

TOWN OF GREENFIELD

PLANNING BOARD

July 10, 2012

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Lorna Dupouy, Michael Gyarmathy, Thomas Siragusa, John Streit and Stan Weeks. Nathan Duffney and John Bokus, Alternate, are absent. Charlie Baker, Town Engineer, is present.

MINUTES – June 26, 2012

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of June 26, 2012, as submitted.

VOTE: Ayes: Dupouy, Gyarmathy, Siragusa, Streit, Weeks, Yasenchak

Noes: None

Absent: Duffney, Bokus

PLANNING BOARD CASES

SARCOM LAND DEVELOPMENT – Lot Line Adjustments

Greenfield Estates

Michael Hannah, Attorney, is present for Sarcom. T. Yasenchak states that we did receive information today from M. Hannah regarding proposed easement language for lot 2 and there is also a new map showing the 60' x 60' turn around that the Town Highway Department had requested along with the easement to be granted to the Town of Greenfield for purposes of maintenance of a storm water basin. T. Yasenchak states that at this time, we have not had an opportunity to have our legal council review this. M. Hannah states that he did e-mail copies to M. Schachner. T. Yasenchak states true, today. C. Baker has not had the opportunity to look at the easement for maintenance. T. Yasenchak states that is something that we may be able to review on a contingency basis. She states that the applicant has done the things that were asked of him at the last meeting, but the information was received today and will have to be reviewed before the Board can actually sign off on anything. So this Board is aware, we can make an approval contingent on the legal easements being reviewed by M. Schachner. So that the applicant is also aware, applicants are to give the Planning Board documents and then the Planning Board will forward those to the Town Attorney. Any new information, as well as communications, needs to be provided to the Planning Board. As well to the audience, the Town's legal council is the Town's and is not for others to contact themselves. The Town retains him to give legal counsel to the Boards. Any legal questions should be forwarded to ones own attorney and not the Town council. M. Schachner asked T. Yasenchak to make everyone aware that that is the way it works. The Town's legal council is not for the public to use but for the Town's Boards to get legal advice on how to make proper decisions. T. Yasenchak states that we have these lot line adjustments before us to lots 10, 6, 7, 27 and 15, a pre-existing, non-conforming lot, to the southwest of the property and then there are also proposed lot line adjustments to lots 39, 16 and 22. As everyone is aware, there have been discussions about 39, 16 and 22, and we have not, unless M. Hannah has additional information, T. Yasenchak does not believe that anything has been approved by the neighbors for those lot line adjustments. She states that Walker Drive is supposed to come through what will be lot 16 and come around. She states

