

TOWN OF GREENFIELD

PLANNING BOARD

DECEMBER 12, 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, Lorna Dupouy, Thomas Siragusa, Michael Thraikill and Michael Ginley, Alternate. Dan Cochran, John Streit and Gerry McKenna, Zoning Administrator, are absent. Charlie Baker, Town Engineer, is present.

NOVEMBER 28, 2006 MINUTES

MOTION: T. Yasenchak

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of November 28, 2006 as submitted

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

Noes: None

Absent: Cochran, Streit

PLANNING BOARD CASES

SARATOGA POLO – Site Plan Review

Bloomfield Road

G. Dake reopens the public hearing. Tom Mina, Denton Road, submits a letter to the Board and states that his problem with the whole process from day one, is about the Town's liability in construction phases. He states that initially the intent of this project was revenue for the Town. He did some calculations and states that if they sold 5 weeks instead of 10 weeks for 60 units, he believes the tax revenue to the Town of Greenfield would be over \$400,000 per year. He states that he is worried about the phasing. He states that he knows people who have catering companies and it is very lucrative. He thinks that the Town has to take the position that if the main revenue stream is coming from the fractional ownership, and they should show their intent by building that first. He has had some information over the weekend that the applicant is trying to attract concerts from SPAC and Saratoga Golf and Polo. T. Mina suggests that if the Town can require a bond, at little expense to the applicant, at least they will show their good faith whereby in the year 2012, if they do not build these places, a million dollars would come to the Town, at least 2 years of revenue. He states that once the PUD is signed into law, the applicant can do what they want, but from a citizen's standpoint, \$400,000 to \$500,00 a year would benefit the Town of Greenfield. Bob Hyndman, Denton Road and Putnam Brook Civic Association, presents a prepared letter to the Board that he summarizes. He states that it gives him no joy at this point to speak against the project, as they have been very good and gracious to the neighbors in keeping them informed. As far as the reconstruction of Denton Road, Putnam Brook Civic Association is pleased with the arrangement suggested by the Board that W. Barss intercede on the issue of the roadway. They have a question in that there are DEC and ACOE wetlands, who is going to be responsible for that SEQRA, and DEC and ACOE delineations for the construction. Regarding the tent on the site, they are wondering the status of it and they are concerned, not only because of the zoning infraction, which they are confident will be mitigated, but they are concerned that the tent did not exist on any plans and how does it play into things. The concern is that it was not part of the PUD, SEQRA discussion, etc. He

