

TOWN OF GREENFIELD

PLANNING BOARD

NOVEMBER 14, 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, and John Streit. Michael Thraikill and Michael Ginley, Alternate, are absent. Charlie Baker, Town Engineer and Gerry McKenna, Zoning Administrator, are present.

OCTOBER 24, 2006 MINUTES

MOTION: D. Cochran

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of October 24, 2006 with the following corrections:

Saratoga Polo – Correct Charles Duvall to Charles Dumas

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

Noes: None

Absent: Thraikill

PLANNING BOARD CASES

ESTHERVILLE ANIMAL SHELTER – Site Plan/Special Use Permit

Russell Road

Muriel Gurren and Tracy Palmateer are present for this application. A public hearing is opened at 7:02 p.m. M. Gurren states that she would like to open a thrift shop, to be open everyday for limited hours. June Banning, Russell Road, states that she is in favor of the application. G. Dake states that the Highway Superintendent has a concern with parking along the edge of the road and he offered, since Estherville is a not for profit, to work with the applicant to help them create some parking and cut back some trees. There being no further public comment, this public hearing is closed at 7:04 p.m.

T. Palmateer states that they previously had an agreement with the highway superintendent that if they moved their dumpster, he would make a parking spot for them. She states they moved the dumpster and part of the deal was that they would put up a handicapped child sign. She states that was done. G. Dake asks where they were proposing additional parking. T. Palmateer points out where it indicates parking for two cars and that was already done, it is gravel. G. Dake states that he did receive a comment from someone else about parking on the road. T. Palmateer states that she parks there on purpose because, besides the animals, she has a handicapped daughter and her grandmother is 94 years old. She parks there because cars do not slow down for them and there are problems with people going more than 55 mph down the road. She states that they have complained about this previously. T. Yasenchak states that hours were discussed at the last meeting and asks the applicants if they are still okay with 10:00 – 3:00, no storage of items outside the building and some additional parking. Discussion takes place that the applicant may have been dealing with the previous highway superintendent.

November 14, 2006

RESOLUTION – Estherville Animal Shelter, Site Plan/Special Use Permit

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board grants approval to Estherville Animal Shelter for an accessory use for property located at 100 Russell Road, TM#137.-2-33 contingent upon the following:

- **Hours of operation limited to 10:00 a.m. to 3:00 p.m.**
- **No storage of items visible from the roadway**
- **Applicant to work with the Highway Department to create additional parking and to allow the Highway Department to make some road improvements**

M. Gurren asks what 'improvements' would be. G. Dake states he is not talking about paving, they are talking about possibly improving the ditch line, cutting some trees, etc. M. Gurren asks if she can put a sign on the building. G. McKenna states that she would be limited to a 6 square foot sign.

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

Noes: None

Absent: Thraikill

UMH PROPERTIES, INC. – Site Plan Review

Route 9N

Dave Engel, Attorney, is present for the applicant and states that when they were before the Board in the spring, the applicant thought that they were going to get things resolved pretty quickly with DEC and the ACOE, and DOT, but it has taken a little extra time. He states that they have a conceptual approval from DOT and they are now proceeding with engineering plans, which will be coordinated with the revised engineering plans and the final application documents that they have to provide to this Board. They are reducing the number of roadways in and out of the Brookview facility from 5 to 3 in order to address concerns about traffic. He states that it looks like it is all set to go with DOT pending revision of engineering plans. The ACOE provided the applicant an approval of their application for a wetlands permit. He states that they are now working out the final language for a restrictive covenant that will run with the property that will govern the use of the wetland within the property. DEC has also communicated to the applicant that they will issue a wetlands permit and they will issue that upon final determination with the Town on coordinating the issue of lead agency. He states that they should have, within 3 or 4 weeks, everything they need in final form from the Army Corp. It will be several weeks thereafter before they get a final approval from DOT, but they will have updated plans to this Board by sometime in December. D. Engle states that he is not sure that they will be ready for the December 12th meeting. G. Dake states that it is great that the applicant is moving forward and getting all of this progress with ACOE, but to the best of his knowledge the Town has not approved an awful lot of any of the internal structure. He states that he is hopeful that we are not going to find ourselves at odds or conflict with what the permits do and what the Planning Board ultimately approves. C. Baker concurs with this. D. Engle states that they are proposing putting a roadway across the wetlands. G. Dake states that he just wants to make sure that everyone understands that the Planning Board has not approved anything or said they agree with a certain direction. D. Engle states that they are approved under a generic nationwide permit and it restricts them fairly substantially. T. Yasenchak questions the number of units. D. Engle states that originally they were looking at 129 and now are working with approximately 64.

November 14, 2006

RAYMOND DUFOUR – Minor Subdivision

Braim Road

Clark Wilkinson and Raymond Dufour are present. C. Wilkinson presents a copy of the lot line map, signed by Steve Smero. The lot line adjustment would give each of the keyhole lots the required 40' of frontage. He reviews that the applicant would like to subdivide one 11.8-acre lot and one 111.8-acre parcel. The survey has been completed, however C. Wilkinson was unable to get a copy of it for tonight's meeting. C. Baker states that his comments are mainly related to the shared access and come directly from the Saratoga County Access Management Report. C. Wilkinson states that his comments came from there as well and he will adjust his notes. G. McKenna states that he did not notice the keyhole regulations on the map. C. Wilkinson points it out. G. Dake reviews that at the last meeting the key issues were that we have two keyhole lots with no standard lots; that the applicant is asking for relief from the 5-year no subdivision rule and is offering, in exchange for that, 112 acres which would be barred from any further subdivision for any length of time. T. Yasenchak states that all the information is on the map, but personally she does not agree with the trade-off of a large lot for bypassing the 5-year rule, because if someone has a small lot, it is not fair. She does not believe that this applicant would be able to subdivide this anyway. T. Siragusa states that all conditions have been met, or will be, with the frontage, but he thinks that the waiver is a small issue compared to having almost 112 acres permanently green or not able to subdivide. D. Cochran agrees, but questions if S. Smero should be requesting the lot line adjustment. G. Dake states that they are actually swapping land and he has signed. L. Dupouy states that she still does not agree with waiving the 5-year rule and that everything else is ok. J. Streit questions that there are two lots, each with it's own 40' frontage, yet they have a shared driveway, so the law requires that each has 40' but can share the driveway. He questions that they could have two driveways in there if they wish. He asks if the point will ever be made that two lots can share 40' of commonly owned ground. G. Dake explains that it is not currently allowed under zoning to have the two lots share the 40'. He states that part of the logic would be that should a dispute occur, theoretically they could separate the driveways and put a fence up. C. Wilkinson states that note #4 talks about shared driveways and that anyone looking at the property would be well aware that there is going to be a common easement and commonality of the maintenance and cost thereof. S. Smero will have an access easement across his property because his driveway is at the edge of the property right now. He states that the applicant did submit two current driveway permits with the application – one for 895 Braim Road and the other for 945 Braim Road. J. Streit states that he votes with the boys and against the girls. G. Dake states that the SEQRA review will be for both the lot line adjustment and the minor subdivision. **The Board completes Part II of the Short Form SEQRA. All questions are answered "no". D. Cochran 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 – R. Dufour, Lot Line Adjustment and Minor Subdivision

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board grants a lot line adjustment and minor subdivision to Raymond and Patricia Dufour for property located at 945 Braim Road, TM#139.-1-64.2 as follows:

- **Waiver of 5-year no further subdivision rule**
- **Contingent upon Town Attorney signoff of shared driveway language**

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

Noes: Dupouy, Yasenchak

Absent: Thrailkill

November 14, 2006

DARREN TRACY – Minor Subdivision

Locust Grove Road

Gary Dake recuses himself. Clark Wilkinson and Darren Tracy are present. T. Yasenchak reviews that we have a new plan with information that was requested and we also have a letter from C. Baker. C. Baker states that we previously requested that the applicant have a wetlands delineation done and to have the delineation survey located. The map shows a few areas that are identified as approximate flagged wetlands. He states that does not really satisfy what was asked for. His other comment was related to the boundary survey and there is a note on the plat that the boundary survey is to be completed. C. Wilkinson states that is scheduled with Dave Barass. C. Baker states that the remainder of the letter is basically the same comments as the previous subdivision related to the shared driveway agreements. C. Wilkinson states that the map indicates approximate locations because the survey has not been completed. He states that the locations on the map are based on a sketch provided by Charlie Maine, the wetlands biologist who flagged it. D. Barass is doing the fieldwork and the exact locations will be shown. C. Wilkinson states that he enlarged the areas from C. Maine's by approximately 20' to make sure that he was at least as large, if not larger, than what is going to show up on the final map. He states that their intent is to avoid the small pocket of wetlands in the front. There is also a tiny line by the low area towards Prestwick Chase and there is also a small pocket under the power lines. They will add notes to the plan to make sure that people are aware that there are Federal wetlands that are protected and cannot be disturbed. T. Yasenchak states that we were waiting to actually have the wetlands on the map so that it was available for the public hearing. That was one of the major concerns of the neighbors to the south. The other major issue was the 3-way driveway to the north. Right now the Torgesens have their driveway in the area of the applicant's proposed shared driveway to the north. C. Wilkinson states that they do have other access and they do not necessarily have an easement granted. T. Yasenchak states that she realizes that, but the Board would like to see that cleared up because the fact that they have been using it for a number of years and now the applicant puts in a new driveway, she is sure that the Torgesens will not be happy about having to bear the expense of putting in a new driveway when originally their driveway was supposed to go through a road. She states that this would be a major sticking point for this for the north access. C. Wilkinson reiterates that T. Yasenchak is stating that a conversation take place with the Torgesens to make sure that they are in agreement with the cross easement for a third person on the shared driveway. He states that that sounds like the easiest option for all involved, if the Board is willing to accept a shared driveway with all three. T. Siragusa states that somewhere we need to make a decision about the public hearing based on having the ACOE wetlands, right now they are approximate and he asks where that puts us. T. Yasenchak states that we, the Board, can wait until after the wetlands are flagged as they actually are. G. Dake states that this is an issue that was recently discussed at the Polo public hearing. There is no clear answer as to when you must hold a public hearing, it is up to the Planning Board's judgment as to when there is enough information for the public to make informed comments. T. Siragusa states that if he were coming in as a neighbor he would want to know where the wetlands were specifically. C. Wilkinson states that he has not spoken with D. Barass, but he is confident that he could have the wetlands information by next Tuesday, which would be 1 week prior to the public hearing, showing the actual wetlands. D. Cochran questions the culvert for lot 2 and the new map does not include a culvert. C. Wilkinson states he originally stuck it in because of the USGS topo, and then after looking at the site he thinks it can be done with either a shallow driveway or there is also a ditch. He states that he is not saying that they do not need them and is going to leave them out, he is saying that it is kind of a field call, and is one of the things that he is having D. Barass pick up the location of the ditch and any low points. Then C. Wilkinson can know for sure if they need a culvert. J. Streit states that he would like to have the wetlands mapped and a statement from the Torgesens by the time of the public hearing. D. Tracy states that he spoke with the Torgesens and he asks if the Board's preference is that an easement be in the deed for the Torgesens? T. Yasenchak states that the one driveway exists, they have variances in place for the frontage and she states that the Torgesens would have to replace their driveway if the Planning Board did not want this to be a three-way easement. She would like to see something from them in writing with some idea of what has transpired. C. Wilkinson asks D. Tracy if they were amenable to having an easement to keep their access. D. Tracy states that they have nothing now. The Torgesens would like to use that access and

November 14, 2006

D. Tracy would like them to be able to continue to use it. T. Yasenchak states that would need to be included in the easement language and on the plans. Discussion takes place regarding holding a public hearing on November 28, 2006. G. McKenna states that he does not believe that the wetlands can be completed by that date. Lead Agency letters are discussed. It is decided to wait on both until an actual wetlands determination is received. This will be placed on the agenda for November 28 and a public hearing can be scheduled at that time if all information is complete.

G. Dake states, from a procedural standpoint, where there is a question of a timing and procedural issue, it may be in the Planning Board's best interest to go back to making the determination of whether an application is complete. Once that decision is made, that triggers everything else. When we are struggling with should we or shouldn't we, that is probably the safe step to guide the Board.

JELENIK CONSTRUCTION – Major Subdivision

Greene Road

T. Yasenchak recuses herself. Clark Wilkinson is present for this application and states that ownership of the driveway became an issue the last time this application was before the Board. He states that there is no dispute as to the ability to use the land up to the property line. There is still the question of turning it over to a right of way for which they are trying to get clear title for that portion. The applicant is trying to get a letter from the other attorney saying that. Once they get to that portion of the property they are diverting off of it and running parallel to the existing easement, the existing private road that is there. C. Wilkinson states that they wanted to get this before the Board for discussion to see where they are going, what any other major issues would be, etc. G. Dake states that the right to travel over a piece of land does not necessarily give one the right to turn that land over to the Town. He questions that the intention is still to turn this over to the Town, be a Town road, built to Town specs. C. Wilkinson states that is correct. G. Dake questions that the southern portion of the proposed road and cul-de-sac are entirely within the lands of Jelenik and questions the remainder of the proposed road where it crosses the right-of-way. He also questions that W. Ure also has the right of passage on that as well. C. Wilkinson states that is correct. G. Dake asks who owns it. C. Wilkinson states that has not been fully established and that is why they are looking for a letter from the attorney that gives clear title to somebody. Each of two property owners believe they own it and a third believes that he has at least the right to use it and possibly part ownership. G. Dake states that the Board visited and he thinks it is a beautiful piece of property. C. Baker states that he did a pretty detailed review back in July and a number of the issues have already been responded to, but there are others to be addressed. Once we get the legal issues straightened out, it will just be a matter of going through those with the bridge being a big one. J. Streit questions that it was a question of re-engineering the bridge. G. Dake concurs and also what was going to meet the standard for the Town to take it over. C. Wilkinson states that the road is aligned now so that it is centered right on the bridge and they are planning to extend it as long as what is there meets the minimum requirements of ASHTO and the Highway Department. A structural engineer, Greg Gifford, has been hired to do that, but has not done anything until ownership is resolved. J. Streit asks if the applicant would have a common road, as per the original plans, if W. Ure agrees. C. Wilkinson states that is the preference and he thinks it would help everyone out. He states that he understands why the Board cannot discuss this until they have something in writing. L. Dupouy asks if the Board is allowed to inquire as to what is the bone of contention. She asks if that wouldn't help the Board to understand this a little bit better or is it private, it's their own business and the Board cannot ask? G. Dake states that he called W. Ure and that he thinks we will need to reopen the public hearing. His recollection of the conversation was that W. Ure did not have a problem with the plan; he guessed that they were going to do a nice job, but he realized that they were proposing a road on his property. G. Dake states that it is speculation, but he thinks it might be partially a privacy issue also. C. Wilkinson states that he got the same impression. G. Dake states that if we do have another public hearing, W. Ure can speak for himself. C. Wilkinson states that he hopes at public hearing the parties involved will have reached agreement and they