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that we have not received any information that would be amenable to the neighbor to accept additional property at this time. M. Hannah states that is correct, the owners of lots 22 and 23 find the proposal acceptable. However, the owner of lot 39 does not. He states that the owners of lot 33 were also happy with the proposal. T. Yasenchak states that then the Board cannot approve any lot line adjustment that would infringe on the property rights of lot 39. He has a legal deeded easement, as part of his original purchase, to his property. The Board cannot make a decision that would infringe on that in any way unless there was agreement on his part. That leaves this Board in an interesting position in that we have a couple of options. The Board can approve this in phases with the first phase being the southwest lot line adjustment and the second phase would be the northeast for lots 22, 23 and 39. In doing this in phases, we would have to have the applicant's approval to waive the 62-day decision on that phase. Once we have closed a public hearing, which we did at the last meeting, and once we have a complete application, we are bound by our Town Law to make a decision within 62 days. The applicant would either have to bring in an amenable agreement within that time or the Board would then make another decision which may not be agreeable to the applicant or anyone else involved. The applicant could also take this section out entirely and come back at a separate time for that portion. T. Yasenchak explains that we would have to take that portion of Walker Drive and attach it to lot 16 because that could not be a separate lot, it would have to be attached to something and the easement language would have to stay exactly how it is. M. Hannah states that there is also a lot line adjustment on the east side of T. Clemmey's lot, lot 23, which the Board could approve. T. Yasenchak states that the Board could approve that portion on the east side of lot 23. M. Hannah states that he has no problem with waiving the requirement for the Board to make a decision within 62 days. T. Yasenchak states that then the applicant would be bound to bring something back and also, in doing that that portion needs to go somewhere else so that in case M. Hannah never comes back, there is still a legal lot that is there. M. Hannah states that he would deed that to lot 16 and lot 16 would also have a right of ingress and egress over that in conjunction with Clemmey and Hill. T. Yasenchak states that it would not include Clemmey unless he has a deeded easement. M. Hannah states that he does have a deeded easement. T. Yasenchak states that what ever happens within that space has to be fair and not change those easements whatsoever. M. Hannah states that it is a non-exclusive easement in both deeds. T. Siragusa states that there was a letter from Ruth Atwell, which stated both a desire to not develop lot 22, but also lot 2. There is a portion of lot 2 next to R. Atwell's and he wants to clarify that it is his understanding that that area is also not buildable. M. Hannah states that is correct. T. Yasenchak asks as part of the continued review process, the applicant was asked to add lot 2 to a specific lot and asks if that has been done. M. Hannah states that he has not yet, but that it will be deeded as part of lot 7. T. Yasenchak states that is something that will have to be contingent, we cannot approve a lot that is not buildable. It will have to be part of lot 7 when the final plot gets filed and the deeded language has to go together. T. Siragusa asks if those can go together even if they are not contiguous. T. Yasenchak states that she believes that they can and that there are other parcels that exist like this. J. Streit asks for clarification that lot 2 cannot be built on and it will become part of lot 7. C. Baker states that he does not know how that is going to work on a filed map in the County Clerk's office because he thinks that lot 2 will show as a stand alone taxable lot. M. Hannah reiterates that all the remediation has to be done on lot 2, so his intention is not to deed it to anybody until the remediation is done, which could take at least 6 years before he can get ACOE to sign off on it. C. Baker states that this map shows part of lot 2 being on the right hand side and he asks if those two lots are contiguous on one deed now. M. Hannah states that they are not, but this is part of the agreement with ACOE. They do not want any building on either of those parcels. T. Yasenchak states that the secretary just reminded her of Moss Creek. There is property that has been deeded as part of other parcels and they are not contiguous. She states that we have to have some deed language and have the Town Attorney look at and approve it as part of the whole review and approval of this. T. Siragusa asks when this happens. T. Yasenchak states that would have to happen before the plat got filed. The Planning Board can approve this with contingencies based on all that legal language being approved. S. Weeks asks in terms of the easement or access to lot 16, are we proposing that it be that entire width. T. Yasenchak states yes. M. Hannah states that is as it exists right now. His idea was to split it in half, but that is not acceptable so he will deed the whole thing as part of lot 16. T. Yasenchak states that pretty much, nothing changes to lot 39 as to the easement and the additional property that was going to be deeded to that property owner. T. Siragusa states that then nothing changes to lot 22 either. T. Yasenchak states that they

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will remain exactly how they are now. L. Dupouy states that she has a concern that after all this that lot 39 wants to have a driveway or road there, more than what they have and if that was approved in their original deed, now for us to give approval for this company that wants to do this other stuff and not meet their obligations that were promised at the very beginning, is that in our purview. T. Yasenchak states that M. Schachner stated that is a civil action, that whether or not Sarcom performs to their legal obligation, that is not a Planning Board issue. That is something that is a civil action that needs to be followed in civil court. There are other lot line adjustments that are happening on the other properties, and they have legal rights to purchase properties and the lots that already exist, people can build on those. We cannot infringe on those property rights because of another legal action. We can only look at the properties as a whole and how they are developed, how it affects our community and how it affects our environment. She states that these lot line adjustments are reducing the overall density of the original approved subdivision; they are reducing the impact on the environment because we have less road; the applicant already has permits with DEC and ACOE to have the proper mitigation through the permits, reviews and observations that they need; and as there is reduced development there are less roads. She states that we are reducing the overall impact from the original approved subdivision. J. Streit reviews that there will be a 60' x 60' turnaround for the Town on Lot 10 with no other changes and that will be a saleable lot. M. Hannah states that is correct. J. Streit states that lot 15 would be a saleable lot. Lot 2 is being controlled by ACOE and we are not concerned about that. M. Hannah states that it will never be built on. J. Streit states that lots 6 and 7 are not yet developed, but are saleable lots as is with the adjustment to 6 regarding the driveway for lot 27. M. Hannah states that is correct. J. Streit asks if access for lot 16 will be straight off Walker or through the disputed section. M. Hannah states that it would be from both. There is also frontage on Old 9N but there is quite a ditch there. Anyone buying lot 16 would access it off of Walker Drive. J. Streit asks if that is legally permissible at the present time. T. Yasenchak states it is. J. Streit states that then there is nothing standing in the way of access to lot 16. L. Dupouy questions that if the little rectangle between lots 23, 22, 33 and 39 is deeded with lot 16, that doesn't keep lot 39 from being able to enter or exit his property. T. Yasenchak states that the easement needs to stay. J. Streit states that if we exclude the disputed easement zone, we could vote on everything else, and we have largely resolved the questions about everything else but that. It seems to him that on that particular issue, there are three parties involved who are of above average intelligence and education, that should be able to resolve, what to J. Streit would be a fairly simple thing. In the apparent situation that they could not, he would like to vote on the other things and exclude that area to be legally civilly resolved. T. Yasenchak states that she would like to review some notes so that everyone involved knows that this has been reviewed and we are looking at all aspects of the community and environmental impacts of this lot line adjustment. She states that the applicant has asked for lot line adjustments for consolidation of properties which result in reduced density: Lot 16 was originally eight lots and now it will be one; Lot 2 was originally four lots and now it will be one that will be unbuildable; the original lot 10 was two lots and now will be one. There is reduced density with the changes the applicant is proposing, there is reduced impact on the environment, there is less wetlands disturbance and less development where there is less road, less impervious surfaces that are created. The Planning Board, NYS DEC and ACOE reviewed the original SEQRA at the time of original approval and under the original approval it was a more dense subdivision application. NYS DEC and ACOE have been contacted and have authorized applicable permits with express conditions as submitted. The applicant has submitted all these requirements – requiring observations and reporting for a set period of time for years after the mitigation measures have been installed. As the ACOE and DEC have stricter review methods and jurisdiction over this project's wetland remediation, and as this Board believes that the proposal outlined reduces the future environmental impacts, we believe that we do not need to reopen the SEQRA review. Board concurs. T. Yasenchak states that the Town Highway Department has requested deeded land for a plow/truck turnaround, which has been shown as requested on Nat Hill Road. The Town Highway Department and Town Engineer have also asked for easement access for the storm water basins on lot 2 which have been shown on the map and as was mentioned, the Town Attorney will need to review the legal easement language. M. Hannah states that he has submitted proposed easement language. T. Yasenchak states that we will have to have approval of that easement and language by the Town Highway Department, the Town Engineer and the Town Attorney. We will need to have some legal agreement or bond that is drafted so that the Town knows that the applicant will be paying for that 60' x