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believes that with the people who would pay to live here, they would self-mitigate the type of social events taking place. He has heard the same things as T. Mina about other types of events coming in. In the time that this has been before the Board, it has been discussed more and more from a residence to a social event planning for major commercial events. If they were more aware of this type of planning a year ago, they would not have approached this project in as friendly a manner. He does not feel that he has buyer's remorse, he is just responding to information as he gets it. He does not know what type of recourse the neighbors and association would have against these major events. Regarding the site plan they would like to see the public hearing held open as they feel that they have not been presented with any more information. He asks G. Dake if the applicant provided a copy of the items that they would do, might do or might not do. The PBCA is in favor of the original plan for this to be a luxury Polo residence. G. Dake asks how the Board feels about closing the public hearing. L. Dupouy states that even if we close it, if something comes up in the future we can revisit it. M. Thraikill agrees with this. T. Yasenchak agrees with the provision that we can reopen it. T. Siragusa asks if the document the applicant had been asked to prepare exists. L. Nagle states that it does and she distributes copies. T. Siragusa states that his understanding was that this was to be available to the public for their comment and input, and since it was not, he is against closing the public hearing. L. Nagle states that they would be happy to go through it now and also distributes a diagram for water and sewer in the roadway. M. Ginley states that he would like to go through it before making a decision. G. Dake states that the public hearing will remain open for the applicant to review the document. C. Dumas reviews the various options regarding the sewer, water and road shoulder improvement. He states that the applicant has pursued Option #1 regarding sewer, connecting to Putnam Brook Transportation Corporation, their preferred approach, but the others are alternatives in the event that something should become untenable along the way. In any formulation in trying to adhere to the public comments, the sewer line will be run within the pavement surface of the road. G. Dake states that it is his understanding that the Highway Superintendent and Supervisor agree with this plan. C. Dumas reviews the options regarding water and states that they are pursuing Option #1, connecting to Prestwick Chase's water system, which is contingent upon engineering and whether appropriate capacity is available. This will involve the formation of a transportation corporation, which is a concern because of the length of time and expense associated with it. With respect to option #1, the proposed location for the water line, because of the required separation, would be at the pavement edge, slightly in the shoulder of the road. C. Dumas states that he understands that there have been meetings with the property owners and that has been deemed to be generally acceptable. Regarding the road shoulder improvement, the applicant has agreed to write a check to the Town for the work. In terms of a SEQRA review, C. Dumas states that road improvements are a Type 2 action so there would be a relatively minimal level of review. Any of the options will require permitting from the DOH, the PSC, the Town Board, etc. G. Dake states that, having had a little bit of time to reflect here, he will suspend the public hearing to reopen it at the next meeting on January 9, 2007 for a couple of reasons. He states that he has information from the Code Enforcement Officer that a violation still does exist so the Board would not be able to take action tonight regardless of any other discussion. Part of the reason that we had the public hearing was to accommodate the applicant and in doing so we have left a lot of questions on the table. He states that these are not necessarily overwhelming issues of public interest as to how does the sewer hook into the County sewer system. What might happen to future capacity potentially is an issue. The question of water and where it comes from – there may be some issue to either resident's of Prestwick Chase or other people who live along that line. In deference to the public, they deserve the opportunity to have look at and consider this information, rather than getting it at the time of a public hearing. The public hearing is suspended at 7:24 p.m.

G. Dake thanks the applicant for providing the list and would like to go through the two public comment letters to start. He states that the applicant has already addressed the question of the SEQRA. He states that he is of like mind and C. Baker concurs that the offsite improvements when it comes to roadwork do not necessitate an additional SEQRA review. G. Dake addressed the question of the tent in his earlier comments. According to the conversation he had with G. McKenna and the notes provided this evening, a violation still exists. G. McKenna does indicate that the applicant has been very cooperative in trying to get this rectified, but at this point in time DOH is a large part of what is slowing things down. Both letters refer

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to the fact that the applicant is trying to draw events away from SPAC. J. Daley states that the PUD clearly states that they are not going to do concerts, they never had any intention to. One of the events in question, he thinks, would be the Thoroughbred Retirement Dinner, which is a big event that is currently held at Saratoga Golf and Polo. They happen to like the chef at Saratoga Polo better so they have worked with the chef who is coordinating it, Bobby Flay, who is now working with David Britten the applicant's partner and Saratoga Polo is going to do their event. It is a catered event. J. Daley will speak with T. Mina and B. Hyndman about what specifically they are referencing. He states that they have no intention of bringing in a concert with people who are paying \$300,000 for a unit for 6-weeks. G. Dake states that he assumed that was the case. He states that he alluded at the last meeting to concerns about phasing and now that T. Mina has put it in writing, G. Dake concedes that he had this discussion with him. He asks the applicant if they would like to discuss the concerns about the timing and the potential impact on the Town from those timing issues as to in what order things are built, should there be bonding to assure that they are built, and the question of whether the applicant is going to "flip" the time-share portion off to another developer? J. Daley states that he cannot speak to what the future will hold with 100% certainty, but as to it relates to flipping, their organization has significant experience particularly in the marketing, sales, events, etc. Where they lack experience is on the development side. They are actively pursuing a development partner - partner in terms of someone who will come in with funding as well as the experience because when it comes to seeking financing on any project, they like to see your body of work. He states that they have spoken with Flags, Marriott, Hyatt, Ritz, etc. Setting up separate organizations and LLC's to run different businesses, he thinks, is the norm to protect certain interests. C. Dumas states that it was contemplated by the PUD as was bonding. Bonding is provided for by the PUD so the Town has the right to ask for a performance bond at such time as there is an application for building permit and in terms of what the developer chooses to build first, that is going to be dictated in large part by the financing. J. Daley states that the issue with respect to just building the residences first is that part of the buyer expectation is that there are amenities and they cannot just build the residences without building the amenities because then they have an issue with the Attorney General. They have to commence with the first four buildings as discussed at the last meeting in the first phase and then the market will drive. G. Dake states that as he had expressed to T. Mina prior to the last meeting and with all due respect to the comments of T. Mina and B. Hyndman, while the tax revenue that this project generated was a positive on this project, this Board's primary mission is not revenue enhancement. That is certainly something that the Board can and should consider, but is not the only consideration that should be taken into account. It may have been a primary consideration of the Putnam Brook Civic Association's endorsement of the project, but that is not necessarily something that is a dominant piece for this Board to consider. G. Dake states that it is a factor, he does not wish to misconstrue that, but it is not necessarily the primary factor or you would never permit a not for profit organization to do any building or acquire any land in your town. C. Baker states that regarding the decision to put the force main in the center of the road, he feels that is relatively new information and his concern is that we have agreed to a certain number for the reconstruction of that roadway which he does not feel factors in the idea of putting the force main through there. He has discussed this with W. Barss and A. Janik, and there is going to be significant disturbance to the road base if they go that route and they are going to want it engineered. It is going to be a considerable expense and he wants to make sure that everyone is aware of. He states that he has not seen a lot of new information since the last meeting, is still waiting to see final plans for the off site stuff and believes it has been submitted to the sewer district. J. Daley states that it was sent via e-mail to C. Baker and that they have a hard copy for him as well. C. Baker states that he has not been in the office much the last couple of days. G. Dake states that he received a phone call from Fred McNeary this afternoon, everyone received a copy of an e-mail last night, a letter addressed to J. Daley, a copy of which is in the folders for tonight's meeting. There is no doubt that there is some friction, as there frequently is in a negotiating process, between Polo and Prestwick Chase. He states that he explained to F. McNeary, as he explained this evening, that the Town is not requiring them to do business with Putnam Brook, but he feels that it is in F. McNeary's and his organization's best interest, Polo's best interest and the Town's best interest that Saratoga Polo and Putnam Brook work together on this project, and that they utilize the Putnam Brook Transportation Corporation's sewer line and make that a viable system that might someday allow other homes to be included in it. C. Dumas comments that the location of the sewer line was in response to public

