

TOWN OF GREENFIELD

PLANNING BOARD

NOVEMBER 27, 2007

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, Dan Cochran, Thomas Siragusa, Tonya Yasenchak and Michael Ginley, Alternate. Lorna Dupouy and John Streit are absent. Gerry McKenna, Zoning Administrator is absent. Charlie Baker, Town Engineer, is present.

NOVEMBER 13, 2007 MINUTES

MOTION: T. Yasenchak

SECOND: M. Ginley

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of November 13, 2007 as submitted.

VOTE: Ayes: Dake, Cochran, Ginley, Siragusa, Yasenchak

Noes: None

Absent: Dupouy, Streit, Thraikill

PLANNING BOARD CASES

MICHAEL THRAILKILL – Minor Subdivision

Allen Road

Clark Wilkinson is present representing the applicant. This is a request for a minor subdivision in the LDR zone and the applicant has 29+/- acres. The applicant would like to subdivide out 2 lots at 6.875 acres each. M. Thraikill arrives at this time and recuses himself. There will be a shared driveway of approximately 1000'. The contours have been added to the plans. C. Wilkinson states that they are here tonight to request preliminary final approval of this minor subdivision. G. Dake reads from G. McKenna's notes stating that the driveway should comply with the keyhole driveway regs. C. Baker states that he had three items he wanted added to the plans and discussed them with C. Wilkinson. The topo has been added; the second is the standard note that the Planning Board accepted for storm water management and he e-mailed that to C. Wilkinson; and the last is for the Town Attorney to review the easement language for the driveways. M. Ginley asks C. Wilkinson what a 'gore area' is. C. Wilkinson explains that it is a discrepancy in the deed of the subject property and the surrounding properties. T. Siragusa asks what the purpose is. C. Wilkinson states that officially the deeds with the purchase of this land that the survey is being called to reach a certain point and the deeds abutting it reach another point, the area in the middle is not described in either deed. You would come to some kind of boundary line agreement for it. The two gores on this property are far removed from the area to be subdivided. D. Cochran states that this is a good example of using a keyhole application where you have a long narrow lot. A public hearing is discussed and the applicant states that he will not be available on December 11, 2007. The public hearing is set for January 8, 2008 at 7:00 p.m.

November 27, 2007

DAVID MURRAY – Minor Subdivision

Route 9N

G. Dake states that the Planning Board members should have all received copies of the November 6, 2007 ZBA meeting minutes at which this project was discussed and approved. David Barass, Surveyor, is present for the applicant and explains the project. D. Murray owns three properties on Route 9N on which he has three mobile homes and one house. The applicant would like to subdivide and rearrange the property into 4 lots with 4 residences. The mobile homes will be removed and three new residences will be constructed. Lots 3 and 4 will share a common driveway, and because they do not have enough frontage on Route 9N, lot 4 required a variance for frontage. G. Dake reads from G. McKenna's notes that the applicant did receive a frontage variance and he suggests that the applicant show a turn around area within 100' of any structure as per the driveway regs. C. Baker states that, similar to the previous application, the storm water management note should be added to the plans and the Town Attorney should review the easement language. D. Barass states that he did approach DOT for comments on the driveways because their intention was to use only the existing driveway cuts. He states that he did get a response back today and what they have recommend is that lot 1, which currently has a circular driveway with 2 entrances, they would like to see the southern most entrance removed so there is only one entrance there. He has noted this accordingly. The last drawing they presented showed the common driveway curving over and using the existing entrance. DOT would like them to eliminate that entrance and create a new entrance, which is better centered in that 70' strip. He states that he has redrawn that. There will be a total of three entrances for the four lots. G. Dake reviews that there are two lots with frontage, one with a variance to meet frontage and one that is a keyhole. D. Cochran states that the last time we spoke about this we all agreed that it would be a good use and that we are gaining. He states that we have discussed most of this. T. Siragusa states that he agrees, it is creative and making something better. T. Yasenachak states that she likes the fact that it is not being overly developed. G. Dake asks about the wetlands to the north, whether they intrude onto this property or if it is just the buffer, and whether they are DEC or ACOE. D. Barass states that it is DEC and they have not had it flagged, they just took it off of the GIS. The wetland is basically on the boundary line and only comes into the property a little bit. They have shown the 100' buffer, which still leaves a good portion of the lot with a buildable area. C. Baker states that the conservative thing for the Board to do is to wait until the wetlands are flagged. G. Dake states that the driveway runs through the 100' buffer and it is a DEC buffer. He states that if he were to argue that it is not a problem, the mobile home is right on the edge, if not in, the buffer area already; the driveway and a garage are already in the buffer area; you have active use of the land within the buffer area. He states that we are already doing some rather unusual things on this property. He thinks this is a judgment call for the Board. D. Cochran states that he thinks that we have enough buffer there. G. Dake states that the proposed house location is further from the wetland and the property line than the edge of the current northern most mobile home. M. Thraikill asks how wet it is there. D. Barass states that it is wet on the other side of the stonewall. The adjoining property is obviously wet. After you cross that stone wall it does not appear to be wet and the stonewall seems to be a natural barrier between the wet area and the developed area. G. Dake asks if the garage and sheds are to remain. D. Barass states that as far as he knows, they are to remain. T. Yasenachak questions where the neighboring septic and well are located. D. Barass states that he does not know. T. Yasenachak states that would make her feel more comfortable. G. Dake asks if the Board would like that information provided before taking a look at the SEQRA and proceeding on this. The Board agrees with this. This application had a public hearing before the ZBA but since it has to come back for another meeting, there is no harm. G. Dake refers to J. Bulmer's comments to the ZBA.