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60' turnaround. We do have a letter from the Highway department requesting that area and stating that they will do the work with the applicant paying for the paving. We discussed the lot line adjustments being made to lots 10, 6, 7, 27 and 15, and they are increasing from the original approved lot size. The development or building of single-family homes on these lots do not incur increased density as is consistent with the original intent of the original approved subdivision. The requested lot line adjustments for lots 39 and 22, as far as the access, as well as the lot line adjustment to lot 39 adding the curved area of property to the north side is not going to be reviewed at this time and the applicant has waived the 62 day approval deadline. M. Hannah states that in terms of the map that he has to file, he asks if the Board just wants him to eliminate the line and then if at a future date they can come to some agreement, before selling lot 16, then they would file another amended map. T. Yasenchak states that is correct. The applicant needs to show this as all one access as it was before, showing the easement on the map so that anyone buying lot 16 will see on the map that there is an easement or easements on that property to lots 22 and 39. T. Yasenchak states that the Planning Board acknowledges that the applicant is responsible for all Town and County filing procedures and taxes. It is not within this Board's purview to review an application based on whether taxes are paid or not. That is something that as part of the application process, the County will not accept a map until any overdue taxes are paid. The contingencies would be easement languages being submitted and approved by the Town Attorney, the deeds and the pavement payment, along with the removal of the decision of lot line adjustments for lots 16, 22 and 39 in the area of the driveway, but including the lot line adjustment to the east side of lot 23 only, this Board is able to make a decision and a motion.

RESOLUTION – SARCOM, Lot Line Adjustments

MOTION: L. Dupouy

SECOND: J. Streit

RESOLVED, that the Planning Board approves the Lot Line Adjustments for the application of Sarcom Land Development, Inc., per the application submitted for property located at Greenfield Estates as follows:

- **Consolidation of lots TM#125.-3-46; TM#125.-3-44 and TM#125.-3-16.31 into one Lot #10 with the exception of the 60' x 60' area to be conveyed to the Town of Greenfield for turnaround purposes for the Highway Department (as depicted on the plat)**
- **Consolidation of lots TM#125.-3-47; TM#125.-3-21; TM#125.-3-28; TM#125.-3-29 and TM#125.-3-16.11 into one Lot #2 (as depicted on the plat) with the exception of the portion of TM#125.-3-16.11 which will be joined to TM#125.-3-27 for driveway purposes and to include an easement for access to storm water basin for the Highway Department on Lot #2**
- **Lot #2 to be deeded to TM#125.-3-43**
- **Consolidation of lots TM#125.-1-42; TM#125.-3-1; TM#125.-3-2; TM#125.-3-3; TM#125.-3-4; TM#125.-3-5; TM#125.-3-7; TM#125.-3-8; TM#125.-3-16.2; TM#125.-3-41 into one Lot #16**
- **A strip of land to the east of TM#125.-3-14, 32.92' by 230' (approximately), to be conveyed and attached to TM#125.-3-14**

This approval is contingent upon:

- **Applicant to submit to the Planning Board all required easement language and deed language, to then be referred to the Town of Greenfield Town Attorney, Town Engineer, Town Highway Department and Planning Board Chair as appropriate**
- **Easement through that portion of Lot 16 to TM#125.-3-6 to be shown on the plat**

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This approval is based on the following:

- **SEQRA was reviewed at the time of the original subdivision by the Town of Greenfield Planning Board, NYS DEC and Army Corp of Engineers and as this project will result in less density and less environmental impacts, the SEQRA will not be reopened at this time**
- **The applicant waives the 62-day decision on the area of TM#125.-3-16.2, which was to be a lot line adjustment, until such time as he may return with a plan that is acceptable to all property owners involved.**

VOTE: Ayes: Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak
Noes: None
Absent: Duffney

T. Yasenchak states the applicant has a lot of information to get back to the Board because the map will not be signed for the applicant to file until that information has been given to the Board. She asks that he please submit the information to the Board so that we can get it all to the Town Attorney.

DAVID CORSON – Site Plan Review

Ridge Road

David Corson is present and states that he would like to build a 1680 square foot pole barn in the KROD zone. He would like to increase the dimensions from the original proposal of 30' x 56' to 32' x 56'. He is also before the ZBA for an area variance for a side yard setback. T. Yasenchak states that the applicant is before the Planning Board because the KROD district requires a Site Plan Review for projects over 1200 square feet. We have a referral for the Zoning Board and they will be having a public hearing as part of that on August 7, 2012. T. Yasenchak states that as part of the review we will be asking the applicant for siding, roofing materials, colors, etc. J. Streit questions that we would require topo information. T. Yasenchak states that is something that we can request. J. Streit states that the lot is 7.8 acres and the KROD requires 8 acres, and questions if this is grandfathered. T. Yasenchak states that because it is already built on, yes. J. Streit states that the applicant wants to make the proposed barn slightly larger and questions that he wants to move it more to the rear. D. Corson states that the location will remain. J. Streit asks what is going in the barn, anything that breathes? D. Corson states toys – tractor, car, snowmobile. T. Yasenchak states that the Planning Board does have, within its purview, to ask for topography on this so that the Board can see how the pole barn is in elevation in relationship to the road. She states that she has not driven out there to see it yet. She asks the applicant if this is higher than the house, etc. D. Corson states that it is significantly lower. He states that this is the down side of Ridge Road and he would say that between the road and his house it is probably a 15' to 20' drop and then there is at least that drop again to the barn location. J. Streit states that the view is the people looking up to the ridge. He states that the applicant had listed forest on the view side of the pole barn and asks if the trees are taller than what he is proposing. D. Corson states that the peak of the barn will be approximately 17' and the surrounding trees are probably 30 to 40' high. S. Weeks asks clarification on the size. D. Corson states it will be 32' x 56'. S. Weeks states that the barn is oriented the way it is and the applicant needs a lot line because? D. Corson states that if you look at the orientation of his house you see out the back deck, he is actually looking down about 100' and into the neighbor's property. The neighbors to the left are doing the same thing. So if he center's his barn on the property, he has to take down a bunch of trees that are going to affect the privacy between his home and theirs. So they would then see the cleared area where his barn will be sitting. He is trying to avoid that. He does not understand why the houses were built with the orientation that they have. L. Dupouy asks for clarification on the location of the property in respect to the Ogden's property. D. Corson explains. L. Dupouy asks if the applicant is thinking of putting plumbing in the barn. D. Corson states that he is not, he does not want to deal with septic

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and the cost. J. Streit asks if the applicant has spoken to the neighbors. D. Corson states that he has not discussed this with the Ogden's because this will not be visible from their home. He has spoken to P. Jansky and J. Mickel, neither has any objections. T. Yasenchak asks about siding and roofing material. D. Corson states that the proposed finishes are going to be standard metal for the roof and the siding as well. The roof will be a flat forest green as he has shown and the siding will be green and tan. He states that the house is brown cedar siding and he would like the barn to be similar. He states that the colors are not exact on the picture he submitted, but along those lines. T. Yasenchak asks if there will be windows in the garage doors. D. Corson states that he does not intend to have glass. T. Yasenchak states that even if they have a little bit of glass, it does not go over the allotment. T. Yasenchak asks about the height. D. Corson states it will be 17' at peak. T. Yasenchak asks about exterior lighting, flood lights, etc. D. Corson states that he would like to have sufficient lighting for the parking area and that will be facing his house. T. Yasenchak states that they should be more facing the applicant's house and not the neighbor's. L. Dupouy questions that this is what we want to see when the applicant comes back – to show where the proposed lighting would be, etc. T. Yasenchak states that can be when the applicant comes back or it can just be stated on the record. T. Yasenchak states that there is a requirement of a 25' buffer in the KROD and asks if the applicant has that. T. Yasenchak reads from the regulations that 25' of buffer will be establish along the rear and side lot lines of any parcel proposed for development. D. Corson states that he inherited the state of the vegetation and clearing so he cannot guarantee that it is exactly 25'. He can go back and measure it. T. Yasenchak states that if it is something that exists, the Board does not have to ask the applicant to replace it, but can request that the applicant not cut anymore. T. Yasenchak states that a site plan review is a "may" on a public hearing. This application will be having one through Zoning. J. Streit states that as to the ZBA Referral, he does not see any planning issues.