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comments. T. Yasenchak states that she is not as concerned about what is happening with the sewer because obviously they have to hook up somewhere. She is concerned about the water. If the applicant hooks up with Prestwick Chase that obviously affects them differently than it does the adjacent neighbor if you have wells. She feels that this is quite an issue, does not see it as an option and it is very important to know before any approvals. She states that we have not heard much regarding the tent other than that the applicant is addressing the issue; on the plans it says seasonal and seasonal to her is May to maybe November; and the fact that it is still up and it is December doesn't really seem seasonal for a tent. She asks if they are planning to leave it up and now that it is a hard-sided tent it seems a little more permanent. She asks because sound carries differently if you are in a tent or building, and most of the events she had assumed were happening as part of the PUD she thought would be inside. Even though she realizes that there are times that events will require them to be outside in the summer, seasonal seems like it should have been down already. J. Daley states that because it is a hard-sided tent it gives them the capability to both heat and air-condition it. He states that part of the issue they have had with their tents is pests and a significant mosquito problem at dinnertime. Part of the issue was to look at a hard sided tent that they could provide as some people do not want to be in the great outdoors. He also states that regardless of the 400-seat banquet hall, there are people who will want a tent wedding or tent facility. They looked at what was the best option and best cost saving opportunity to enclose it, and that is why they chose the hard-sided tent. They could operate during the wintertime, but it really just takes the edge off and was more of a protective issue. T. Yasenchak asks if it stays up all the time. J. Daley states that it does and that the sides are removable. L. Nagle states that it would extend the summer season into the fall. T. Yasenchak asks, knowing that G. McKenna has an issue with this, why the permitting was not done appropriately. J. Daley states that it was a foolish mistake to put it up because, obviously, it is costing them money and the other option is that they are going to have to take it down. If they do not have resolution before the next meeting that is the action they are going to take and they will put it in storage until next summer. He states that their belief when they first put it up was that it would not impact the sewer and he was obviously misled. They are looking at a temporary holding tank until such time as the sewer is in. He reiterates that if they cannot find a resolution, it will come down. T. Yasenchak states that having a tent and not having it permitted makes her wonder, if they spent the money to put it up without the permitting and going through the proper channels, knowing that during this whole time we are going through site plan review, it seems like an obvious thing to ask G. McKenna if they could put it up, if it was in an appropriate place, and getting the proper permits to put it up in the first place. She states that this does not bode well with her and then the applicant gives the Board a list of options and they are supposed to believe that the applicant is going to do the right options or take care of it. T. Siragusa states that he feels similarly. Now the applicant has a problem and it feels like it is the Board's problem, but it isn't. He states that he appreciates all the options, but they are still options and the Board does not have answers especially with the water. M. Thrailkill states that per B. Hyndman's comments, he does not feel that the Board's intentions were for revenue. He states that the applicant has been very open regarding what they wanted to do – the 400 seat banquet facility, the 200 seat restaurant, etc. He states that if he is not mistaken, we went through the noise issues in the PUD, this came up during those public hearings and now it is coming back again. As he commented last time, how many times can we have these public hearings because someone decides to say something at the public hearing? He states that there were three people at the public hearing tonight, only two spoke, and they have been here all the time. He believes we do have to get the tent issue taken care of and it might have been a good idea to check on the permitting. On engineering for the water and sewage, that is being worked on, and there are others such as the State who will look at this and regulate it. L. Nagle states that she is not trying to make excuses, it all happened very fast, the tent was viewed as a tent structure and then G. McKenna saw it as a hard-sided tent. It was a mistake of the team, unaware, that it was over a leach field, which then renders that leaching field as useless because it needs to be aerated. She states that it was not an intentional means to bypass this Board, it was a mistake that they wish they had not made and it is costing the applicant a lot of money to now address. They were hoping to have it resolved by today's meeting and as J. Daley stated, it will be resolved or the tent will be removed by the January meeting. She reiterates that it was not their intent to thwart this process. L. Dupouy states that she cannot address the engineering issues and does not have an issue with the tent other than the fact that it is on a leach field and should not be there. She comments that in San Diego, this is where

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all the parties are held and it is expected that outdoor events be in these tents. She comments that it appears that the citizens think, from the two public hearing letters, that there is something covert going on and she does not get that feeling about this project because she feels that the applicant has tried to be in compliance every step of the way. She brings that up because the question was asked what happens if none of the units are built. If she and her husband were looking at a fractional share somewhere, she would not give her money to someone who is promising her an amenity – they better show it to her. G. Dake states that because the applicant has a violation, he is trying to bring out as many issues as he can. He thinks the Board has done an excellent job of identifying what they feel the major concerns are. Usage, what is allowable, what is not allowable – in actuality has been addressed in the PUD. He does think that there are issues with sewer, water, and the road potentially. As good a direction as they can get, the easier they are making it for the Board to make a decision. He agrees with T. Yasenchak's comments and with the options, ultimately they are going to end up with the Saratoga County Sewer District. They are not opening if they cannot come up with a sewer connection, regardless of what the Board does. While critical to the project, it is not critical to this Board. He states that the neighbors have a valid concern regarding water and the sooner the applicant can button down that issue, the better off the applicant will be, the Board will be, the easier it will be. It will be much easier for the Board to make a contingency on sewer than it would be to make a contingency on water, which does not mean that it would be impossible for a contingency on water. G. Dake states that he is sure that those issues can be addressed. The sooner the information can come in, the better it will be. He states that it would be his fondest dream to close this public hearing on January 9th and it would be lovely if the Board can take action on that date. If we get the information on January 9th, the applicant is making it harder. G. Dake states that he is pleased that we have neighbor comments, asks the applicant to take them into account and as best the applicant can, give them time to respond. G. Priest states that he did receive the charts for the well studies and while it did not affect his well, it did W. Orthwein's. He asks if someone else's well got affected, how can they do the tank. L. Nagle states that they have a representative from BL Companies present, he is their water expert and they have been meeting on this issue. G. Dake reiterates that for as big a project as this, we are down to a couple of things. He understands the applicant's timing and is trying to be as sensitive as he can to that timing.

PATRICIA GUARNIERI – Major Subdivision

Daketown Road

Patricia Guarnieri is present, provides a response to C. Baker's comment letter and states that the engineer feels she has addressed C. Baker's issues. Regarding lot 3 which was a keyhole lot with a 60' driveway leading down to the bottom of the property and the related issue of lot 13 being at the edge of the buffer zone. P. Guarnieri is proposing to move the cul-de-sac up out of the buffer zone. She is now proposing that lot 13 be blended with the keyhole lot. She states that it was always her intention to not use the southern acreage and that C. Baker has explained that whether or not she intended to use it, there still had to be a buildable space there. C. Baker confirms that every lot created in a subdivision must be buildable. P. Guarnieri states that this would now be a 43-acre space, which would never be used, but there is the potential for a house there and the house would be on the edge of the buffer zone. She states that the surveyor drew a straight line as opposed to corresponding to the FEMA buffer zone. She measured it and the FEMA line that is close to the proposed house is 500' away and she does not believe that the buffer line is supposed to be a straight line. She thinks it is supposed to vary with the varying line of the FEMA. C. Baker states that he is basing his review on the map created by the surveyor. P. Guarnieri states that is real conservative and that is why she changed it and asks if that change looks viable. She comments that lot 3 no longer becomes an isolated lot, the cul-de-sac is not in any wetlands, and still allows space for houses in different places. The house on lot 12 has also been moved out of the buffer zone. P. Guarnieri states that she spoke with her wetlands guy and he is going to have the ACOE send a letter out. However, ACOE is now in a period of transition and they are not issuing any jurisdictional determination letters. DEC said that the only DEC wetlands are not relevant because they are at the bottom inside the buffer zone. P. Guarnieri points out a map that was included with the submission from her engineer. P. Guarnieri reads from a letter from Steve

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George regarding the JD letters. G. Dake states that just because ACOE is not currently issuing jurisdictional letters, does not mean that C. Baker and the Town do not need it. He asks C. Baker, for the applicant's benefit, if he would respond to what she is proposing, conceptually, regarding the moving of the cul-de-sac and some lot lines. C. Baker states that the biggest issue, as he discussed with P. Guarnieri, is the legibility of the plans. This is a plan, that when approved, is going to be given to a contractor to build. C. Baker states that he has 20 years experience and he can't even read it. He states that he has no idea what the engineer is trying to convey with the squares representing storm water management areas. P. Guarnieri states that she believes there is text that corresponds to that in the latter pages of the narrative and also in some of the submissions previously made. C. Baker explains that the problem is that this is the plan that the contractor is going to build by and the Town Engineer has to follow the same plan to do the inspections. He states that he showed this to 5 different engineers and they all agreed with C. Baker that there is not enough information on the plan to build a Town road. P. Guarnieri states that M. McGiver stated that she was going to enlarge the plans per C. Baker's request. C. Baker states that the response letter provided tonight states that the plans were enlarged to an 80-scale. An 80-scale plan is not something that anyone is used to working with. T. Yasenchak states even if the plans are revised to a different scale, some of the information that is normally done in a standard way is not clearly depicted on the plan. Some of the information may be in a letter or packet, but standard practice in drafting and civil engineering has ways to put this on a plan that make it easier to read, for an engineer to review and easier for a contractor to take the plan and build from it. P. Guarnieri states that M. McGiver had colleagues review the plans and asks how she can suggest to the engineer that these are not correct. G. Dake states that the Board does not necessarily want the engineer to rebut C. Baker's comments, but to comply with his requests. C. Baker states that he has tried to be as detailed as he can in the comment letter. If the engineer takes each comment and tries to address it - that would be a step in the right direction. He agrees with G. Dake that a lot of this is going back and forth and arguing about things and not getting anywhere. The series of charts and tables is discussed and C. Baker states that there is no description of how it comes together. T. Yasenchak states that there is a DEC website which provides step by step how to do a SWPPP with a good outline. G. Dake states that C. Baker is very accommodating when it comes to his reviews and is always willing to work with an applicant. His review letters are meant to give guidance. He states that the Town Engineer has to be satisfied or an applicant will not get approval. He asks C. Baker to take a look at what has been submitted and endeavor to get another review letter out, and asks P. Guarnieri to convey the tone of this meeting to her engineer. P. Guarnieri asks about speaking with C. Baker about the re-submittal. G. Dake states that it is not C. Baker's job to design projects and that it is not uncommon for other Town's to simply tell an applicant that what they have presented is not what they want to see with no guidance at all. He states that he does not like that, but asks the applicant to recognize that it is not C. Baker's job to make this work. M. Ginley states that in looking at this as a layperson, he can't even tell where the lot lines are. P. Guarnieri states that it is not supposed to be black and white, but she could not get color copies. M. Ginley suggests keeping it simple. C. Baker states that he agrees with keeping it simple, but it has to have enough information on it for a contractor to take that plan and be able to build it. Discussion takes place as to why P. Guarnieri is using this engineer. She states that everyone else told her that she would have to wait 1 to 1 1/2 years before they would even consider reviewing it. M. Thraikill suggests that perhaps she should consider someone who has worked with this Board previously. P. Guarnieri states that she does not have the expertise to understand enough about this to determine for herself whether something is difficult or easy. C. Baker states that the last subdivision that P. Guarnieri did was a relatively easy process, she had lots with frontage on a Town Road, what she is proposing now is entirely different.

RALPH MACCHIO – Major Subdivision

Locust Grove Road

Mark Erhardt is present representing this application. A preliminary sketch was delivered today and the applicant is looking for some feedback. G. Dake reviews that this was recently before the Board as a lot line adjustment. G. McKenna's notes indicate that the proposed roadway is 1800' and in the R-3 zone only

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allowed to be 1125'. G. Dake states that he believes that under the new zoning the roadway length will change to approximately 1500' and the acreage will be going up to 6 acres. M. Ginley asks if an applicant's initial submittal is within the old zoning and then it changes, where that puts the applicant. G. Dake states that once the new zoning is adopted, he is assuming that the Planning Board will get guidance from the Town Board and Town Attorney as to at what stage applications should be considered under the old and under the new zoning. He states that he presumes that any application that has not been accepted as complete, or the Town Board can take a very aggressive stance and say that anything that does not have vested interest, could be forced to revert to the new. He assumes that the Planning Board will be asked to go through, project by project, to determine where they stand. M. Erhardt asks what point the Town is at in that process. G. Dake states that he believes that their hope is to have zoning adopted by January, which would suggest that this would be under the new zoning. This property could be 5 or 6-acre minimum lot sizes. T. Yasenchak questions the stream. M. Erhardt states that they have contacted DEC to flag this. C. Baker states that they will also need to have ACOE flag. G. Dake states that he doubts that they will be able to have a complete application by the time the new zoning comes in. The length of cul-de-sac is discussed and M. Erhardt states that they are proposing a loop road off of Locust Grove Road and then the road to the cul-de-sac. C. Baker states that the planning on the loop road would not work in this configuration, as the 90-degree turn would not allow the turning radius. G. Dake states that the loop road would not work as proposed if the zoning changes to 6 acres. M. Erhardt asks where they should go from here. G. Dake states that he cannot say with certainty what the Town Board is going to do, but if it were his money he would be planning and designing based on the new code. Assuming the zoning does not change, he asks the Board if this is too dense in this part of Town. It meets the code and his concern would be the ability to get septic in there given how wet it is. He believes they might lose a couple of lots because of the wetlands. There could also be DOH involvement. M. Erhardt asks about the setback from the brook for the septic. C. Baker states that the determining factor would be the flagging. G. Dake states that there is also a 4' separation requirement from bottom of septic to groundwater. No test holes have been dug yet. M. Thraikill states that it seems dense with three acres for this area. G. Dake states that he does not believe there will be sight distance issues and reiterates that we need wetlands flagged, test pits, and it would be best to proceed based on the new zoning.

DARREN TRACY – Minor Subdivision

Locust Grove Road

Clark Wilkinson and Darren Tracy are present. G. Dake recuses himself. C. Wilkinson states that the exact location of the wetlands has been mapped, the house location on lot 1 has been moved and he points out the culvert location. He states that they are here to request the Board set a public hearing for this project. T. Yasenchak reads from G. McKenna's notes regarding shared driveways and easement language, which the Town Attorney will have to look at; the wetlands; and the variances for frontage that were granted. T. Siragusa questions if they have resolved the issue of the driveway for the Torgesen's. D. Tracy provides a copy of a letter signed by the Torgesen's seeking permission to continue to use the existing driveway. T. Yasenchak explains the current location and that this was to be a subdivision of more density. M. Thraikill asks about the property belonging to Mary Anese and whether she has access to the lot. M. Ginley asks if this parcel is currently landlocked. T. Yasenchak states that there would have been a road that would have given access to this lot. C. Baker questions that the wetlands line shown on Lot 1 goes up through the right-of-way and he asks if there is any impact that is going to occur as a result of building that driveway. C. Wilkinson states that it goes to the end of the culvert and they are utilizing the existing driveway and the existing culvert. C. Baker questions that then the flagging stopped at the end of the culvert. C. Wilkinson concurs. C. Baker comments that if they are over an acre they are going to need an erosion and sediment control plan and file an NOI. C. Wilkinson states that they are under an acre and their intent is to try to keep in under 1 acre. C. Baker states that the Town Attorney needs to review the easement language and that the descriptions should be noted on the plan with meets and bounds. M. Ginley asks if the applicant is going to approach Mary Anese about access. D. Tracy states that the parcel was illegally subdivided/ inadvertently

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subdivided and his understanding is that the Torgesen's are attempting to purchase this lot back. M. Ginley states that his concern is that when a parcel becomes landlocked and the owners stop paying the taxes; it becomes a problem for the Town. T. Yasenchak states that they are not creating a landlocked parcel, it is already landlocked. Public hearing is discussed and set for January 9, 2007 at 7:00 p.m. Lead agency letters are discussed and C. Baker states that no other agencies are believed to be involved. T. Yasenchak states that since we do not have any involved agencies, the Planning Board declares itself lead agency for the review of the environmental assessment.

WHISPERING PINES – Site Plan Review

Sandhill Road

Scott and Kim Foro are present. G. Dake states that a neighbor was before the Planning Board on an unrelated application and spoke very highly of Whispering Pines, K. Waite. A letter from Transportation Concepts has been received. G. Dake reads from G. McKenna's notes regarding fire department access, DOH approval, septic locations, water treatment systems and sight distance issue. G. Dake states that he thinks we have satisfied a lot of things and C. Baker's most recent letter is August 8th. C. Baker states that we were looking for a traffic report which we now have from Transportation Concepts and the only concern he has in reading through it is that it is based on a posted speed limit of 35 mph, which he does not think we can get. G. Dake states that he went out after the last meeting, pulled in and turned around. To the north they have all the sight distance they need. S. Foro states that he has pulled out with vehicles coming fast, but it's never been close. He states that 99% of the traffic turns to the right, they do not cross over the road to the left. C. Baker states that he believes that we petitioned the Town Board to have the speed lowered. S. Foro states that it has been posted at 40 mph, that was before this report came out, and the hill is posted at 30 mph, the recommended speed. It is mentioned in the report that they actually got the data from the Town. W. Barss had offered to do the data collection. The median speed was reported at 37. S. Foro states that from living there he knows that the traffic going down the hill is slower than that going up the hill. C. Baker states that the problem he has is the report's last paragraph concluding that their recommendation is that the speed be posted and lowered to 35 mph. S. Foro states that in speaking with Transportation Concepts, he was told that another engineer might say 40 or 45 mph or 25 mph. G. Dake states that the concern for this Board becomes the question of are we creating a safe environment and are we putting the Town at a potential risk for liability. One thing that was previously discussed was mitigation saying right turn only, for which no one has a problem. It does become a problem for the small percent of traffic that wants to go north. C. Baker states that he has a letter from Mike Shaw that he was reviewing the project, and C. Baker has not received any updates. S. Foro states that because of personal problems he has not been in touch, he knows there are some issues D. Myers has to work out - nothing that will be a huge problem, nothing that cannot be resolved. C. Baker states that engineering wise his comments would be to satisfy the DOH and come to terms with the traffic. M. Thrailkill asks that if there is a right turn only sign is it ok. C. Baker states that it takes the dangerous movement out of the question. G. Dake states that you are decreasing the potential for liability because we have a known problem and we did mitigation to prevent that from being a problem. S. Foro states that the entrance was put in in 1962, with the speed limit from that time being 55 mph and no history of any accidents. G. Dake states that it is not a particularly heavily traveled road. From a practical matter he does not think that we are contributing, we are not creating a new entrance. There will be a few more turning movements, but relatively insignificant to the grand scheme of Greenfield traffic. He states that he would love to find a way to approve this and the mitigation that comes to his mind is to make it a right turn only requirement with approval contingent upon right turn only signage until the point that the speed limit is reduced to 35 mph and DOH approvals. He states that the Board has fulfilled their legal obligation, been reasonable and prudent, and not held the applicant up any more than necessary. M. Thrailkill asks if, coming north, there are signs that say campground ahead or something? S. Foro states that when he first approached the Town in 1995, that was something that was discussed, but he does not know what happened with that. He thinks at that point they were to work with the Town to get a sign placed out there. G. Dake states that he thinks they will find the current Highway Superintendent very accommodating. S. Foro states

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that he has approached him regarding the vegetation referred to in the Transportation Concepts report and W. Barss would love to see that hill cut back more. S. Foro does not have a problem with a sign and it would help his customers to know they are approaching the entrance and to slow down. M. Ginley asks about orange signs to slow the traffic, and states that he did depositions for personal injury cases for a while, and asks if there is any kind of a warning sign. S. Foro states that it is posted on the hill with a recommended speed of 30 mph. He states that they could add something to the sign regarding decreasing speed. **The Board completes Part II of the Short Form SEQRA. All questions are answered “no” with the exception of C1 regarding mitigation with signage. M. Thraikill makes a motion to check Box B, indicating that this will not result in any significant negative environmental impacts. L. Dupouy seconds the motion. All present in favor.**

RESOLUTION – S. & K. Foro, Site Plan Review

MOTION: T. Siragusa

SECOND: T. Yasenchak

RESOLVED, that the Planning Board grants Site Plan Review to Scott and Kim Foro, Whispering Pine Campsites, for expansion of the campground, contingent upon:

- **Satisfaction of NYS Department of Health**
- **Signage to be added with limitation for right turn only out of driveway**
- **Cautionary signage added and maintained as approaching the campgrounds from the south**

G. Dake states that he is confident that the applicant will work with the Fire Department to whatever extent they may desire. DOH is going to be all over everything when it comes to water and septic and he is not the least bit worried about that. S. Foro states that DOH requires a fire emergency plan, also.

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

Noes: None

Absent: Cochran, Streit

S. Foro asks about verbiage for the signs. G. Dake states that he should discuss that with W. Barss and work that out with him. L. Dupouy suggests not going overboard with the number of signs.

DISCUSSION

L. Dupouy discusses the planned social gathering at her home.

G. Dake asks if there is any news of Jama Peacock’s opening. L. Dupouy states that J. Peacock is hoping just before Christmas.

Meeting adjourned 9:12 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary