agreed that they would go back out and do some more exploration to try to find better locations for the houses and the septic systems. He believes that is what is reflected on the soil borings that are on the map now. He did not witness the second time around, but C. Maine did witness those and he is a soil scientist. C. Baker states that he does think that the area needs to be looked at for wetlands. T. Yasenchak questions that the surveyor is going to locate the stream that is now labeled as an approximate location. C. Wilkinson states that he went off of what is recorded on USGS and the surveyor will identify that. The Board consensus is to wait for the wetlands before proceeding. T. Yasenchak states that the wetlands have to be located, the SEQRA needs to be completed and reviewed, and public hearing is discussed. While a public hearing was held by the ZBA there were major concerns brought up by the neighbors. Lead Agency letters will be sent out at a later date. This subdivision

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does not require DOH review. C. Wilkinson states that even if there are wetlands, the disturbance will be minimal if any. T. Yasenchak states that there is a ditch that appears to run beneath the driveways and she would like to wait for the limits of the wetlands before sending any letters out.

STEPHEN SMERO – Site Plan Review

Route 9N

Stephen Smero and Jama Peacock are present. G. Dake reviews that the applicants received their variances. He states that while the applicant has a variance for the third sign, he still has a concern and asks the applicant to convince him as to why they need it. T. Yasenchak states that the applicant has done a great job. M. Thrailkill states that he believes that it is too busy right there with the third sign. J. Peacock explains the reason for the sign on the south side of the building is that the others are not visible coming North on Route 9N. The main sign will not be visible because of the porch location. She also indicates that the original application for the business was Doc Peacock's Greenfield Country Medicine. Because of the length of the name, they shortened it in the phone book, etc. She states that this was her dream and her father's dream, and she does not plan on selling this. She hopes someday her son takes over the building. She states that she wants to have it labeled from the south because she does not want to see an incident at the intersection and this was the only sign that actually met the Zoning code. G. Dake states that he understands the safety concern, but this is a destination versus someplace where someone is just going to stop. He indicates it is unlikely they are going to get the wrong Town Hall or the wrong traffic light in the directions. J. Peacock states that the signs are being done by the same company that did the Town Hall signs, as she wanted to make sure that they fit in and would be pleasing. M. Thrailkill agrees with G. Dake that this is a destination and would rather not have the additional sign. J. Streit states that he agrees with both sides. L. Dupouy states that the building looks great. J. Peacock states that other businesses that were in this building had signs in their windows or double sided signs. She agrees that it is a destination but would like to make it easy for people. T. Yasenchak thanks the applicant for the additional information on the plantings and questions the location of the two reconstructed roofs on the south side in regard to the property line. She agrees that the sign might be a little bit of a distraction at the intersection and does not see the need. She suggests possibly putting it somewhere else, perhaps inside, where it might have more of an emotional effect on the public and gives the feeling of going to a country doctor. G. Dake states that he thinks this is a fantastic project.

RESOLUTION – S. Smero, Site Plan Review

MOTION: T. Siragusa

SECOND: L. Dupouy

RESOLVED, that the Planning Board grants approval of the Site Plan Review for Stephen Smero for property located at 3100 Route 9N, TM#138.01-2-25 as proposed.

VOTE: Ayes: Dupouy, Siragusa

Noes: Dake, Cochran, Streit, Thrailkill, Yasenchak

RESOLUTION – S. Smero, Site Plan Review

MOTION: M. Thrailkill

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants approval of the Site Plan Review for Stephen Smero for property located at 3100 Route 9N, TM#138.01-2-25 without the sign on the south side of the building.

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

Noes: Dupouy

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ZBA REFERRAL

Jesse Boucher – Use Variance – G. McKenna’s notes are reviewed and the application is discussed. No Planning Board issues.

Meeting adjourned 9:09 p.m., all members in favor.

Respectfully submitted,
Rosamaria Rowland
Secretary