November 14, 2006

will want to go on with the project. L. Dupouy states that she does not feel that there is anything that the Board can discuss. She states that the reason she was concerned was that if there is something that W. Ure wants taken care of and then he is ok with it, she wants to know what that is so that everyone can work together to make it ok for all parties. D. Cochran questions frontages. G. McKenna states that the frontages are less on cul-de-sacs. G. Dake asks how W. Ure will access the Town Road. C. Wilkinson states that he may have access at the cul-de-sac or further down, and that he is hoping that they can agree to something and go back to the original plan because he thinks it is the best use. T. Siragusa asks if moving the road east, off the existing private drive, was to appease the litigation or conversation with W. Ure. C. Wilkinson confirms this. T. Siragusa asks if W. Ure has seen this plan. C. Wilkinson states he is unsure but does not believe so. Further discussion takes place that the attorneys agree that there are rights, but do not agree to who has title. C. Wilkinson states that without someone granting that title over to the Town, they cannot dedicate the road. G. Dake states that the Town will not take the road without title and the interesting thing is that if you think about the logic of granting someone the right to travel over it, and then you turned it over to the Town, they would still have the right to travel over it, as do all citizens, but you still have to have title. If it is owned by all three, all three have to sign it over. G. Dake states that C. Wilkinson knows what the key issues are. C. Wilkinson states that he does not think that there is anything here that we cannot overcome if the title is worked out.

SARATOGA POLO – Site Plan Review

Bloomfield Road

No one is present for this application. G. Dake recognizes two members of the audience, Gary Priest and Fred McNeary, Jr., and asks if they had something for the Board or were here to see what Polo had. G. Priest states that he has a concern with the flow of the pond in the front into the creek. He states that the road was torn up, it is now a mess and he hopes they are going to fix it later. He is at the point now where it keeps flooding out his property and cannot make it through the culvert. G. Dake states that it is certainly something that would be addressed in planning, but if that is not going to happen until next year, that will not make G. Priest any happier. If it is within the highway right of way, he should speak with the Town. He states that there is a dilemma when you know you are about to re-engineer, you hate to put a lot of money into it, but that does not help G. Priest. G. Priest also states that a number of trees have been cut down, it was stated that this would be made to look nice, but some of the stumps have not been removed. They are in the highway right of way. F. McNeary states that he spoke with Polo today, and they were not intending to come to tonight's meeting.

ZBA REFERRAL

Kathy Kahl – Interpretation – G. McKenna explains that the applicant has a vending business, which in his opinion is not allowed in Town Center and the applicant believes it falls under Personal Service Outlet. No Planning Board issues.

DISCUSSION

The December 26th meeting is discussed and the Board would like to cancel that.

G. Dake asks if there are any locations that the Board would like to do site visits on. Some of the current subdivisions are discussed along with Polo and UMH. UMH will be submitting additional information and the Board will hold off visiting there. R. Rowland is asked to see if she can set up a visit for November 27th at 10:00 a.m. at Saratoga Polo. Inviting the public is discussed and G. Dake states that site

November 14, 2006

visits are not subject to open meeting laws. Individual visits are discussed. R. Rowland will ask L. Nagle about this also.

L. Dupouy questions the comments made during the Saratoga Polo public hearing regarding the concerns about the running/pedestrian path. G. Dake states that he has spoken with L. Nagle, and they have spoken with the neighbors, but he does not know what the outcome is.

G. Dake states that regarding the K. Wolfe minor subdivision application; W. Barss has spoken with the State regarding the property that they own on the north side of the road across from the Wolfe property. The State is unwilling to allow the Town to acquire any property to widen the road and that it would take an act of the Senate and Assembly. The Town Board is proposing to begin proceedings to abandon this portion of Barney Road.

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

Respectfully submitted,

Rosamaria Rowland
Secretary