RESOLUTION – D. Corson, Public Hearing

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives a public hearing on the application of David Corson for a Site Plan Review for property located at 461 Ridge Road, TM#123.-2-38, as the applicant will be having a public hearing at the Zoning Board of Appeals meeting on August 7, 2012.

VOTE: Ayes: Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak

Noes: None

Absent: Duffney

SEQRA is discussed and C. Baker states that there is no problem with reviewing it.

RESOLUTION – D. Corson, SEQRA

MOTION: J. Streit

SECOND: L. Dupouy

RESOLVED, that the Planning Board reviews SEQRA on the application of David Corson for a Site Plan Review for property located at 461 Ridge Road, TM#123.-2-38, and checks Box 2, that the proposed action will not result in any significant adverse environmental impacts.

VOTE: Ayes: Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak

Noes: None

Absent: Duffney

S. Weeks states that he has a concern. He is ok with the Planning Board not having a public hearing because the ZBA is going to hold one, but if we vote on this, we don't know the results of the ZBA discussion. J. Streit states that if we vote on this without a public hearing and it goes before the ZBA and for some reason approval was not given, then the Planning Board approval is void. T. Yasenchak states that is correct, but she can see both sides. Discussion takes place that the Planning Board could approve this with

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contingencies. T. Yasenchak states that the applicant has to wait for the ZBA decision in August anyway. The next Planning Board meeting after that is the following week, August 14, 2012. T. Yasenchak asks the applicant if that would be an issue. D. Corson states that it would not be. The applicant will be placed on the August 14th agenda.

JAY ELLSWORTH – Site Plan Review

Barney Road

Jay Ellsworth is present and states that he would like to add an in-law apartment to his existing garage. His existing home is a log home and it is difficult to add on to. He has an application before the ZBA as 6 acres are required and he has 5.77. J. Streit asks the height of the apartment and who will be living there. J. Ellsworth states that it will be the same height as the garage and it will be his mother-in-law who will be living there. L. Dupouy asks the size of the apartment. J. Ellsworth states that it will be under the 40% allowed. M. Gyarmathy questions the walkout basement. J. Ellsworth explains that the property drops down behind the existing garage so he thought he would take advantage of that area for a basement. T. Siragusa asks what the wavy line on the plan is. J. Ellsworth states that it was the tree line off of the original survey. T. Siragusa asks about the access to the apartment. J. Ellsworth states that according to what G. McKenna stated, it has to be through the garage. He states that he will meet whatever the requirements are. S. Weeks states that it will be a single story with a basement. J. Ellsworth states that is correct. T. Yasenchak asks about neighboring houses. J. Ellsworth states that across the street is all State land; one neighbor is probably 600-700' away and the other is probably 1000 to 1500' away. The garage is pretty much dead center of the property. T. Yasenchak states that the applicant has plenty of room to work with. She states that the applicant will need a more detailed site plan that what is show here and that the regs call for two parking spots. She comments on exterior lighting and states that it doesn't sound like it is going to affect any neighbors. J. Ellsworth states that there is an area of about 75 to 100' that is cleared to pull around and park.

RESOLUTION – J. Ellsworth, Site Plan Review

MOTION: L. Dupouy

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives a public hearing on the application of Jay Ellsworth for a Site Plan Review for property located at 114 Barney Road, TM#149.-1-47.2, as the applicant will be having a public hearing at the Zoning Board of Appeals meeting on August 7, 2012.

VOTE: Ayes: Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak

Noes: None

Absent: Duffney

RESOLUTION – J. Ellsworth, SEQRA

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board reviews SEQRA on the application of Jay Ellsworth for a Site Plan Review for property located at 114 Barney Road, TM#149.-1-47.2, and checks Box 2, that the proposed action will not result in any significant adverse environmental impacts.

VOTE: Ayes: Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak

Noes: None

Absent: Duffney

This application will be placed on the August 14, 2012 agenda.

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G. DAVID EVANS – Lot Line Adjustment
Plank Road

David Evans is present. T. Yasenchak reviews that this is for a lot line adjustment on Plank Road. She states that the applicant had sent in an application for a lot line adjustment for lot 1 because he has some prospective buyers and the applicant is worried about buffer for a liability of a utility easement that the applicant wants to the power company on the west side. T. Yasenchak states that the Board was not really sure as the applicant's letter stated it was the liability of the utility easement that the applicant wants to grant to the power company but usually the easements go to the property owners in order to bring the electric through there. D. Evans states that the easement is to be conveyed to National Grid and it is the buyer's attorney who would like this done. The buyers are present also, Scott and Anna Watson. S. Watson states that they would like to purchase lot 1. They would like to have the lot line to the west shifted about 40' to the east and then the eastern property line would be shifted about 100' or so. Primarily, their intention is to reduce the number of easements that were associated with the property when they first started looking at it, helping D. Evans interest in helping to get utilities back to lots behind lot 1 in the future. The western portion of the lot was going to have easements associated with it that they did not necessarily want to have on their particular property. He states that their intention was to ask D. Evans to see if he would be interested, and if the Board would be willing, to adjust this particular lot for them so that they could have a little bit cleaner lot as far as easements are concerned. T. Yasenchak states that what was a little bit confusing for the Board was that if it was just going to be an conveyance of land to that back portion, why go through having a 250' frontage on it. It appears that at 40' in width with 250' it is so that later there would be a driveway, it would be very difficult to do because of topography, but why go through the hassle of having the 250' frontage if it is just going to be a strip of land just for the easement. S. Watson states that would be an issue for D. Evans. He states that that is not necessarily the Watson's request. They were just looking to buy a lot to build a home and have as few easements associated with it as possible. He states that the property on the east that they would like added is actually a piece that they were interested in when they first looked at that site. It is a really nice piece of land with a slope to give them a little more visibility on the view east. T. Yasenchak asks where they are thinking of building. S. Watson states that there is only one place on this particular lot – the trapezoid area shown on the plat. He states that the area where the 250' and 40' is impossible to access in any way other than by foot. T. Yasenchak asks D. Evans why the 250' when the lot in the back already has the requirements for a keyhole lot. D. Evans states that it is a 60-acre lot in back and he is thinking that in the future it might make sense to apply for a subdivision of that lot into 2 lots of 30 acres each. T. Yasenchak states that in looking at this from the whole, from a SEQRA perspective, to make sure that we are not segmenting the approval so that we look at it as a whole. If we believe that area is somewhere that a driveway could be up in that area, it is a little bit more than just a lot line adjustment because we are creating an area that someone could come back later and say that we have the existing frontage and why can't we do this. L. Dupouy does not see any problem with the prospective buyers buying the lot that they want and the adjustments that they want. For the Board to make a decision, since we have to look at it as a whole, this might be something that we want to take a site visit to because to try to figure out the value of that in the future, she does not see how that can be done without seeing it. T. Siragusa asks the value of what. L. Dupouy states that if we approve this, we not only have to approve it for this couples' site and the lot that they want to buy, but now that there is 60 acres up there and this 250' gives it what it needs to have a driveway in the future to possibly cut it into two 30 acre lots, how can we make that decision if we don't see what it looks like. D. Evans states that he is not applying for a subdivision at this time, it might be at some future date. T. Siragusa states that the intention is already there and now it's public record that there is an intention there to possibly subdivide that 60-acre lot. D. Evans states that there is a possibility, but he is not declaring an intention. T. Yasenchak states that as far as being the applicant, D. Evans needs to be aware that if the Board were to go ahead and approve this lot line adjustment, just because he would have the 250' frontage it does not guarantee that any future application for subdivision would be granted because in order to do that we would have to look at sight distance at the driveway, drainage down the driveway, etc. D. Evans states that he does not think that this would be the access. S. Weeks asks then why the 250'. D. Evans states that he can give the Board more information if the Board wants to get into that. The 250' is to keep it

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from being a keyhole lot. He states that he is aware that keyhole lots are only granted under certain unusual circumstances. T. Yasenchak states that the 60 acres is already a lot back there so that is what we can't balance – that there is already a lot back there and on one hand D. Evans is saying that he wants the strip just for an utility easement but then if you only need it for a utility easement, you don't need the 250' frontage. The Board does not want to be backed into a corner later on because he has the frontage and then why can't he have a lot line adjustment where it may not be an appropriate place for a driveway later on. D. Evans states that then the Board could deny his application at that time. S. Weeks states that he is also uneasy about voting on this until he sees the property. C. Baker states that there is already a 100' easement that runs through that lot to lot 2, is the applicant saying that this 40' strip that he is proposing is going to eliminate that 100' easement? D. Evans states that it is not. C. Baker states then that is staying. So why does D. Evans need that easement to get to the back property when he already has access for that property. D. Evans provides the Board with some additional maps and sketches. T. Yasenchak states that what D. Evans is saying is that his intention really is to go through and subdivide that later, so it is not necessarily just an easement for utilities as much as it would become the access to the rear lot. D. Evans states that the access would be by way of the existing road that is there as a shared driveway. T. Yasenchak states that would be a little tough. In the past the only time we have done shared driveways is if there is a real environmental reason, a hardship that we have to overcome to do that, or extreme circumstances. She states that it would be the applicant's risk if the Board approved this lot line adjustment and that the Board could say no. There obviously is intent to have a technical frontage and then have shared driveways because the other would be too difficult to actually install a driveway. D. Evans states that there cannot be another driveway to it except for the road that is there now. T. Yasenchak states that what this is showing is that the applicant is looking to subdivide later on and have a technical access but then have a shared driveway. She states that in looking at SEQRA and how this lot line is affected, that may be something that the Board has to look at now. If indeed it was just for a utility easement, which is what D. Evans said in his application, and that is obviously not the case. T. Yasenchak states that every utility company she knows usually follows the ditch up the side of the driveway so that there is limited clearing for them to do. If it really was to get an easement back there for utilities, it doesn't make any sense. D. Evans states that he never said that this was for the utilities for the lot to the rear, it is for the lot to the west, (5.75 acres). T. Yasenchak states that then there is going to be deeded easement access for utilities to this 5.75-acre parcel. She asks if D. Evans owns that lot and if there is a reason that utility easement can't just be granted to that lot. D. Evans states that he does and the utilities would go to the 5.75-acre lot and not the 60-acre lot. T. Yasenchak asks why that 40' strip cannot then just stop at the 5.75-acre lot. D. Evans states that he is saying that he wants to provide for the possibility of subdividing the 60 acres in the future. T. Yasenchak states that we should have G. McKenna look at this as this is new information that we just received, so the Planning Board can look at it a little more. D. Evans states that his real estate agent spoke with G. McKenna about it and G. McKenna said that he thought that was doable. T. Yasenchak states that G. McKenna looks at things by the numbers and whether they technically meet the letter of the law. The Planning Board looks at things differently and we look at shared driveways very strictly as we have in the past as it doesn't always make for good neighbors later. We have made it so that technically there could be two driveways just in case neighbors didn't get along. We need to talk to the Zoning Enforcement Officer about this because this is new information and different than what the application says he needs it for. L. Dupouy states that this is just not meeting her internal comfort measure and she would want to see this property and have time to review the information. The issue is not about lot 1 and the couple who want to buy it and build their home. M. Gyarmathy agrees and thinks that the Board members need to go out and see the land. T. Siragusa states that he agrees and he does not appreciate learning new information about intentions or possible intentions. He thinks it would have been a lot easier to just state what the applicant wanted to do instead of doing it this way. He feels that the easement is like a Red Herring. D. Evans states that it was discussed with G. McKenna. T. Siragusa states that it was not in the application or letter. D. Evans states that the reason he kept it separate was because he wants to have the lot line adjustment whether the Board approves of the subdivision or not. S. Watson states that the 250' could never be a driveway. He states that D. Evans already has a deeded easement through the 27-acre lot. He states that D. Evans would probably like to sell the 60-acre lot, that at the current time he is not looking to subdivide that into two 30-acre lots. S. Watson states that he understands that the Board wants to avoid

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potential conflicts in the future, but that D. Evans is not asking for that and that the 40' easement would not guarantee an approval in the future. T. Yasenchak states that we realize that, but granting that if it could never be driven on as a driveway anyway, it is almost like why do it at all and if it is just for a utility easement why have the 250'. The applicant runs the risk of a future Board not approving this. She states that the Board has to look at this as a whole for the future as well, we cannot just segment it. That is part of the SEQRA review, not to segment a project but look at it as a whole. Being an easement, there is a stream that runs through there so we need to see some kind of language that it is ok for the applicant to disturb that stream. D. Evans states that he already has the stream crossings that he needs. T. Yasenchak asks if he has stream crossings in that corner for the utility easement and if so, the Board would like to see that as part of this application. D. Evans states that the utilities will have to be overhead. T. Yasenchak states that we need to look at this further. The Board is giving the applicant some off the top comments; these are not a succinct, defined list. The Board will probably have more comments and questions for the applicant. D. Evans states that if you look at the easements for 6, 7, and 8, this was modeled after what was approved in the past. He states that if the Board wants 40' that is no problem. This application will be on the agenda for July 31, 2012.

D. Evans asks about town approval on a SWPPP he submitted. C. Baker states that he reviewed it, and he does not believe that it requires anything from the Planning Board. At this time it is a construction issue. He reviewed the SWPPP, wrote a letter to G. McKenna and it is a building permit issue at this time. D. Evans states that DEC said that he needed an MS4 form signed. C. Baker states that he will take a look at the form that G. McKenna has forwarded to him.

ZBA REFFERALS

David Corson – Area Variance. No Planning Board issues.

Jay Ellsworth – Area Variance. No Planning Board issues.

David Murray – Temporary Use Variance. T. Yasenchak reviews the request. The applicant moved a mobile home from a nearby lot and placed it on this lot without a building permit. It is also too close to the lot line. There were two existing mobile homes because the applicant has not gone ahead with his subdivision. T. Yasenchak states that there are a lot of building code violations that have occurred with the relocation of this. No Planning Board issues, but it is too dense with the three homes on .83 acres. The ZBA should consider this in there review.

Frank Kramer – Area Variance. No Planning Board issues.

Saratoga Bumper – Area Variance for a sign. T. Yasenchak states that the applicant already has a sign on the building, which seems significantly large, and she is concerned with the sign being larger right by that driveway with the Elks Club. T. Yasenchak asks if the Town has a regulation regarding the limits of signage on a building. R. Rowland states that she believes that you are allowed one freestanding sign and one attached to a wall. T. Yasenchak states that the ZBA should take into consideration how big of a sign would affect the other businesses in the area as well as the driveway issue. This is also the entrance into Saratoga and that is considered a residential area. S. Weeks states that we should ask the ZBA to consider those issues. The Planning Board would like the sign on the building taken into consideration also. Precedent, size of sign, potential impact on the driveway and the potential impact on the character of the neighborhood in Saratoga are issues the Planning Board would like to suggest as issues to consider.

Thomas Merrills – Area Variance. T. Yasenchak explains that the applicant would like to take several smaller lots and consolidate and reconfigure them. The resulting lots will still be smaller than required by

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zoning, however he is making larger lots, thus less density and less environmental impacts. No Planning Board issues.

Peter Barber – T. Yasenchak reviews that this is a pre-existing, non-conforming lot with no frontage. The applicant wants to build a house and they do have easement language that will give them access to Greene Road. Easement language does not count as frontage so they need a frontage variance. No Planning Board issues.

Valerie Baker – T. Yasenchak reviews that the applicant is seeking to replace an older mobile home with a 2012 model. The zone requires 4 acres for this use and the lot is .64 acres. It is a pre-existing, non-conforming use and you cannot take away someone's property rights because they have something that is smaller. No Planning Board issues.

DISCUSSION

Tom Hill is present and asks if he may ask the Board a question. T. Yasenchak states that this is not a public hearing. T. Hill states that he realizes that. T. Yasenchak states that if it is new information we can discuss that. T. Hill states that he is wondering about lot 16 and if there is any guarantee from the Town as there has been a history from prior Planning Boards of not bringing the 25 acres into the development. Now with this lot line adjustment it is one big lot. He asks if there is a guarantee from the Town and Mr. Hannah that this isn't just a repackaging and that he is going to sell it to a developer. T. Yasenchak states that the Board cannot say. There is nothing that this Board can say about someone's rights when they buy a piece of property and what they are going to do with that. She states that Mr. Hannah and Sarcom have decided not to do that because of the logistics of all the wetlands. She states that she would assume that it would be very technically difficult for someone to do so, but she cannot say anything about what someone can, or will or might do on property in the future. T. Hill states that the way Mr. Hannah represented this to the Planning Board is as a single-family home. T. Yasenchak states that it is not represented as that, it is represented as a lot. What someone does with that in the future, we cannot regulate that as much as the Board can regulate what T. Hill can do on his lot in the future. T. Hill asks if the portion of what will be lot 2 on the right side of the boulevard is undevelopable. T. Yasenchak states that is correct. T. Hill states that he has never talked to M. Hannah. The first thing they got was the map on July 2nd. He states that walking out of here tonight M. Hannah stopped T. Hill and his wife and basically said that lot 22 is not a building lot and there is no reason T. Hill shouldn't get the full easement. In 2007, G. McKenna said that that was not a building lot. T. Yasenchak states that the Board cannot comment on that. That is a lot that is owned by someone currently and the Board is not privy to what easement language he has in purchasing that. T. Yasenchak reiterates that the Board cannot say if something is or is not a building lot if someone already owns it out of this subdivision. It is not part of the approval, the Board cannot comment on that and if T. Hill wants something to define that lot he would have to talk to the Building Department. That parcel was not part of any of the lot line adjustments that we did. T. Yasenchak reiterates that this is a pre-existing, non-conforming lot that is owned by somebody and it was a subdivided lot at the time. This Board cannot say what someone is going to do with it in the future. It is totally up to the neighbor what he decides to do with it and pursue it, if ever. T. Hill states that it is also up to the Town. T. Yasenchak states that if T. Hill has any other questions he should stop by and talk to G. McKenna about it.

Meeting adjourned 8:57 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary