

**TOWN OF GREENFIELD
PLANNING BOARD**

June 26, 2018

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:04 p.m. On roll call, the following members are present: Tonya Yasenchak, Stanley Weeks, Butch Duffney, Charles Dake, Robert Roeckle and Karla Conway, Alternate. John Bokus and Michael Gyarmathy are absent. Gerry McKenna Building Inspector/Codes Administrator is present. Charlie Baker, Town Engineer, is present.

MINUTES-April 24, 2018

Minutes will be reviewed at next meeting

MINUTES – June 12, 2018

Minutes will be reviewed at the next meeting

**Lochner, Thomas Case # 614
TM# 151.20-1-19.1**

**Special Use Permit
8 Liberty Drive**

Thomas Lochner is present. T. Yasenchak states that at the last meeting the Board did discuss this project and set a Public Hearing for today. T. Yasenchak asks, if the applicant provided the Board with any additional information. T. Lochner states that he believes that everything was provided in the application. T. Yasenchak asks where exactly is the septic system, the plan she has only has a dot. T. Lochner shows on a map where it is. There is a similar diagram with the building plans. T. Yasenchak states that the Board only has whatever has been submitted to them for the Special Use Permit. B. Duffney asks where is the well located. T. Lochner shows the Board where it is on a map. T. Lochner states the septic and well where designed specifically for the house. T. Yasenchak asks C. Baker if he has reviewed the plans submitted. C. Baker states yes and it is up to the Building Department to figure this out. G. McKenna states that they are working on it, still have not solved it yet, not sure what to do. T. Lochner will need to provide a record of verification from the engineer of record. T. Yasenchak asks there is a small .59 acre lot, what it is and why is it not part of the project because it is too small to be a buildable lot. T. Lochner states that predates him it has been going back for 30 years. It is a vacant lot he recently purchased. T. Yasenchak asks if it is possible add that into the lot that the home is on. T. Lochner states he is in discussion with the neighbor who purchased more of that land. T. Yasenchak asks if it is the Kings. T. Lochner explains that he and his wife are building their home as builder owners and they approached this in two steps. They built the garage apartment first which qualifies as a single family home. Now they want to build the second phase. They are going about this backwards because they have a garage apartment. That is why they need the Special Use Permit. The original plans

called for five bedrooms and the septic system was built for five bedrooms. Now they want to have six bedrooms. He spoke with the engineer and they dug holes to see if everything is the same. And it is. They are only 5' short on one of the laterals for a six bedroom home. They already have a septic tank for six bedrooms and six laterals each 45'. The engineer stated that they need to add 5' to one of the laterals. As far as the location the engineer had a printing problem with his original diagram from 2014 and the picture got swapped. They actually dug holes and verified the dimensions that were on the original diagram are exactly what they are. The diagram that he showed the Board is the current layout of the septic system. The building plans show the updated septic plan which is the added 5'. T. Yasenchak opens the Public Hearing at 7:15 p.m. no one is present to speak on this project so the Board closes the Public Hearing at 7:16 p.m. T. Yasenchak ask G. McKenna if separate septic for the garage apartment is in the Town code. G. McKenna states yes. T. Yasenchak asks would he need a variance and would T. Lochner have to go to the ZBA or the Town Board. G. McKenna states he could do it either way but he is not satisfied with what T. Lochner has there now. T. Yasenchak states that the Board needs a determination. T. Lochner states there is enough land to add two septic systems between what is in existence and the setbacks from the next lot over. Add another septic system 1000 gallon tank and two laterals which would add an extra two bedroom septic system. Of course having two septic systems means there is twice the chance of having one fail. It seems a little silly seeing as the existing septic system, already supports the central contiguous house on six bedrooms. Is there some way to split hairs on the law about how the house is defined whether it is considered an In-Law apartment or garage apartment. G. McKenna states that issue has already been solved. T. Lochner states that they went through all that and he guesses it has been decided, they will go with garage apartment and move forward. He thinks there was some concern in the past about if someone had a home that was pre-existing and a barn sitting in the back and they wanted to renovate the barn and make it another living unit. That septic system that they currently had that could be 20-30 years old couldn't support that new building. The added concern is that someone may subdivide that lot then there are two lots with one septic system. In his case neither of those things would be a problem because the building would be all one. The garage is intergraded, to the house there is no separating them. The system was built very recently anticipating this. T. Yasenchak states that the Board can understand that and the original intent of what the Zoning Code said however, we can only go by Code Enforcement. C. Baker states that he would like on the plan the exact, location where the tank is. T. Lochner states that they are in the Building Plans. G. McKenna states the diagram is wrong. That's the problem he is having. The engineer certified it and it is wrong. T. Yasenchak states that at the last meeting C. Baker did ask for that to be shown on the map and on the plans. The Board needs to know where it is in case T. Lochner needs a variance or to go to the Town Board. T. Lochner states that it is a single home, it will all be hooked together from the foundation all the way to the roof. B. Duffney asks how many bedrooms. T. Lochner states there are two in the garage apartment and four in the house total of six. T. Yasenchak states that once you get your engineer up and he has an understanding with G. McKenna unless a Zoning Variance is required. The Board cannot vote on this project until there is a determination from the Code Enforcement. If T. Lochner needs a variance then he will have to get that before the Planning Board can vote. T. Lochner asks what if he has two septic systems installed. The Board does not have it on the plans right now so they can review them. T. Lochner states that he thought the Board had everything they needed from the last meeting. T. Yasenchak states that it was requested at the last meeting that the septic system be on the plans and it is not.

Georgia Bortell is present. James Trainer, G. Bortell's attorney, is present. J. Trainer explains that the Bortell's would like to do a minor subdivision on Lake Desolation Road and provides a map to the Board. The update since then is for the Bortell's to supply a sight distance that was submitted on June 18, 2018. There not any traffic impacts during the field were investigation. They meet the setbacks. T. Yasenchak opens the Public Hearing at 7:29 p.m. and there is no one present and no correspondence for this Public Hearing closes the Public Hearing is closed at 7:30 p.m. T. Yasenchak questions was the sight distance advisory done and asks C. Baker if he had an opportunity to review the report from Ernest Gailor. C. Baker states that he did not receive it. T. Yasenchak states her concern is sight distance C. Baker states that sight distance is not based on advisory, it is based on the speed limit. If there is no posted sign then it is automatically 55 miles per hour. J. Trainer asks what C. Baker means about posted signs. C. Baker explains that if there are not any speed limit signs, then the speed limit is automatically 55 miles per hour. J. Trainer states that it looks like the engineer addressed particularly cautionary speed zone of 40 miles per hour. T. Yasenchak states that to the Board needs, make sure that the driveway is safe. C. Baker asks about the lot shown on the east side of the road, the rectangle hashed out piece of land what is that? J. Trainer states that a title issue and it was recently a lot line adjustment was done. T. Yasenchak states that was something G. McKenna and she had corrected. We know what needs to be on the maps and the County referral should be taken care of by the next meeting.

Van Gelder, J. Case #616
TM# 110.-1-22

Minor Subdivision
420 Ballou Road

No one is present for this case. T. Yasenchak states this is a Minor Subdivision on Ballou Road. Since there is no one here to represent that project, the Board does not discuss a project without an applicant. The secretary will contact the applicant and let him that he will be on the next meeting agenda.

355 Grange Road, LLC Case #617
TM# 151.-2-58.1

SEQRA Review/ZBA Referral
355 Grange Road

Gerry McKenna is present. T. Yasenchak asks if the Board has a Site Plan. G. McKenna states that it is in the ZBA file. The Board can't do SEQRA review without a Site Plan and a referral from the ZBA. The Board would also like to have a copy of the ZBA minutes. R. Roeckle asks if this is a Use Variance. The Board tables this case until the July 10, 2018 meeting.

Stewart's Shop's Case # 611
TM# 164.-1-44

Site Plan Review
461 Route 9N

Butch Duffney and Charlie Dake recuse themselves. Chuck Marshall and Jim Norton are present. Chuck Marshall states that he does the land development operations for Stewart's

Shop's. T. Yasenchak states that if the Board was to vote they would need all four members, it would have to be a super majority, they all have to agree. C. Marshal asks if he would have to wait until there are five members present for the Board to vote. After the April 24, 2018 meeting they did investigating with lighting, noise and wetlands delineation. Wetlands delineation was attached to their SWPPP. The wetlands shown on the map are federally regulated and are not subject to jurisdiction from NYSDEC. A letter from the Regional Biologist was provided. As the Board can see, the Wetland Delineation and the proposed overall Site Plan they are not impacting any of the federal wetlands on it. As for the lighting, as part of their Site Plan amendment they will upgrade the existing High-Pressure Sodium and Metal Halide bulbs on the eastern elevation of the coolers to down lit LED fixtures. The benefit of the LED fixtures is that they are cut off fixtures which only provide downward light which dissipates quicker than other form of lighting on the picture provided indicates where the fixtures will be replaced and you can see the proposed reduction of foot candles. The two current wall packs are at an approximate elevation of 374' and will be lowered to an elevation below 370', shielding them by the existing berm between 26 and 24 Locust Grove Road. T. Yasenchak states that at one point the lights were supposed to be below the canopy. She knows that there are lights on the canopy but knows there are lights at the other height. The Board has asked several times for them to be below the canopy. Due to the nature of the facility being food preparation, the kelvin temperature of the fixture has been lowered to provide a yellow hue instead of the pure white intensity. As for additional planting to the north of the Plant's entrance on Locust Grove Road there is a section of berm that has gone without planting. As a modification to the previously submitted landscape plan they have amended the planting to include an additional series of Red Cedar trees to match those to the southeast on the other side of the access road. They have consulted a landscape architect from MJ Engineering and Land Surveying because they intended on placing the new plantings 10' on center were they directed by M J Engineering to give the trees a minimum of 20' to ensure they achieve full canopy. Stemming from the April 24, 2018 meeting they conducted a comprehensive noise investigation into the activities at the plant. They consulted with Epsall and Associates regarding the noise study. To do a 24 hour study they did not provide staffing for this so the monitoring was done by Stewart's employees with the equipment that was provided by Epsall and Associates. The investigation began at 10:00 p.m. on Wednesday, May 29, 2018 and was conducted until 9:00 p.m. on Thursday, May 30, 2018. Stewart's used the Triplett SoniChek MC Decibel reader held approximately 4' from the ground. The investigation used points previously modeled however this time the reader's minimum/maximum button was utilized to provide outputs for the minimum and maximum values for the approximately during each reading. S. Weeks asks what they would do to revisit the constant hum. During the study they located where the hum is coming from. It's coming from the roof top condensers. There is a long term plan to consider changing cooling which would remove the roof top and change to ammonia based condensers. They are currently on the roofs if they change to ammonia based equipment then it won't be on the roof. R. Roeckle asks what the new addition is going to do for the noise. C. Marshall states will be just a loading area. T. Yasenchak asks how will it lower the noise. C. Marshall states that there are areas where it will block and limit the noise with the new warehouse. J. Norton states it will be loading dry trucks not refrigerated items. C. Marshall states though there will be a larger warehouse, there will be less trucks going through the site. R. Roeckle states that may distribute the noise and have less trucks but we don't know that for sure. K. Conway asks if there is not going to be any new noise coming from the warehouse. C. Marshall states no. T. Yasenchak states that she is not sure if the noise has grown over time. C. Marshall states that Stewart's SEQRA Declarations have all been Negative. T. Yasenchak states that she is not convinced of the noise being addressed. There is exterior cladding that could be used and she does not think trees will help with the noise. C. Marshall states that the trees are to block the lighting. T. Yasenchak opens the Public Hearing at 8:07 p.m. and explains that they have had other Public

Hearings open on the project in the past and to keep the comments to the new information that has been provided and try not to comment on things that been previously discussed. The Board has listened diligently to everyone's comments and takes them to heart in their review so if they do have comments or questions of the Board relative to the new information that was provided feel free to come up and state you name and address. Patricia Hilleren, Locust Grove Road, states that she spoke at the last meeting and also asks if the Board received the letter she provided on June 22, 2018. The Board members state yes. P. Hilleren states she would like to discuss two things. 1. Loudness of sound and 2. The low hum. There is nothing in their report of the methodology. She has done research on 24 hour and time weighted average. They provide an average of the loudest sound, the maximum, and the faintest sound. They have no idea in that hour how many times that maximum of 85 (decibels) was achieved and the minimum was achieved twice. There is nothing in their report about the methodology. Nothing in their report gives us the sense of the validity of how this was achieved. Noise is adverse to health problems. They didn't do a measure of low frequency noise study. Wind affects sound was it windy that night the study was performed? She hopes that the Planning Board respects the neighbors' concerns on the noise. Trees are not a good buffer for sound. What they have asked for is a physical barrier surrounding the plant. Jim VanDyk states that allowing Stewart's to be on the agenda for last meeting with virtually no public notice was a new low in the process of excluding citizens involvement. He is concerned about the noise study and feels it was inaccurately performed. The culvert and the downstream ditch impact negligence. The wetlands delination. He feels that this project will impact the Federal Wetlands. Jeffery Brown, Locust Grove Road, there has nothing been said about the noise of the traffic coming out of Milky Way. There are cars with loud muffers and motorcycles and horns being blown. It is appalling. They have formed a Neighborhood Association of 59 residents and they provide Town of Greenfield income in taxes. As a group they have a lot more power dollar wise as a group. Marion O'Keefe, Daniels Road, she is very dismayed about the Planning Board not being concerned about the aquafer and feels that the Board has ignored the neighbors concerns for it. She feels that the Planning Board has ignored the Enviromental Committee's request. Prestwick Chase also affectsthe aquafer. M. O'keefe asks why her concerns are not being answered. T.Yasenachak states she will defer that to C. Baker. There is a difference when she comes to the Planning Board meetings she takes her engineers hat off. The Board does and has been listening to the neighbors. Engineers are State Certified for them to be stamping off on something that isn't acurate it is their life their livelihood. They are Certified by the State. C. Baker states this is Public Hearing and he is not sure the Board should be talking about this. M. O'Keefe asks can't Stewart's consult a groundwater engineer specialist. The Environmental Committee has concerns and does not feel the Planning Board is concerned. She feels a ground water study should be done. Casey Holbrook is on the Environmental Committee. He suggests that the wetlands is hydrolically connected. Any impacts will occur during soil removal. Asks where the drains area going in. He feels it would affect the water table. He thinks a water study may be worth looking into. J. Van Dyk states that T. Yasenchak said it was his livelihood and as an engineer could sanction MJ Engineering for providing false information. He reads a letter regarding wetlands. The storm water pond was absent from the file. He feels the true reason was not submitted because they did not want the Board to see it. He feels it was done illegally. T. Yasenchak asks is the rest of his letter is to do with new information. J. VanDyk states yes and continues reading. Karen Wadsworth, Locust Grove Road, she questions how the regulations and standards reflect with the Town's representatives. She is concerned the process of Public Hearings. How the citizens should be informed. On the June 5, 2018 Stewart's submitted information so they could be on the agenda for June 12, 2018. That meeting could have affected the neighbors if there was a quarom. T. Yasenchak states that they submitted during the time frame. K. Wadsworth people that are hear tonight were not here at the last meeting and the Board would not have heard from these people if there was quarom.

K. Wadsworth states that she has questioned K,McMahon and G. McKenna regarding this. There needs to be at least 10 business days. They submitted information on June 5, 2018 it was 6 days not 7. The neighbors need appropriate notice and if there was a quorum most of these people would not have been heard. They can only be informed and participatory if we have a system that actually works and we can rely on. Thank goodness there wasn't a quorum. T. Yasenchak states due to that error the Board will be looking at that process closer. Due to that error no decisions would have been made and apologizes. K. Wadsworth is bewildered about SEQRA. When is the right time for the Planning to respond to our questions and concerns. C. Baker states the process is when the Public Hearing is Closed. T. Yasenchak states that is State Law about Land Use Boards. Public Hearings typically in a public forum for the Board to receive questions and comments, information that is part of the Application submittal process. K. Wadsworth asks is she allowed to call the Board members. T. Yasenchak states that the Board is not allowed to talk to individuals about the project outside of a Public Hearing. You would go to the Building/Planning Department, give them your question or comment and they would forward it to the Board. That is the process not just in Greenfield, in all municipalities. K. Wadsworth states that the citizen can speak but don't get any feedback. She does not understand SEQRA sound study was minimum concern, how the Board came to that decision and other impacts to stormwater. T. Lochner, Liberty Drive, states that he lives 7/10th of a mile away and can hear the plant and feels a sound study should be extended outward to see what the affect is. Susan Celia, Denton Road, her concerns are the system equipment and what are the options for the 61,000 sq. ft. warehouse. P. Hilleren states that no one looked at the sound study table that she sent and reads from it. She wants the Planning Board to look into the affects that noise has on your health. They should not ignore this. Scott Gardia states that he is new to the group. The business plan does increase tractor trailer flow. There will be more volume, more employees. Will they be adding more dumpsters? What is the tractor trailer routes and what time are they coming and going. He has never heard of anyone doing their own sound study. T. Yasenchak asks the Board if they want to adjourn the Public Hearing. The Board concurs. T. Yasenchak states the Public hearing adjourned at 9:08 p.m. There will not be anymore public comments now that it is adjourned. K. Conway asks C. Marshall if he has any response or comment. C. Marshall states this Board has previously stated this is a Negative Declaration, and did what they could to provide the Board with everything they could. There will still be noise there. If they are not able to build here they will build some place else and it will increase truck 100%. S. Weeks states that they will be partially loaded some place else then they will come here to pick up the refrigerator and freezer items. C. Marshall states correct. C. Marshall states the intention is to bring in fully loaded trucks and load the existing fleet of the same time. S. Weeks states getting back to the hum and the fact that they have identified one of the major sources of it. C. Marshall states it is a short term and long term. The short term solution is maybe a wall or something that shields the noise and the long solution is the ammonia based cooler systems. S. Weeks states that they could shield the noise. C. Marshall states they could. T. Yasenchak asks if that was part of the plan before. C. Marshall states to his knowledge there are no violations as far as SEQRA. Advisory affect they don't intend to see that happen. T. Yasenchak asks how many sound studies have been done. C. Marshall states that they have provided similar sound studies for other town's. Without Stewart's there cars are still going to driving by. S. Weeks asks C. Baker to comment on that culvert. C. Baker states it is in the city of Saratoga Springs. It is their responsibility to maintain it. A report was performed by a professional engineering firm. S. Weeks states that he knows that the Town does not have a noise ordinance but the hum sound keeps coming up over and over and feels if they did more of a sound study it would be helpful. R. Roeckle asks C. Baker is it adequate to not have a sound engineer. T. Yasenchak asks if the Board is satisfied with C. Baker's review or would they ask Stewart's to get a sound engineer. R. Roeckle states he is concerned that the information is not adequate. T.

Yasenchak states due to the limitation of what the Board has in front of them from the State. R. Roeckle from SEQRA review. T. Yasenchak states she is not satisfied with the sound study and would like to see another sound study. She asks G. McKenna if this is something that the Board can request of the Town Board. G. McKenna states that the Board can request it. T. Yasenchak asks what is the process? Do they ask C. Baker as the Town Engineer to research it. C. Marshall states there is a very limited, of sound engineers. They had to go to Massachusetts. C. Baker states that he doesn't know of any either. R. Roeckle asks if C. Baker can look into it. T. Yasenchak asks about the wetlands. C. Marshall states that the LA Group delineated it. T. Yasenchak states that they have given them what Army Corp was asking for. C. Marshall states that they were asking for historical mapping and they provided that to them. T. Yasenchak asks if the Board has a copy of that letter. K. Conway asks if they are going to follow up with Army Corp. C. Baker explains there are no wetlands there. R. Roeckle asks if there is any correspondence from them recently.

T. Yasenchak states that part of the Planning Boards by laws any additional information needs to be presented 7 business days and any new Application submitted is 10 business days.

Corell, R
TM# 125.-2-25

Lot Line Adjustment
Locust Grove Road

Ben McGuire is present. He states that he is here on behalf of Rodrick Corell. This is a subdivision that was done not that long ago. B. McGuire states that R. Corell picked up the signed maps and never told his partner and missed the 60 day cut off to submit the signed maps to the county. T. Yasenchak states this is the exact maps that were signed back in February and explains there will be two stamped and signed. Nothing has changed. B. McGuire states no.

MOTION: R. Roeckle
 SECOND: S. Weeks

RESOLVED, the Town of Greenfield grants a new stamped signature so the maps can be filed with Saratoga County Real Property.

VOTE: Ayes: B. Duffney, C. Dake, R. Roeckle, T. Yasenchak, K. Conway
 Noes: None
 Absent: J. Bokus, M. Gyarmathy
 Abstain: None

Meeting adjourned at 9:42. All members in favor.