RESOLUTION – D. Murray, Minor Subdivision

MOTION: M. Thraikill

SECOND: T. Yasenachak

RESOLVED, that the Planning Board deems the application of David Murray for a Minor Subdivision as complete for property located at 1665 – 1673 Route 9N, TM#151.-2-9.12; TM#151.-2-10.1 and TM#151.-2-10.2 and sets a public hearing for December 11, 2007.

November 27, 2007

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

C. Baker states that lead agency letters should be sent to DOT and DEC, and for an advisory opinion from the County. A short form is included with the application and C. Baker states that he believes that a long form SEQRA should be completed. G. Dake states that this is an unusual site and there are wetlands.

STEFAN STRAKOS – Minor Subdivision

Greene Road

Stefan Strakos is present and is requesting a minor subdivision on Greene Road. He explains that the tax map indicates that the lot is about 11.5 acres. The surveyor, Bill Rourke, has not completed the survey yet and he is thinking that it may be more than 12 acres. G. Dake states that the applicant has an application before the ZBA, which has been accepted and scheduled for a public hearing. G. Dake states that the Planning Board cannot take action until the ZBA approves the variance. T. Yasenchak asks if there is a house on this property. S. Strakos states that it is vacant. T. Yasenchak states that the Board would want to see the driveway locations. S. Strakos states that he is not planning on building on these. Discussion takes place that this property is not part of the larger parcel across the road where the house is. T. Siragusa asks if these will be for sale and if they are wooded. S. Strakos states he may sell them someday and they are wooded. There is some wetland in the back of the property. He states that before he bought it he had it flagged. M. Ginley questions, from the map that S. Strakos provides, that the applicant gets a separate tax bill. S. Strakos states that he does. M. Ginley states that it looks fine and from timing it might be worth getting the survey done first, as it might be 12 acres and then he does not need the variance. S. Strakos states that he has told the surveyor to go ahead and do it. C. Baker has not comments at this time but will be curious about the wetlands and site distance. D. Cochran states that he would like to see topo on the map as well. T. Siragusa asks if the applicant owns the lot behind this. S. Strakos states that he does not. G. Dake states that the notes from G. McKenna are what we have already discussed regarding zoning requirements. G. Dake states that we will have to wait for the map and the variance.

G. Dake states that the remaining cases all fall under Section 105-22-C-3 and explains that this section only gives approval for what is already in existence. Any expansion would require a new and different application.

CHRISTOPHER BARSS – SPECIAL USE PERMIT/SITE PLAN REVIEW

North Greenfield Road

Christopher Barss is present. A public hearing is opened at 7:32 p.m. C. Barss states that he would like to continue parking his tractor-trailer on the property. There being no public comment, this public hearing is closed at 7:33 p.m.

T. Yasenchak asks if he does maintenance on the vehicle. C. Barss states minimal – oil changes, greases. T. Yasenchak asks if he takes those to a recycling center. C. Barss states that is correct. T. Siragusa questions whether it is one or two trucks. C. Barss states that he currently has one. T. Siragusa asks if he has had two there. C. Barss states no. G. Dake states that would technically be an expansion and that according to G. McKenna this is an existing use.

November 27, 2007

RESOLUTION – C. Barss, Special Use Permit/Site Plan Review

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants a Permanent Special Use Permit/Site Plan Review to Christopher Barss under Section 105-22-C-3 for property located at 63 North Greenfield Road, TM# 112.-1-29.1 to continue operation of a trucking business as currently exists.

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

Noes: None

Absent: Dupouy, Streit

RICHARD CHANDLER – SPECIAL USE PERMIT/SITE PLAN REVIEW

Coy Road

Richard Chandler is present. A public hearing is opened at 7:36 p.m. R. Chandler explains that he has been at this location since 1984 and wants to continue what he has been doing. There being no further public comment, this public hearing is closed at 7:37 p.m. G. Dake reads from a letter from Marianne Pompa LaRoche stating that they have been neighbors since the 1960's and are in favor of the request.

G. Dake reads from G. McKenna's notes that this is in the LDR District, it would fall under the large contractor's storage yard and has been in existence since the 1960's. He believes that this pre-exists zoning and is purely a case of making a legal pre-existing, non-conforming bullet proof by having it approved under Section 105-22-C-3. T. Yasenchak states that the Board approves of people having their own business and she believes that what he has done in the community is very good. T. Siragusa asks what kind of vehicles are there and how many. R. Chandler states that he has three dump trucks and the people he rents the equipment from do all the oil changes and service. Any he does, the used oil is disposed of properly. C. Baker asks if the applicant has any fuel storage on the property. R. Chandler states that he does not.

RESOLUTION – R. Chandler, Special Use Permit/Site Plan Review

MOTION: T. Yasenchak

SECOND: M. Ginley

RESOLVED, that the Planning Board grants a Permanent Special Use Permit/Site Plan Review to Richard Chandler under Section 105-22-C-3 for property located at 328 Coy Road, TM# 149.-2-2.11 to continue operation as currently exists.

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

Noes: None

Absent: Dupouy, Streit

ROCKY DANIELS - SPECIAL USE PERMIT/SITE PLAN REVIEW

Daniels Road

Rocky Daniels is present and states that he has been working out of Mabb's property on Daniels Road. He states that he has cleaned it up a lot over the years, has worked hard to make it look presentable and they do fire wood out of the site. He states that he wants to expand it a little bit. Originally everything was on the road and they cleaned it up in the back and moved the operation to the back, out of sight. He plans to put up fences so that no one can see in there and keep going with the business of doing firewood and maybe do mulch. A. Janik, King Road, states that he is not sure that he understands the connection of R. Daniels with the owners of the property and apparently he is running a business out of those premises. The biggest concern he has is not with the owners operating and selling firewood, his concern is the mulch

November 27, 2007

operation that is going on there now where in the past year or so they have brought in a big tub grinder. Speaking as a private citizen, he has observed that this operation is going on. As the Town Supervisor, he has received a number of complaints about that operation. This is a residential area and his concern is an expansion of the existing operation. He has no problem with the owners operating the sale of firewood as they have over the course of many, many years. He will commend the owners for having cleaned up the premises. His concern is that if the Board permits the grinding operation to continue, you are not going to have it happen once or twice a year, it is going to be an ongoing operation. He believes it is way to commercial. If the Board considers granting the operation, he thinks there has to be some safe guards in place to ensure that there are limits as to how much of this goes on. Butch Duffney, Brigham Road, states that the Mabb's have been there forever and have helped anyone who comes along. What R. Daniels is doing there is instead of bringing wood in, ripping it up and sending it back out on trucks, he is basically cutting back on the truck traffic by grinding the wood. The place has been cleaned up tremendously. R. Daniels business is stepping up the Mabb's business a little bit. He does not call what they are doing a business, it is basically their livelihood. If there is a problem with some of the neighbors, set time limits as with any other big business. There being no further public comments, this public hearing is closed at 7:45 p.m. G. Dake reads from a note from Warren Vicha, Daniels Road, indicating four points – noise levels totally unacceptable; Mabb/Como/Bell reside there and R. Daniels resides in Corinth; Reome's garbage truck parked next to cemetery, and buffer/vegetation not available as it is cleared to the property line.

G. McKenna's notes indicate that the applicant is applying under Section 105-22-C-3; the processing of wood products – fire wood, wood chips, mulch, etc.; keeping of related equipment; use has been continuous since 1994. G. Dake states that from reading W. Vicha's notes and G. McKenna's notes, he needs a little help. He states that over the years of the Mabb's coming in, there has been a tremendous amount of progress here. R. Daniels states that he has done all the clean up, it is all his equipment – all that stuff would still be there if it wasn't for his excavator, the grinder coming in – it would be a mess. G. Dake asks when he started doing work there. R. Daniels states about 18 years ago. The grinder went in about 3 years ago. He started with a chipper and then the stuff got bigger that was coming in. The Town brings large stuff there also instead of trucking it up to the pit, saving the taxpayers money. He states that he is trying to do it for the community, for local people to bring stuff there instead of the landfill. He states that as far as the grinder, he was in there for a while at first but only plans on coming back once a month or so, it is not going to be a continuous thing. He only works it from 9:00 to 3:00 or 4:00 in the afternoon. G. Dake states that technically under Section 105-22-C-3 what the Board is supposed to do is take a look at continuation of operations as they currently exist. In addition, one of the things that this Board is constantly doing, and our job in G. Dake's opinion, is to take the property owner who has rights and balance his rights with his/her neighbors. Very rarely do we make everyone 100% happy. We are probably not going to in this case, so we need to think about hours, days, limits for screening, etc. M. Thraikill states that the grinder seems to be an issue, it has apparently been there for about three years and he asks where the grinder has been kept. R. Daniels states it is down in the back and that's why they moved all the wood. M. Thraikill asks how far behind the barn. R. Daniels states about 300' back. M. Thraikill asks who is hearing it. R. Daniels states that the neighbor came over and asked him if he could move it. He had it about 100' from the line and there is a roadway that goes does back. The neighbor asked him to move it out farther to the center of the lot, which he did. He states that he wants to move it another 50 or 70' over and then turn it so that the noise will go back towards the back lot, the woods. M. Thraikill asks how often he has been grinding over the past few years. R. Daniels states that he has been trying to get the place cleaned up and has worked for 4 or 5 hours. M. Thraikill asks if he has been grinding at night after 5:30 or 6:00 p.m. R. Daniels states he has not, probably about 4:30- 4:45 is the latest. D. Cochran asks how close the chipper is to a neighbor. R. Daniels states that it is way back in the pit, probably about 2500' and there is no way that you can hear it from the house. T. Siragusa asks how long the grinder has been there. R. Daniels states about 1-½ years and the chipper has been there about 3 years. T. Siragusa asks the size of the chipper compared to the size of the grinder. R. Daniels states that there is some difference but not much. In an hours time it can grind 6 or 7 loads faster than the chipper. T. Siragusa asks about the reference to the Reome garbage truck being parked there. R. Daniels states that the truck has been sold and that John Reome is out of business. There is a

November 27, 2007

racecar that has been left there. T. Yasenchak asks about hours of operation and days. She asks when people drop off brush, where do they drop it. R. Daniels states that it is dumped in the back; the logs are separated from the chips, etc. T. Yasenchak asks if people come and pick it up. R. Daniels states that he takes care of it as he has a permit to run on the road. T. Yasenchak asks if there are any employees. R. Daniels states that there are not. T. Yasenchak asks if the applicant does any additional cutting on the property. R. Daniels states that he does not. T. Yasenchak asks, of the Board, how we are looking at this – home occupation? G. Dake states that he does not believe it is just home occupation. Most of the ones that have come up are home occupations because by the nature of being a small business on a property where someone also has their home. It is a documented non-conforming use that is in existence - it does not have to be a home occupation, it does not have to be on land that they own – it can be rented, etc. G. Dake states that he would like to have G. McKenna present to discuss what has been in existence and what has not. One of the things he would like to do and would like the Board's thoughts on, one thing that is missing from the application, is some kind of drawing of the property, the lay of the land. He states that he has seen it from the road, but does not know what it looks like. He did notice about a year and a half ago when things really got moved to the back and you could see less of the firewood operation out front. He states that he would like to do a site visit to see where the property line is, where is the adjoining house, where is the grinder and if possible fire it up so that the Board can hear how noisy it is. Board agrees to visit the site at 1:00 on December 1 and the secretary is asked to notify L. Dupouy, G. McKenna and R. Rowland. G. Dake states that we cannot debate the project at the site or make any decisions. We can talk about mitigation options, can ask questions, but cannot debate and decide things on site – that has to be done in a public meeting, duly advertised.

FREDERICK & KAREN DAKE - SPECIAL USE PERMIT/SITE PLAN REVIEW

Wilton Road

Fred Dake is present. A public hearing is opened at 8:03 p.m. G. Dake states that F. Dake is a distant relative. F. Dake explains that he has owned the subject property for 17-18 years and has recently built a new house there. He has had a farm where he used to raise beef cattle, etc. and has stopped raising animals for sale. He has sold vegetables, Christmas trees, etc., and would like to continue to do that. There being no public comments, this public hearing is closed at 8:04 p.m.

G. Dake reads from G. McKenna's notes that the applicant is applying under Section 105-22-C-3, agricultural uses and processing - vegetable sales, produce stand. T. Yasenchak asks if he works on his own farm equipment. F. Dake states that he does not work on anyone else's, just his own equipment.

RESOLUTION – F. & K. Dake, Special Use Permit/Site Plan Review

MOTION: D. Cochran

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants a Permanent Special Use Permit/Site Plan Review to Frederick and Karen Dake under Section 105-22-C-3 for property located at 437 Wilton Road, TM# 126.1-24-112 to continue the agricultural uses.

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

Noes: None

Absent: Dupouy, Streit

JONATHAN DAVIS - SPECIAL USE PERMIT/SITE PLAN REVIEW

Chandler Lane

Jonathan Davis is not present tonight.

November 27, 2007

NATHAN DUFFNEY - SPECIAL USE PERMIT/SITE PLAN REVIEW

Brigham Road

Nathan Duffney is present and states that his wife has a little antique shop; part time weekends as she is a mail carrier; the shop is 12 x 26. She is a glass dealer; she deals in other antiques but glass is her specialty. There is not heavy traffic in and out all day, sometimes campers from the campground stop in. There may be ½ dozen customers one day, maybe a dozen another day. T. Yasnchak states that she has no questions, she thinks it is wonderful that someone can do this out of their home. T. Siragusa asks about signs. N. Duffney states there is no sign, but someday she may like to put up a small sign, as she is a registered dealer, Alice's Attic is her DBA. M. Thrailkill states that technically the applicant would have to come back for a sign permit and asks if a sign could be approved within this application. G. Dake states that we could include in the motion that a sign is permissible within the existing ordinance, which is not a big sign. M. Thrailkill asks when she is open. N. Duffney states weekends and in the summertime she likes to get out there more. G. Dake reads from G. McKenna's notes that this is an antique shop in operation since approximately 2003; questions a map and parking; and that this is under Section 105-22-C-3. A public hearing is scheduled for December 11, 2007 at 7:00 p.m.

EDWARD EICHORST - SPECIAL USE PERMIT/SITE PLAN REVIEW

King Road

Edward Eichorst is present and states that he would like to continue to store his equipment that he uses for his rental properties. He does not work on anyone else's equipment; he takes the oil to recycling in Ballston Spa and has been in operation since 1975. He has 6 rental properties in Greenfield and would like to continue to keep his equipment so that he can continue to fix his own properties. T. Siragusa questions that he even needs to be here. E. Eichorst states that he figures if he comes and gets approval, he will be able to keep the equipment. G. Dake states that is what this was put in the ordinance for. G. Dake states that G. McKenna has some questions/comments – small equipment storage and repair – G. Dake asks the applicant if he is doing any repairs or sales for others. E. Eichorst states he does only his own. G. McKenna's notes comment that a previous applicant on King Road was asked to keep his equipment 500' from the road and G. McKenna questions where the equipment is stored, how far from the road. E. Eichorst states that he could not meet that with the size of his property. The house is built 30' higher than the backyard, there is a 30' drop, so actually his equipment that is parked approximately 150' from the road and is not noticeable driving by. G. Dake asks A. Janik about the equipment storage. A. Janik states that the backhoe and the other equipment are generally parked in that lower part. N. Duffney agrees that all the equipment is down in the back and you can actually hardly see it. A public hearing is scheduled for December 11, 2007 at 7:00 p.m.

ROBERT EICHORST - SPECIAL USE PERMIT/SITE PLAN REVIEW

Middle Grove Road

Robert Eichorst is present and states that he is doing the same thing. He has a backhoe, dump truck and equipment on the property. G. Dake states that this is for agricultural use as well as storage of equipment. G. McKenna's notes indicate that the applicant also owns two adjoining lots - one of which is 25.98 acres and the other is 68.5 acres. These lots have been used as agricultural fields for a very long time. T. Siragusa questions the need for a map and how much equipment. The subject property is right across from the horse farm, Quiet Run. The applicant has a backhoe, dump truck and tractor. He states that he was in the construction business before but now it is just his own use. T. Yasnchak asks if the equipment is parked behind a barn or next to something or screened. R. Eichorst states that they are in the back. G. Dake asks about the disposal of fluids from the equipment. R. Eichorst states that he recycles them. C. Baker asks about an inventory list and how you can determine what exists and what is added in the future. G. Dake states that the tricky part to him becomes that in the agriculture business, when you are doing crops or

November 27, 2007

animals, you do not necessarily want to commit to exactly what crops or exactly what animals because you might want to do something different as prices move. Farmers do that. When it comes to equipment you may need a dozer one time, get rid of the dozer and get a backhoe. He states that he does not think that the spirit was to try to really confine it as to exactly how many. He states that it is an appropriate thing to keep discussing with applicants, but he does not think that it will help anyone by getting an inventory. T. Yasenchak states that she thinks it is a little bit more self-regulatory in that if the neighbors ever had a problem with someone storing more, then we know that people do speak up when they do not like what their neighbors are doing. A public hearing is scheduled for December 11, 2007 at 7:00 p.m.

MICHELLE GRANGER - SPECIAL USE PERMIT/SITE PLAN REVIEW

Russell Road

Michelle Granger is present and states that she has her own firm, she focuses primarily in law guardian work which means that she usually does not have a lot of clients that come to meet with her, she usually goes to them, but she is looking to keep that in place should the need arise. G. Dake questions that that is why she is applying under 105-22-C-3. M. Granger states that it is a little outside the realm of what an attorney does, because the kids are her clients and she goes to see them, but there is the occasion when she needs to meet with the parents or someone from school, etc. and she has to have a place to do that with them. M. Thraikill questions a sign. M. Granger states that there is no sign, it would not be her intention to put one up, but it might be helpful at some point so if it could be included. She states that people live in this area for a reason and she has no intention to disrupt that. T. Yasenchak states that it is always nice to see people doing things out of their homes. M. Granger explains her property and the surrounding properties and wetlands. A public hearing is scheduled for December 11, 2007 at 7:00 p.m.

DISCUSSION

G. Dake refers to the letter received from the Town of Wilton regarding an area variance request for Mark Lawson, 492 Maple Avenue and the scheduled public hearing.

G. Dake states that he wants to let the Board members know, and he will follow up on this, regarding the Jelenik subdivision on the corner of Braim Road. We had given an approval contingent upon sight distance on May 29th; on August 20th, received August 27th, we have a letter from Paragon Engineering, Clark Wilkinson that indicates that sight distance has been met. November 25th was a 180 days from the May approval and 92 days from the meeting of the contingency. G. Dake states that he believes it should be from the date that the approval was given and since it is over he will call Mike Hill to confirm that. G. Dake asks if the Board would like to do a retroactive extension to D. Jelenik. C. Baker states that he spoke with C. Wilkinson on Monday who was requesting that G. Dake sign the map tonight thinking that today was the last day. C. Baker states that when he spoke with G. McKenna today, he was told that it had expired two days ago. G. Dake states that we had discussed this with D. Jelenik when he was last before the Board. He suggests granting a 60 day extension, two days retroactively, for the subdivision due to the time it took to get the contingency met. M. Ginley asks if the original approval was in 2006. G. Dake states that we will need to clarify this as he is not sure as we reaffirmed this and extended it – he thinks the Board is only allowed to grant one extension – after that it technically becomes a new application with new fees. This will be placed on the December 11, 2007 agenda. G. Dake states that if you make the deadline from the time that the condition is met, two years from now a condition could be met, which doesn't make sense. D. Cochran questions that the Planning Board is only allowed to grant one extension. G. Dake states that he believes that to be true and that it is in the New York State law. Question is raised about other applicants who may have been granted extensions. G. Dake states that he will talk with the Town Attorney and research this.

November 27, 2007

There will be no Planning Board meeting on December 25th.

Meeting adjourned 8:36 p.m., all members in favor.

Respectfully submitted,

Lorraine Fiorino
Secretary