

TOWN OF GREENFIELD
PLANNING BOARD

September 11, 2018

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Charlie Dake, Butch Duffney, Michael Gyarmathy, and Robert Roeckle. John Bokus, Stanley Weeks and Karla Conway, alternate are absent. Gerry McKenna Building Inspector/Codes Administrator is present. Charlie Baker, Engineer is present. Justin Grassi, Town Council is present.

Minutes

MINUTES – June 12, 2018

MOTION: R. Roeckle

SECOND: B. Duffney

RESOLVED that the Planning Board waives the reading of and approves the minutes of June 12, 2018 with minor corrections.

MINUTES

August 28, 2018

The minutes will be reviewed at the next meeting.

DISCUSSION

T. Yasenchak states that the Board asked the Town Council's to be present tonight because the Board assumed that Stewart's would be making their application as they stated at their last meeting. They did not do that by the deadline. She still did not want to be wavering with the Town Council presence. She asked them to come and state for the Board the SEQRA process and when it is Okay to revisit the Board's review of SEQRA, prior to or even after a determination has been made. T. Yasenchak asks J. Grassi to review that, in a general process way, because the Board is not specifically speaking about any specific application because Stewart's is not present. J. Grassi states hopefully they will be available when Stewart's is in front of the Board. Generally states that generally speaking, when the applicant submits the EAF Part 1, which this Board reviews, and then as early on in the process that makes sense before the Board takes action, they can either approve or deny. The Board has to review Part 2 and Part 3. Their ultimate goal is to determine whether or not there are significant environmental impacts. In doing so, they go through Part 2 and this Board often times goes through and will break that up into two meetings. They will usually be some level of consciences on most of those answers. The following meeting they often return and then go through Part 3. The question was posed if in between going through the Part 1, Part 2, and Part 3, if new information comes up, should the Board reevaluate their previous answers. The easy answer to that is yes, it would be responsible to do so. When there is new information they want to, often it might not impact the old results of that section, but they do want to at least consider them, identify them and evaluate whether or not there are any environmental impacts from them. Even if they were to complete Part 2 and then in finding in Part 3 and there is a Negative Declaration of significance. Even if they get in that Negative Declaration before they

approve, if there are additional changes in circumstances, modifications to the project, it would be appropriate to reopen, back up and evaluate those environmental concerns. The purpose of the SEQRA regulations are to evaluate whatever environmental impacts there may be. Err on the side of let's review those and make sure they were evaluated for environmental impact. He thinks that the secondary question that he and T. Yassenchak talked about had to do specifically with Stewart's and, for instance with regard to potential adverse environmental impacts that did not necessarily fit into a box. The scope of their conversation was around a potential noise impact. It is a two part question. If the questions are not specific enough to clearly articulate that the noise should actually be evaluated does the Board still evaluate that impact? J. Grassi thinks the answer to that would be yes. At least for noise purposes in the EAF it is specifically identified as a potential environmental impact. He wanted to remind the Board even after they go through the questions and at the end there is section that states *any other impacts* if under the noise section those questions don't exactly hit on a potential adverse environmental impact that they want to raise. They can put it in that box as well. The action which is before the Board is an expansion of a building it may not in of itself create any noise. Is it possible that the Board feels there could still be environmental impacts later; the answer is there could. J. Grassi states that first of all they can look at environmental impacts, for example how traffic might come through differently, where the noise might vertebrate off of. If the Board was to find that there is a potential for increase of noise levels they don't have to narrow their scope. To just say this building has no machinery, no mechanicals in it, in and of itself won't make any noise so the Board can't find that there are still noise impacts with the action itself. M. Gyarmathy asks if in the other box it would be okay for the Board to put that they don't know what the noise impacts will be until after the building will be built, as far as sound bouncing back and forth. J. Grassi states that ideally the Board would receive information that would satisfy them one way or another as to whether there would be noise impacts. Alternatively, the Board would either then need to make a decision as to whether or not that unknown can result in a significant environmental impact or if it is rather small or moderate impact. For instance, if the Board knew that large mechanicals were going to be introduced to the top of the building, it is very likely there will be more noise. Another example, if there is not necessarily that the Board is contemplating that the traffic differences or the size of the building and the location of it. This is where it is completely up to the Board's discretion as to whether or not the Board thinks it is significant, which is the key word "the significant adverse environmental impacts" or if it is just smaller impacts that will occur. That is part of the finding in Part 3. T. Yassenchak asks the Board if there are any other questions about the process. R. Roeckle states the only other thing he would question is if a previous SEQRA indicated a declaration that there would be no impact, and since a project was completed there appears to be an impact from this new proposal which the Board may or may not increase or change the impact, can they consider an impact that was deemed to have been Negative in a previous SEQRA? J. Grassi states that if he understands R. Roeckle's question correctly, he thinks that the Board would have to tie in the new project. There are three options with this new structure for instance.

- The infrastructure of the new structure will have zero impact of the existing level of noise.
- It will potentially mitigate the existing level of noise.
- It will increase the existing level of noise.

J. Grassi states unless there is some identifiable correlation between the noise and this new project no they would not be able to say because it is existing now. They have to have a Positive Declaration. If there is an impact and they have already identified it as are existing, then that might be why it is a significant adverse impacts. They would be looking at cumulative impacts now, for instance, increase in the volume level. Even a small level could result in a

potential significant environmental impact because of the existing levels. It would have to be a correlation; it would have to be something that connects the two. R. Roeckle asks if it is an existing impact regardless of what it is unless that new project, expansion or whatever it is, is changing that impact. It's not something the Board should be considering during SEQRA. J. Grassi states correct. For an example, he would compare it to a traffic impact. If they have a street that is busy now, they have another business moving in and it will bring in another 50 cars it just so happens that that service at those lights, even though those existing levels of traffic, this addition is a cumulative impact that could actually trigger a significant environmental adverse impact. If they are not introducing additional traffic to that point, then they would say the building cannot be there is existing negative environmental impacts. B. Duffney states, for example, an office building and twice a day they had people going in the morning and coming out at night, the traffic is not coming in and out constantly. J. Grassi states yes, that is certainly something that could be evaluated. Is the timing of deliveries or when they would likely have people coming and going. Whether or not it is during the peak hours. T. Yasenchak asks the Board, looking at their agenda, do they feel there are any other projects that they would like Town Council present for they did ask J. Grassi to be here because it was mentioned at the last meeting that there was a Board member that would like to have someone present. That is why he is here and unfortunately, he is not present to gain from this, but it will be in the minutes stating that he was present for. T. Yasenchak asks the Board if they would like J. Grassi present for any other projects on their agenda tonight. B. Duffney asks about the ZBA referrals. T. Yasenchak states that the ZBA has not deemed them complete. The ZBA asked them for preliminary review. T. Yasenchak thanks J. Grassi for coming to the meeting and briefing the Board on the process of SEQRA. J. Grassi states they are welcome and hopes to be present for September 25, 2018 meeting.

OLD BUSINESS

**Bortell, G. Case #615
TM# 135.-1-6**

**Minor Subdivision
460 Lake Desolation Road**

Georgia Bortell is present. Since the project was here last the Board had asked for confirmation for the site distance of the driveways. They did receive additional information and a letter about the site distance for lot #3. He stated in that letter that the research had been done for lot #3 for the proposed driveway location and that it met the AASTO standards for that driveway. G. Bortell states that the first one did too. T. Yasenchak asks C. Baker if he has any questions about the letter from Ernie Gailor. C. Baker states the August 1, 2018 letter specifically addresses that it is lot #3. There is no mention of lot #2. They still don't have an answer for that driveway for lot #2. They did receive a letter from the Saratoga County Planning Board and they were concerned with site distances as well. He suggests that this information be referred to them as well so they can comment. The only comment he has is for lot #3 the map should be revised to take the original location off because it is confusing. T. Yasenchak asks original verses proposed. C. Baker states yes and as far as lot #3 goes, he did read E. Gailor's August 1, 2018 letter and he agrees that lot #3 does meet the AASTO requirements, but at this time the Board does not have any information on lot #2. T. Yasenchak states that she received from the Building Department, and she is not sure if it was provided, to him a copy of a driveway permit the Bortell's received from Saratoga County for lot #2. C. Baker states that he did not receive that. T. Yasenchak states that it appears that in July 2008 the Saratoga County Department of Public Works signed a driveway construction permit for the driveway location that is existing on lot #2. It was 10 years ago, but it was an approved driveway. C.

Baker asks if this letter is not for the existing house. T. Yasenchak asks G. McKenna if he knows. G. McKenna states their existing driveways loop around. The lot line is in position so that it encompasses that current approved driveway. T. Yasenchak states right, but thinks what they are asking is this letter in 2008 went with the driveway that they are now designating as driveway for lot#2? Isn't the other driveway? There are two driveways on that side of the Lake Desolation Road. G. McKenna states that the Bortell's driveway is the one that goes around. T. Yasenchak states that the house was built prior to 2008. G. Bortell states that there are two driveways for the lot with the house. The only way they are going to be able to section this off on this side of the road is to take this driveway and use it. T. Yasenchak states that what the Town Engineer is asking is that this permit that she had from the County for the driveway construction, this had to do with the driveway that is further to the south not the one to the north. G. Bortell states correct. The surveyor adjusted the line to encompass that. T. Yasenchak states right the new lot line. C. Baker states that he thinks the Board needs an updated letter from the County. If the County says it's satisfied with the existing driveway meeting site distance then he's fine with it. The Board does have a letter from Mr. Gailor on June 18, 2018 that he does look at the site distance for lot #2 and it is significantly less than is required from AASTO. Unless the Board gets some kind of an update from Mr. Gailor or from the County that states they are okay with that location he would not feel comfortable saying that it is adequate. G. Bortell states that the letter from June addressed what is marked as the original location of the proposed driveway. T. Yasenchak understands. G. Bortell states that is not the one that has the permit. T. Yasenchak states what they are saying is the Board does not have anything from Mr. Gailor about that existing driveway recognizing the permit. Also, what the Town Engineer is saying is that they have a letter from the County because they had to have a county referral and the County was concerned about the site distance at that driveway. Yet there is a driveway permit and he is asking that it be updated or some letter from the county saying that driveway is still acceptable. G. Bortell asks the Board if they want her to go back to the County and ask them to do whatever is appropriate for what they need. C. Baker states yes. T. Yasenchak states that since this is 10 years old and is a driveway that isn't used that often but has a permit and is it still valid. The Board would need to see something like that. T. Yasenchak states that G. Bortell will need to have the map modified so that they have one driveway for each lot.

Ziehnert, G. Case # 618
TM# 151.-1-38.2

Special Use Permit
241 South Greenfield Road

Glenn Ziehnert is present. T. Yasenchak states this is case # 618 for a Special Use Permit at 241 South Greenfield Road. T. Yasenchak states the last time he was in front of the Board he was going to look at the parking and also the Building Department was going to look at the septic system, so that he has the correct size of septic system for the number of bedrooms for his residence. He was also going to think about what he was going to do. Special Use Permits are very specific for the use that is granted. T. Yasenchak asks if he decided to do a Bed & Breakfast or an Airbnb. G. Ziehnert states that he will go for the full Bed & Breakfast. He probably won't do it right away. T. Yasenchak states that as far as the parking, he did provide an aerial view of his lot showing where the parking is. He also provided pictures of the parking area. It shows a two car barn/garage. Two spaces in front of it; two spaces on the side and one on the left. It does seem that he has enough parking and it does meet the Town's requirements. R. Roackle states that as long as the septic is taken care of he has no comments. B. Duffney states that septic and parking seem to be taken care of; he does not

have any comments. M. Gyarmathy and C. Dake don't have any comments. C. Baker states that he does not have any comments. T. Yasenchak states that they had a public hearing on this and it was adjourned. T. Yasenchak reopens the public hearing at 7:27 p.m. No one is present and there is no correspondence on this project. At 7:28 p.m. closes the public hearing. Some of the items are not applicable to G. Ziehnert's Special Use Permit. Some of the uses are more intense than what he is asking for. For consistency sake and to show that the Board is treating all applicants the same they are just going to go through the list. The list goes A-Q it may be a little long.

RESOLUTION: Glenn Ziehnert, Special Use Permit

MOTION: R. Roeckle

SECOND: M. Gyarmathy

RESOLVED, that the town of Greenfield Planning Board grants a Special Use Permit to Glenn Ziehnert for property at 241 South Greenfield Road, TM#151.-1-38.2 a Bed & Breakfast with maximum of three bedrooms.

VOTE: Ayes: T. Yasenchak, C. Dake, B. Duffney, M. Gyarmathy and R. Roeckle.

Noes: None

Abstain: None

Absent: John Bokus, Stanley Weeks and Karla Conway

NEW BUSINESS

DNS Capital Ventures Case # 620
TM# 152.-1-12.12

Minor Subdivision
45 Braim Road

Matt Steves is present for the applicant. T. Yasenchak states this is a minor subdivision for 45 Braim Road. M. Steves states that this property is 11.5 acres in the MDR-2 District. They are looking to subdivide this property into two residential lots. The minimum lot size in this zoning district is 3 acres. Lot #2 would be a 3 acre. Test pits and perk tests have been performed on the property. R. Roeckle states that his biggest concern is the proposed house seems to be in the 100' wetland. M. Steves states they have ample room and would gladly move the house as far as the 100' setback, just slide it to the south. If that is a concern he does not have a problem doing that. R. Roeckle states if that is correct with the 75' the Board would need some confirmation from Federal Conservation. G. McKenna asks whose wetland is it? M. Steves states DEC. They will slide the house over. R. Roeckle states that would be his only concern. M. Steves states that he will confirm that it is DEC wetland. G. McKenna states the reason he is asking is because he went on the County site and there is nothing there. M. Steves states no there is nothing there. He will confirm that it is DEC wetland. They noticed it when they were doing their topography and their field crew delineated what they said was the edge of a wet area. They don't like to encroach on any septic systems. If it is in fact the DEC or any other agency they will move it accordingly. Tom Hutchins of Hutchins Engineering also looked at it. They will definitely clarify that. R. Roeckle states that he would also like site distance of the driveways. T. Yasenchak states that is something the Board has been requesting for subdivisions recently because Greenfield has a lot of curvy roads and hills. They want to make sure the driveways are placed correctly for AASTO Standards. That is why the Board has been asking for site distance and stopping distance to be there. M. Steves states they will place that on. As far as he knows it's going to meet the criteria and put that on the map for the next

meeting. B. Duffney states that from what he is looking at it looks 200' wetland setbacks going through the house. M. Steves states that as far as he can see there is part of a wet area, but they will get it clarified. They will find out if it is a classified wetland and if it is they will accommodate and move the structure. B. Duffney states yes, it is a unique area of the town, there is a lot of up and down and water can settle in spots. M. Gyarmathy states those are the only two things that he saw. The wetland and the site distance. C. Dake states he agrees. On the time that he has been on the Board, this is the easiest map to read and thanks the applicant. C. Baker states he would suggest having the wetland delineation done. Since there are wetland on both adjoining properties. T. Yasenchak states she agrees with C. Baker. It is a wet area. It is one of the lowest areas in town and also the property next to it having a pond. Where is that actually going? Or will this driveway impact anything. M. Steves states that they will do the delineation and find out if it is a DEC wetland. They will have a biologist delineate the wetland. Then they can let the Board know what agency is overseeing the wetland. He does not think it is the State as your Building Inspector had stated. They did not find anything in the GIS system. T. Yasenchak asks C. Baker if he could be a little more specific because they have not requested the whole property was to be delineated, but if there is an area in the front that provides an envelope they often allow them to just do that area and not necessarily the whole back portion. C. Baker states yes, instead of showing the proposed house location and the septic he would be perfectly satisfied with them concentrating on that area. T. Yasenchak states just in the front area. M. Steves states that to C. Baker's point they will go back to the edge where they did the topography. To the east is where they would have dropped off in that area and they will stop at that point instead of continuing outward and back. That would be the only area affected. In his opinion it would be coming through across the property so they will take a look at that. T. Yasenchak states that sounds good. R. Roeckle asks if the pond on the property to the north is a surface pond or more of a pond for one of the quarry's over there? He sees that the test pit doesn't show any ledge down to 8". He knows that one of those ponds over there is a quarry pond. M. Steves states that he does not think that one was a quarry pond. He thinks it was the one that Jeff Pfeil owned. G. McKenna states that it is a quarry pond. R. Roeckle states that it is one of the quarry ponds and there is ledge there but, the test pits don't have it that close to the surface where the house is proposed. Typically the Board requires for any new information to be submitted 7 business days prior to the next meeting. It might be tough before their next meeting in September. M. Steves asks if the next meeting would be on October 9, 2018. T. Yasenchak states correct. M. Steves asks as far as resubmission of the wetland, and the site distance, is there anything else that they would need to be taking care of moving forward? T. Yasenchak states that she does not think so. As the Board goes through this with a minor subdivision they are not required to have a public hearing. However, they have deferred and had them when they know the applicant is bringing additional information back so it's not taking the process any longer. Both of the lots do meet the Zoning Code for the size of the lots; it is something that is allowed per the Zoning Code just by right. They would still like to make sure everything is safe and if they can offer it to the public for any additional questions they typically do that. It is up to the Board, it is not a "shall". R. Roeckle states he would prefer to have a public hearing since it is a subdivision. B. Duffney states yes, because it is a subdivision of a previous subdivision. It's not that it's anything major; there is plenty of property if everything falls into the category for Zoning. M. Gyarmathy states that it is always good to have a public hearing. C. Dake states yes, if it doesn't push it back. T. Yasenchak states that the Board can schedule a public hearing for their next meeting. That way if they have a public hearing, they have the additional information from the public before the Board has their meeting so it can continue to move. She does not think in this case the location of the driveway or the location of the future wetland will really be something that someone may come and question. That way the Board knows that it will have already been addressed that and additional information is coming. B. Duffney states that the Board could then adjourn it. T.

Yasenchak states that is exactly what they would be doing. B. Duffney states that if they have any questions they would be addressed right then. R. Roeckle states that if they don't think that they will be here for the September 25, 2018 then why doesn't the Board schedule the public hearing for October 9, 2018. M. Steves states that way he will have all the information back to the Board. T. Yasenchak states if he feels he would have that information back by then they can do that. Typically they do have their public hearings at the last meeting of the month. This is straight forward and simple. R. Roeckle states that if the applicant is not going to have the information to the Board for September 25, 2018, he would feel more comfortable scheduling the Public Hearing for October 9, 2018 or October 31, 2018. T. Yasenchak states they will have the public hearing on October 9, 2018.

Apex Solar Power Case #621
TM# 136.-1-2.3

Special Use Permit
385 Lake Desolation Road

Kevin Hall is present for the applicant and states that he works for Apex Solar Power. Scott Older is looking to put ground mount solar panels on his property. T. Yasenchak asks if K. Hall had an opportunity to look at the Town's Code on ground mount solar panels for residential applications. K. Hall states no, he has not and apologizes. T. Yasenchak states that is unfortunate. They do have a specific list of what is required for ground mounted solar for residential. It really doesn't leave much up for question. It is not a checklist, but it is pretty specific. The Board can discuss the project, but they will need more information before the Board can continue with this project. K. Hall states that he thought everything was submitted with maps and diagrams and all kinds of stuff. T. Yasenchak states that they do have a map and some diagrams, but there is still additional information that is listed in the guidelines that has not been submitted. R. Roeckle states that maybe if he reviews a previous application that someone has submitted so, he can see what is required. It might be helpful to them. T. Yasenchak states as Mr. Roeckle stated that he printed some information that he found from a previous application. There are also applications in the Building Department that would list all that out. It is Section 105-134 in the Zoning Regulations under supplementary regulations and it lists out what is required for ground mount solar panels. R. Roeckle reads the Town's Code for ground mount solar panels. The make, model, photo, and the manufacture specifications of the proposed solar equipment including the safety data sheet documentation for all materials used in operation of the equipment and that is what he did not provide. K. Hall states that should have been submitted with the application. T. Yasenchak states that the Board did not receive that. It does not appear it is in the folder. That is all the secretary has. R. Roeckle reads the rest of the Code. S. Older asks why would the glare analysis be needed, this is secluded from all the property lines. T. Yasenchak states that the intent isn't necessarily for neighbors, it is also from the air. What Mr. Roeckle is saying is that often in the specs that are provided they will say that the glare is less than a certain percentage; that if doesn't cause any problems with aviation and things of that nature. As far, decommissioning who owns them? S. Older states he does. T. Yasenchak states sometimes people will lease them. In that case the Board asks for a decommissioning plan if they are no longer in use and they are removed. The Board will need that additional information. The spec sheets do or should say what color they are and the height of them. It usually has a cross section, they don't care about the angles. It's like a book. It is not quite as simple as a spec sheet. It does show the elevation of how tall they are. B. Duffney asks what the base is made from. T. Yasenchak states that in that spec it shows how it is connected to the ground and so forth. M. Gyarmathy states that the Code. K. Hall states that he is surprised that they don't have it. It is one of the first things they provide to the purchaser.

T. Yasenchak states that because this is a Special Use Permit, Special Use Permits are a shall as far as Public Hearings. She knows that it was requested that the Board not have one because of the location however, the way the Town Law reads; it reads that any Special Use Permit requires a public hearing. They probably won't have anyone come. They do have to have one. They can't chose not to. It is not in their prevue to make that decision. T. Yasenchak states that the Board can set a public hearing for the next meeting and that way they can submit the information requested. Their next meeting is September 25, 2018 the Board would need the information by next Thursday. If the information does not get to the Building Department by the close of business, which is 3:00, Thursday September 13, 2018 the Board will have to postpone the public hearing. B. Duffney asks T. Yasenchak if the Board would want the delineation in tax map form. T. Yasenchak states that the Board has not asked for it in tax map before. They have just asked in plot plan form and that seems to be what they have provided. B. Duffney states that he wants to make sure so the applicant is not missing anything. C. Baker states that this project is in Kaydeross Overlay District. He is not sure if there are any special concerns for solar panels in that District. T. Yasenchak states that is a very good question and asks G. McKenna. G. McKenna states that he looked in the Town Code and there is nothing in there. T. Yasenchak states that it is a good thing to note and that for the record that the Codes Enforcement Official makes a determination regarding that.

ZBA Referrals

Christopher, R. ZBA Case # 1006
TM# 162.12-1-24

Area Variance
983 Murray Road

Ryan Christopher is present. T. Yasenchak states the ZBA has not deemed this application complete. They can look at the information received from them. The applicant is looking to expand the garage. T. Yasenchak reads the memo from the ZBA. The ZBA is looking for an opinion. The applicant would like to add 4 new work bays to the existing auto repair business. Area Variance for a rear yard setback of 13' would be needed for this addition. An Area Variance for the rear yard setback was granted in 2010. A Special Use Permit and Site Plan Review was granted in June of 2007. An additional Special Use Permit was granted in 2010. The ZBA has presently tabled this application as incomplete, awaiting a more complete application as well as additional requested information/materials from the applicant. The ZBA would like the Planning Board to provide the ZBA with a general opinion regarding any potential Planning Board issues for this case that the ZBA should be aware of moving forward. T. Yasenchak states that typically the Board would just review the application, usually the applicant is not present, however the applicant is present. K. McMahon states that the applicant was in the office this morning, completed the application and provided photos of what the ZBA was asking for. T. Yasenchak states that the secretary just noted that the applicant did provide additional information today. Unfortunately, the Board has not had an opportunity to review that. R. Christopher states that it was an aerial photo; it was an old photo that the ZBA had. They asked him to black out the area where the parking spaces are. C. Baker asks if this photo shows what is there currently. R. Christopher states yes, it is all paved. R. Christopher explains where the addition is going to be. R. Roeckle asks where the addition is going. G. McKenna states parallel to Murray Road. C. Baker asks R. Roeckle there is another map that shows the existing parking lot. R. Roeckle states that it shows the parking lot but not where the addition is going. C. Baker states that he was able to explain where it is going. R. Christopher explains where the addition is going to go. R. Roeckle asks if it is getting any closer to the property line than the existing structure is? R. Christopher states it is. They have to push it back further

otherwise it will be blocking the other door. R. Roeckle asks if there will be any openings on the back of the garage. R. Christopher states no. B. Duffney asks what is on the next property. Are there any homes on that property? R. Christopher states that it is just brush and woods. He has spoken to the owner's and they don't have a problem with the addition. T. Yasenchak states that R. Christopher will have come back to the Planning Board because this will be a change in Special Use Permit. They will be asking more design and more site development questions. They don't have the existing approved site plan. She is not sure what the Board is looking at as far as, has anything been done to the site besides the site plan that was approved? R. Christopher states they put an addition on about 8 years ago. R. Roeckle states in 2010. R. Christopher states nothing since then. Mrs. Christopher states the only thing that has been done was there were trees removed and the parking lot was expanded. T. Yasenchak states that does come into play when they look at run off for site development. If they put in more paved surface they would be looking at what happens to that run off. She does not think the location of the building perse will be an issue. She is a little concerned it looks like the rest. She cannot tell because she does not have a survey. How much of his lot is permeable? R. Christopher states they will actually be gaining some permeable space. The barn will have to go and nothing will be built there. T. Yasenchak states as far as his last approval there was all that lawn to the one side of the house. Was that on the original site plan? R. Christopher states that they never had a site plan. Mrs. Christopher states that they just came in and explained what they were going to do. B. Duffney asks if the parking lot was paved. R. Christopher states, yes it has a drain in the center and it works well. C. Baker asks if it is a dry well. R. Christopher states yes, they take on all the water from Stewart's. R. Roeckle states that would be his only concern with regards to the granting of the variance. That the property is currently in compliance with the existing Special Use Permit. Whether or not the parking lot was expanded, does it still meet Town Code? He is not sure if there were buffers that were required and are they there. That is his only concern the addition to the garage is close to the property line, it's going to be 2' off the property line. He is not thrilled that it is only 2' off the property line. There is a maintenance issue there because; typically you're not supposed to go on anyone else's property. Also, the Building Code may require that building to be 5' from the property line or more depending on what type of construction. That's a Building Code issue because there is a property line setback in the Building Code. That would be his only concern. T. Yasenchak states if it will only be 2' from the property line it will have to meet regulations for fire and so forth. T. Yasenchak asks G. McKenna is that appropriate? G. McKenna states that he assumes it will be a Pole Barn. R. Christopher states yes, that is what the rest of the building is. T. Yasenchak states there are very specific regulations as far as fire ratings of walls in close proximity to property lines. They will be referring it back their opinion to the ZBA because if he gets a Zoning Variance for something that he can't build. They don't want to give him a false hope by saying he can do something but technically he may or may not be able to do. G. McKenna asks if he has a survey. R. Christopher states no he didn't want to go that far until he knew he could expand. R. Roeckle states that if he is planning on building on to a pre-existing structure, he could have G. McKenna review the fire rating of that wall to see if it meets the requirements of the Building Code. T. Yasenchak states there are also their regulations of no opening in walls that are a certain distance. Windows and doors may or may not be allowed on that wall. Especially if it is 2'. She does not think there even allowed. R. Roeckle asks what a 4 hour fire wall is. T. Yasenchak states that then they are allowed to have an opening. R. Roeckle states yes because it is considered a fire door. T. Yasenchak states then the door would need to behave no windows. T. Yasenchak would agree with what R. Roeckle has stated if it is compliant with the original plan that was submitted. As they go through this process they will be addressing other items that typically come up, especially the large paved area. B. Duffney asks why it is in front of the Board already. T. Yasenchak states the ZBA is are waiting for additional information so they thought they would ask for the Planning Board's opinion in

helping the process. B. Duffney states that he is fine with that and hopes that everything works out for the applicant. He likes to see the young people in Town raising their families and succeeding. M. Gyarmathy states that he does not have anything else and he also hopes it all works out for the applicant. Whether he puts it in the back or maybe come toward the road. He is in the Town Center District and this is the type of thing that they do in the Town Center District. He wishes the applicant the best of luck. C. Dake states that it looks good based on what he sees. They do not have everything. C. Baker states he is just curious as to where is the septic and well? R. Christopher explains. C. Baker states that is something they will need to know when they get to that point. T. Yasenchak asks the Board if they feel they have enough information to make a referral. M. Gyarmathy states he thinks they should wait, they will need to see a site plan. T. Yasenchak states they will need to see a survey so they can see some of the limitations on this site as far as setbacks. She is assuming the ZBA asked for that. R. Christopher states they did not ask for any of that. They asked for an aerial photo and a couple of things on the application that needed to be completed. They didn't really want to say anything until they heard from the Planning Board. M. Gyarmathy states that maybe R. Christopher should dig up his old Site Plan for his Special Use Permit and maybe formulate a quick new one. Mrs. Christopher states that the ZBA stated was no need to look into this because it is already a pre-existing Special Use Permit until the Planning Board looked into that. T. Yasenchak states that they will have to look into that to see what they have on record for that approved Site Plan which they don't have yet. R. Roeckle asks if the Board wants to send a letter that it is not their official recommendation, but they have concerns about distance to property line based on code issues and they need a plan for the existing Site Plan. T. Yasenchak states they can send a preliminary. R. Roeckle states these are our thoughts, they would still like to see a plan of the property. R. Christopher states he thinks that is what the ZBA were looking for too. T. Yasenchak states if they are asking for a specific variance, they are asking for 13'? What is the basis of that? Is it exact numbers? If he does not have a survey how do they know it is not inches? R. Christopher states he was just seeing how far he could build up to without blocking the door. M. Gyarmathy states he thinks it would greatly benefit the applicant if he hired a surveyor and showed them exactly where everything was. It's just going to help the applicant. You are going to need it later when he comes back to the Planning Board asks the applicant anyway. R. Christopher states has to have everything surveyed. M. Gyarmathy states yes. R. Roeckle states technically if he gets a variance for 13' and he builds that 1.5' from the property line he would be in violation. M. Gyarmathy states it is going to be a big benefit to R. Christopher. R. Roeckle states that he has seen variances go back because they are an inch off. R. Roeckle asks if they count the eve or the wall. T. Yasenchak states that our Code does not say she has actually asked that question for other projects. For Building Code setback to property line they look at the eve. Once they get into the Building Code which they can't give him that advice there are specifics in the Building Code about overhangs being close to property lines and how this need to be finished. It may be one of those things that he wants to be really close to the property line but may actually be adding to his expense being that close because of the finishes they have to do on the building. Once he knows that he might be able to move it away a bit and save himself on the expense of the building. R. Roeckle asks if it would be cheaper to move the door than to do what he has to do on the building to make it meet the code? They are just trying to help him be proactive. From a preliminary review, this is not their official referral:

1. The Planning Board needs to see the consistency of the existing site with the approved plan;
2. The Planning Board is concerned about the building setback, given the building type, being so close to the property line;
3. The Planning Board is requesting a Site Plan with a survey.

B. Duffney states that they keep coming back to a Special Use Permit; he already had a Special Use Permit. Would this have anything to do with the Planning Board as far as looking at the Special Use Permit or is it all on the ZBA to make their decision. Basically it is the setback. He already has his Special Use Permit. It is the setback he is looking for from the ZBA. T. Yasenchak states because of the location of the building he does need to go to the ZBA. It is within that setback. Because it is a change, it is an increase in use of what has been approved with that Special Use Permit, he does need to go back in front of the Planning Board. They will be reviewing it for the modification of a Special Use Permit. B. Duffney states that he does not want to make R. Christopher to do more than he has to. Basically R. Christopher is going to be covered down the road. The Board does not want to see him come back 6 months later or a year later and the neighbor next to him is saying that it wasn't supposed to be this way. M. Gyarmathy states that he is going to have to do the stuff they are suggesting anyway. When they do the Site Plan it is a good idea to get measurements of where everything is. T. Yasenchak states when the surveyor goes out it would be the boundary, the buildings, and the parking, where the edge of the grass is now, septic location, and well. R. Roeckle asks if he had a survey of the property when he bought it. R. Christopher states no. R. Roeckle states that he did not know if the bank required it. T. Yasenchak states that it should be an easy for the surveyor. M. Gyarmathy states that it will be a big help to the applicant. T. Yasenchak states it will and it will be information that the Planning Board will be looking for. B. Duffney states that if they survey it he might gain 3-4'. R. Christopher states the people on the corner had problems because something changed on Middle Grove Road years ago. R. Roeckle states that Middle Grove Road is not in the center of the right away.

**DeLorenzo, N. & R. Case # 1007
TM# 162.-1-9.11**

**Area Variance
Young Road**

T. Yasenchak states this is an Area Variance for Young Road. G. McKenna states that actually it is at 3500 Boyhaven Road, 23 Young Road is the house. G. McKenna states that is also wrong, but that is how the county has it. R. Roeckle states that the Town has all these strange numbers. G. McKenna states that somehow it was recorded that way. R. Roeckle states that he did the map with all the street addresses when he did the 911 numbering system. That should be in the Town Hall somewhere. G. McKenna explains how the numbers go. T. Yasenchak states that they will need a map. R. Roeckle agrees. G. McKenna states that they are getting it delineated because there are wetland on it. T. Yasenchak states that was one of her major concerns. Looking at where the one lot is closer to Boyhaven Road. It had appearances of a lot of wetland and not knowing if there would actually be a building envelope. There is not enough information for the Board to make a referral. They need the map and the wetland delineated before they make the referral. Their preliminary finding would be to proceed with caution. They are concerned about the wetland as well as where the potential driveways would be located. Those potential driveways may be located on wetland and they want to make sure they have proper safe distance. R. Roeckle states the Board also needs to know if they are State or Federal wetland. There is a 100' buffer with State wetland. There is no way anything could be built on that. T. Yasenchak agrees. Their preliminary but not final review;

1. The Planning Board requests a map of the property;
2. Whether the wetland are NYS DEC or Army Corp;

3. The Planning Board is requesting suggested driveways to make sure they are in safe locations;
4. Easement for the overhead wires.

T. Yasenchak states they are withholding an official referral until they see that information. C. Baker states that the Board should also see the easement information for the overhead wires. G. McKenna states the applicant is in the process of getting that, but having done it himself that it took him 3 years. R. Roeckle asks if she is going to pay National Grid to move the power lines. G. McKenna states it's basically abandoned, there are only telephone lines half way and then they stop. R. Roeckle states there is an easement somewhere. The Board will wait until the application is complete and receives that information before making a more informed decision.

DISCUSSION

T. Yasenchak states at the last meeting the Board had asked for any ideas or information, things that the Board could do to make the process a lot better and easier for the Board members and the applicants. Has anyone thought of anything to add to that, which might help the process? It was requested from her by the Supervisor since their last meeting. He felt that if they had Town Council here at every meeting that would be appropriate. He mentioned that he may be putting it in the Town budget for next year, to have Town Council at every meeting. She mentioned that the Board had discussed that several times within this Planning Board and wants to open it up for additional discussion. They will do so at another meeting when they have all members present, in respect to them. She does not personally feel that all their projects require having Town Council present. When it is a larger project that has many neighbor concerns, health concerns, or SEQRA concerns. The larger projects such as Brittany Chase, Prestwick Chase, Stewart's, or perhaps a municipal project. For those types of projects, it would be a good thing to have Town Council present. Sometimes they get into very intricate details, definitions, SEQRA process etc. We would like to be following the correct process covering all of the bases. However, she does not believe for any of the projects that they discussed this evening that it would be beneficial to the Board for Town Council to be present. That is only her opinion. She is assuming that the Supervisor is getting that from someone else. She does not know, he did not say. She would like the whole Board to also weigh in on that, whether or not they feel that Town Council needs to be present at every meeting B. Duffney states he agrees with T. Yasenchak 100%. T. Yasenchak asks for his personal opinion. B. Duffney states that is his personal opinion. Why spend Town tax dollars on Town Council to be present when the Board can handle it. They know when the projects are coming up because it has to be submitted 2 weeks prior to the meeting. At that point when these bigger projects come in, yes, they may need Town Council present. Tonight would have been a total waste. Certain projects that are coming before them yes. Like the ones that were mentioned. The bigger subdivisions because there is so much with SEQRA. It would have been nice right along. He knows that T. Yasenchak has asked in the past for Town Council to be present at meetings and was told not sure if the Town can afford it. It would make the Planning Board's job a lot easier. It would make the flow of the projects go smoother, maybe a little faster. It might slow it down, but that is not for him to say. Depends on the project, timing and what is happening. R. Roeckle agrees that he would rather see that money go to having the application reviewed a little more in depth before it gets to the Board. Yes, on occasion Town Council's presence is needed. T. Yasenchak states like what was discussed at the last meeting, perhaps a part time Planner or someone to review that helps the process more than an attorney present

at a meeting who just answers a question they may have. R. Roeckle states which they do need, not all the time. M. Gyarmathy states that he personally does not see the need to have Town Council present at every meeting. On an as needed basis is fine. He personally does not see the need to have a Planner either. He thinks they discussed some things at their last meeting that they could do. The first part of the meeting a half hour was suggested to go through applications and make sure they were complete or not. He thinks that is a good solution to that problem. He also wants to note that he does not see a problem with the Planning Board and thinks that they have a very diverse Planning Board. He does not see where they waste the applicant's time or the applicant wastes their time. He thinks that they all took this job to help the members of their community do what they want to do with their property and that is what they are here to do. He has not heard from other Board members, this is his own opinion, that they are wasting a lot of their time. He appreciates the chairs efforts trying to make things better. He thinks that is great. He does not see that they have a big problem as others make it out to be. Another point he would like to make is he does not see the need to have the Code Enforcement Officer at every meeting. He was fine with the notes that G. McKenna provided to them previously. He could do just as well with those. It might be nice on occasion if the Board felt that they needed him at specific meetings like Town Council. That would be great. He feels they are wasting his time having him at every meeting. C. Dake states for Town Council he does not feel he needs to be at every meeting. As far as he knows when the Board wants Town Council present they are. T. Yasenchak states for the most part it is not a problem getting someone to be present. Unfortunately at the last meeting even though they were requested a little over 2 weeks prior, the last day before the meeting, getting someone to be present they told the Board they were not able to be present. They are working differently on that to make sure that their schedules accommodate being able to be here with the Board when they have larger projects. C. Dake states he can acknowledge that is a problem, he does not know if them being present every meeting is the solution. He has not been on the Board long enough to know for sure, but he feel like the last 8 months Sarapa, Prestwick, Stewart's and Brittany Chase. That that is not typical. Is it typically that frequency of large projects or do they have more of the smaller projects. He does not feel that they need an attorney present for those meetings. T. Yasenchak states that it is hard to say because they don't have any large development or many large projects. Being in a growing community, those large developments continue to grow then they end up having to come back to the Board for additional growth or development. Which is good. She thinks the nature of Greenfield will perhaps start to limit itself, because the Zoning regulations will allow for certain types of development. C. Dake states that if those facts change the evaluation of them will change. Maybe they will want to do that at some point he does not feel they are there yet. He has not done a ton of research into Planners he does not necessarily think that it makes sense to him, but it might just be because he does not understand it. He loves having G. McKenna at the meetings, but not sure if it is worth his time. He personally has gotten more out of G. McKenna's comments than from Town Council's comments, but still don't know if it is worth his time. B. Duffney states that to one of C. Dake's questions, how many big projects they had Skidmore, Prestwick Chase, and Saratoga Polo all three here at one time. Those are the midnight ,1:00 a.m. meetings Getting back to Town Council, one of those meetings Town Council was supposed to be present and the Board was looking to T. Yasenchak to give them an answer and she was on the phone at 11:30 p.m. He knows they were requested to be present, and she made a phone call and other people have an issue with it. R. Roeckle states he remembers that meeting. They as a Board, him personally, was looking to her for those answers. Their hands were tied at that point. She was trying to help the Board members to help the applicant. C. Dake asks how many times a year do they have that problem that having Town Council show up every single meeting would be the solution? He does not think they are there yet. B. Duffney states when they are requested. C. Dake states yes. B. Duffney states T. Yasenchak knows when they have something big

coming up. T. Yasenchak states that was an anomaly, it was like that perfect storm. B. Duffney states that she should not get crucified for it. T. Yasenchak states at their last meeting they did need Town Council present. They have had discussions with them and they going to be making changes internally with their firm to make sure that someone is available because that particular night happens to be very busy in other municipalities. They did have Mark Schachner present one time and he actually had to leave early to go to another meeting. That night he was going to at least 4 meetings. He was running from town to town. They are working with them to be at their next meeting with Stewart's. They may just place Stewart's on the agenda accordingly so someone can be present. It is important for those projects. She agrees having G. McKenna present all the time, obviously the attorney gets paid by the hour, G. McKenna gets paid by the meeting and she does not think that is always appropriate. They always get something out of having him present, but again that wasn't something that came from this Board. That was something that came from the Town Board. R. Roeckle states that paying the Code Enforcement Officer by the meeting, it should be by the hour. T. Yasenchak and G. McKenna state it should be. R. Roeckle states let's be realistic, it should be hourly. T. Yasenchak states let's not get into that's C. Baker, that is between the Town and his company. R. Roeckle states that he is sure that C. Baker states gets paid by the hour. C. Baker state he does. The applicants are the ones paying him. R. Roeckle states that is the issue with G. McKenna's salary and the Town Attorney's salary and any other staff. The applicants are only paying those through application fees. That becomes a town charge paid through the Town budget. B. Duffney states one more thing, there are professionals that come in, for instance from Stewart's, they give the Board their professional opinion and it goes over and over. The neighbors come in and state it is not right. Rather than listening to neighbors who don't want the project or whatever the case may be, they have a professional that comes before the Board that either the applicant pays for or C. Baker is telling them no this will work. Rather than going back and forth with the neighbors while this isn't going to work our professional, their professional said it is going to work. T. Yasenchak states they have stated that. B. Duffney states then just cut it off right there. A professional said it is going to work good, enough for him. T. Yasenchak states that she agrees and she is going to try to be more forth right about that. They are going to try to make that process more stream line. R. Roeckle states that it also comes down to a public hearing and the only time the public can speak is at a public hearing, is not a public discussion. They tell us what they want but they are limiting their time, after that, put it in writing and the Board will deal with it. C. Baker states that is the key,, what R. Roeckle just said. Limit the time. Most Planning Boards state the public has two minutes to states their case. Some of them have a stop watch. It doesn't do anybody any good to listen to the same thing over and over. The Board agrees. T. Yasenchak states that unfortunately she has let that lapse on this last project and they definitely need to put some time limit on it. B. Duffney states that when they open the public hearing she states each person has 2 minutes and sets the timer. R. Roeckle states that the Board can also request that they sign to speak prior to the public hearing. He has seen that in many.

Meeting adjourned at 8:53 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
Planning Board Secretary

DRAFT