

TOWN OF GREENFIELD

PLANNING BOARD

June 12, 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, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit and John Bokus, Alternate. Lorna Dupouy and Stan Weeks are absent. Charlie Baker, Town Engineer, is present.

MINUTES – May 29, 2012

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of May 29, 2012, as submitted.

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

Noes: None

Absent: Dupouy, Weeks

Abstain: Bokus

PRESENTATION

SARATOGA PLAN

Maria Trabka, Julie Stokes and Dan Lynch are present representing Saratoga PLAN. M. Trabka she states that Saratoga PLAN works throughout Saratoga County to help land owners achieve conservation goals for their land and also to help municipalities to plan for the future of their communities. They do that this in a number of ways. They hold conservation easements, permanently restricting lands in some way, trail systems, smart growth planning, open space planning, farm land protection planning for municipalities, all of those kinds of things. She states that she was here a couple of years ago and did a presentation on the County's Green Infrastructure Plan and how the Town of Greenfield fit into that. In 2006, the Green Infrastructure Plan was adopted by the Board of Supervisors and in that plan they identified areas, natural forested areas, the best areas for farming, gateway areas and historical/cultural areas, etc. Saratoga Plan has been working with communities to work on their portions of the trail system. These trail systems go beyond one town. Sometimes the trails are in a preserve or wooded area within the town, but most connect multiple towns. In each town, the local people are the ones who implement it. One of the primary trails in the county is the trail along the Hudson River called the Old Champlain Canal way, which is a 71-mile trail that goes all the way from Waterford to Whitehall. Another major trail connects Moreau all the way to Saratoga Springs thru Ballston Spa and then to Mechanicville. That is the Zim Smith trail. Approximately 11 miles of that trail are already built, the part from Ballston Spa almost to Mechanicville. This is open for snowmobiling, biking, horseback riding, walking, etc. The PLAN is really hoping to develop a system that connects communities allowing people to get from one place to another, off road as much as possible. The Palmertown Ridge Trail, or Palmertown Range Trail, is the trail that comes into Greenfield. Julie Stokes who convenes the trails committee will talk more about that. M. Trabka states that they mapped all the trails in the County and compiled them all into one geographic information system database that can be downloaded by anyone from the website, saratogaplan.org. Julie Stokes states that the Palmertown Ridge Trail seemed like a real dream about 10 to 15 years ago. Since that period of time, State Parks purchased the

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open space as indicated on the map. She states that when John Witt approached the Town of Wilton proposing a development, Saratoga Plan worked with the Town of Wilton and part of the agreement for the development proposal was that J. Witt will be giving the State Parks a 25' wide trail corridor and putting in a parking lot. The Zim Smith trail, is paved all the way under the Northway, thru the village of Round Lake, across Route 9 and down into Halfmoon. They have an agreement with the railroad to give them a corridor along the south side of their property into Mechanicville. The Palmertown Ridge Trail has a blank area. They are asking that the Planning Board keep this in mind as projects come before the Board concerning property in the Lincoln Mountain Forest area down to the Skidmore property. She states that there are a couple of Greenfield residents on their committee, meeting information is on the website and anyone is welcome to attend. Dan Lynch, a resident of Pine Robin North, states that he has lived in this county of 21 years now and has watched the growth of the parks and trails. He is glad to see that towns are looking at what residents are using for recreation and to stay healthy with. He sees more and more people out enjoying the efforts of the Towns parks and trails. The Zim Smith trail is a perfect example of being able to get away from the traffic and not having to worry about cars, etc. He states that they would appreciate the Board keeping the trail system in mind in planning in the up and coming years. J. Stokes states that if they can make the connection, it will be 50 miles off road. D. Lynch states that this would be part of a nationally recognized trail system. J. Bokus asks how wide the right of way is. J. Stokes states that it depends. The area to the south is where the county owns the sewer and water lines, and in Wilton it is 25'. M. Trabka states that sometimes it depends on the funding used. If it is paved and Federal money is used it has to be 10' wide with two-foot wide green strips on either side. If they use State, County or private funds they can be a lot more flexible. Some are not even paved, they are just stone dust. J. Stokes states that depends on what the uses are, who owns and maintains it, etc. The Zim Smith trail is owned entirely by Saratoga County and they allow all uses on it including horses and snowmobiles. The snowmobile clubs help maintain the trail and do all the trimming and cutting back. They have put restrictions on it that snowmobiles can only be on it when there is "x" amount of snow because there was some damage a couple years ago because snowmobiles were getting on it too early. She states that the trail that will connect from the Zim Smith into the Luther Forest Technology Campus is actually across a trolley line that Saratoga Plan owns and they transferred it to the Town of Malta, who will own it. That will be wide enough so that horses and snowmobiles can be on one side and paved on the other side. J. Bokus asks if on any of the existing trails ATV's are allowed. J. Stokes states that they are not. T. Siragusa states that as far as things that the Planning Board can do, we have talked about new development and looking for those opportunities. He asks if they have talked to existing homeowners. J. Stokes states that they have not approached anyone yet. They decided to come to the Town first and ask how the Town wants to go forward. If one of these properties is up for sale, is there an opportunity to purchase the property, set aside a trail and then resell the property? She states that we need to think creatively, it is not a very long distance and it does not have to be straight. T. Siragusa states that he does not know what the Town can do. Waiting for a development might take a long time or can we help organize meetings with the current owners and help develop a plan. J. Stokes states that they wanted to speak with the Planning Board to see what direction the Board wanted to go. She states that Greenfield is the link on this project. M. Trabka states that right now they are working with the Town of Stillwater and Saratoga Springs on feasibility studies as to where a trail might be able to go and plan an alternative to that as well. She states that some property owners are initially reluctant and some see it as a great amenity. T. Siragusa asks if Saratoga PLAN has a list of answers to common questions or objections that land owners might have, because they have been through that, addressing noise, traffic, etc. Perhaps this could be on the website or some way that the PLAN could help the Planning Board communicate some of those things so that when someone has objections, there is information to tell them about other landowner experiences. J. Stokes states that along the Zim Smith trail, when the County first proposed going ahead and completing all the way from the Northway to Halfmoon, there were people objecting and the County decided to go ahead with it. She states that the last time she was on that trail, last year, all of the objecting property owners had built trails from their properties into the Zim Smith trail. T. Siragusa asks if they have been meeting their expectations for timeframes and challenges for developing the trail system. M. Trabka states that she has been encouraged. She does not know that they are that systematic about it and didn't set goals. B. Duffney asks if there have been issues between hikers and hunters. M. Trabka states that they encourage

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hunters to shoot away from the trails. There is one area that is leased by a hunting club and the trail is closed in that area for the season. Generally, they warn hunters that hikers are there, and hikers that hunters are there and they have not had any issues. T. Yasenchak states that we have no projects adjacent to this area presently but in the past this Board has been very pro-open space. She states that when local residents approach local residents before a board approaches them, typically it tends to be more favorable because it is just a neighbor talking to another neighbor, whether or not they are adjacent neighbors, rather than people feeling that it is something that the board or the Town is imposing on them. It is the whole grass roots effort that we can do something together as a community rather than having the Town dictate that this is something they would like to see. She states that it is something that the Board would like to see and that maybe there are some Board members who would like to help on one of those committees. So maybe if they had some open meetings where they invite people from the community in. Saratoga PLAN has done that before.

PLANNING BOARD CASES

SPRINGFORTH LLC – Special Use Permit/Site Plan Review

Wing Road

Antonia Shields is present for Springforth LLC and Rich Torkelson is present for Linell Lands. She reads from a prepared statement reviewing her project and provides a copy for the file. She is applying for an agricultural use for cut horticulture, flowers and herbs; she would like to have a farm stand on wheels to be rolled out during the day and back at night, if she were to choose to ever sell that way. She will be the third farm in this subdivision with the others being Harris and Jefts. B. Glasser has stated that there will be no more farms here. She will be doing 90% wholesale and she will be at this location long term. She has a meeting with Jed Hayden, DEC, to review and finalize permit changes. A. Shields is working with the USDA to become a certified organic farm. A survey map is being prepared by Thompson-Fleming Land Surveyors. Springforth will be maintaining a 50' screen buffer between lot 6 and lot 7 as there is conventional farming taking place on lot 7. She will be selectively removing trees on lot 6 to achieve solar advantage in order to farm and build agricultural structures. On June 5, 2012 the applicant received an area variance for frontage from the Zoning Board, contingent upon the Planning Board's decision. She states that in her operation she will not be selling any potted horticulture although some items will be grown in pots. She will only be selling cut herbs and flowers. Springforth intends to use a vehicle and farming equipment powered by biodiesel fuel. A. Shields states that she is looking forward to being a member of the Town of Greenfield community.

A public hearing is opened at 7:43 p.m. Caroline Steuer states that, with her brother, she owns 99 acres adjacent to this property. She is not opposed to farming. She states that there is a difference between conservation and preservation, and as an adjacent landowner she has witnessed 110 acres of beautiful land split into numerous lots for a conservation project. The Town went through a long process of working with Linell Lands in order to accomplish their goals. The 110 acres of unused farmland was broken down in such a way that it left very little acreage per lot to actually farm. The Town is now faced with future owners coming before the Board to ask for additional special uses in an attempt to put back together a farm that was broken apart in a unique development strategy. While she can appreciate the positive things that are taking place on the land that has already been sold, she has concerns about the amount of farming that will actually be able to succeed on these small parcels. She states that the new owners of the Kremp farm have seen a reduction in production. She states that the agricultural use was forfeited when it was dropped to a keyhole lot with 40' of frontage. She does not think that 40' for a farm stand is enough considering cars that may be parking there. She is concerned that each new owner will need to come in for a variance. C. Steuer states that she feels that A. Shields is a very nice person with great intentions, but she is more concerned about the permanent special use permit and she would like to know how she and her children will be impacted by future owners. She has concerns for the potentially increased traffic; wetlands and what types of chemicals may be used by future farmers; potential noise; air pollution; etc. She has a child with severe allergies. C.

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Steuer states that she is in favor of preserving farms. Bill Brooking, Wing Road, resident and owner of the 99 acres with his sister, C. Steuer, states that Mr. Kremp used to do a wonderful job with the farm, the operation went away and then Linell Lands came in with a conservation project that turned into an actual development instead of preserving the farmland the way it was or could be, similar to the Arnold farm down the street, where they utilize that space as agricultural use. He states that he buys his eggs from C. Arnold, his chickens and turkeys, etc. He is very much in favor of farming. What he is having a problem with is that as we move forward we see progress and progress is a good thing as long as it is planned out in a rational way. He states that Linell Lands intention to farm is a positive thing for Greenfield because we should have agriculture here; this is the way Greenfield was started. He states that this subdivision was approved with keyhole lots, which he disagreed with at the time. He states that he has a keyhole lot with the proper frontage and he may choose to do some agricultural farming, so he is not against it, but there is a proper place for agricultural farming and placement. His problem with this is that there was a shared driveway on this property and also the DEC wetlands. He would like to see a SEQRA. He has had someone kayaking on the waterway in front of his house and they lease the land from Linell and thought that they would check out what was back there. He is therefore concerned with increased traffic and increased people. He states that A. Shields plan sounds great. What happens after you get fertilizers in there? He states that agriculture is not horticulture as the applicant explained it. Horticulture as a special use would be ok and as a temporary special use. He does not think that a permanent special use permit is the right way to go because in the future we don't know what is going to happen. We don't know that Springforth is going to be successful. He does not think it is the right time or the right piece of property for this farming activity. He states that Linell Lands intention was to keep this as a farm, but they did not break it up that way. Now is the time to stop the nonsense and get back to what the property was zoned for and planned for eight years ago. He states that Rich Torkelson and Linell Lands are developers, they don't conserve. T. Yasenachak states that there are two letters, as part of the record, from Bill Brooking and Caroline Steuer. She states that the public hearing will remain open at this time. T. Yasenachak states that we are still waiting for information from DEC as well as a revised map showing some more of the details. Typically we do not close a public hearing until we have that complete information so that people can comment once they see all the information.

B. Duffney states he has noted the concerns of B. Brooking and C. Steuer. He asks the applicant how large a portable farm stand she would like to put out beside the road. A. Shields describes. B. Duffney states that then she is saying about 4 x 8. A. Shields states that it is not her intention to do something like this right away. She is just asking so that if she ever does want to do it, she would like it to be available to her. T. Yasenachak states that she is not saying that this would be horse drawn, it is just the type of cart that would look like that. A. Shields states that she would never have a horse. B. Duffney states that as to farm stands, we do have a new Town Code for vending carts and selling off of your own property. He asks if we grant this special use permit for this organic farm, if someone decides that they do want to raise livestock on this property, they have to come back before the Board. T. Yasenachak states that typically we approve a special use permit specifically to what the applicant is asking for. We do typically limit it and define what you are approved to do. If one were to decide to waiver from that approval, they would need to come back for additional review. A special use permit does not stay with the land, only the applicant. A variance goes with the land. If the applicant decides to sell a year from now, that special use permit is no longer valid. Someone else, if they chose to buy the land and continue with that, they would have to come back before this Board and be re-approved. B. Duffney states that C. Steuer mentioned pesticides, but the applicant stated she would be going fully organic. He asks A. Shields what she will use. A. Shields states that any pesticides would have to also be certified USDA organic. She states that J. Hayden is pro-organic farming. B. Duffney states that she will be working under USDA regulations. A. Shields states that she does not own the land yet and is applying to be certified. It is a rigorous process; she is familiar with it and is up to working through it. It is an annual re-certification process. B. Duffney states that he is familiar as he is USDA certified to dry firewood. T. Siragusa asks if there is something that the Board can do to tie organic vs. non-organic to the special use permit where a decision to use non-organic would be a trigger to come back to the Board. T. Yasenachak states that is up to the Board. J. Streit states that if we were to approve under certain conditions, anything that varied from those conditions would have to be reapplied for. A. Shields questions that the

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Planning Board's approval is a pre-application feature for her and that she has to be certified first. T. Yasenchak states that is not what the Board is saying. They are saying that when the applicant begins to produce her crop and begin her operation, that is what the special use permit is going to allow the applicant to do and that her intent is to be organic. The Board can give a conditional approval based on USDA approval. T. Siragusa states that the Board understands that the USDA organic certification process is time consuming so we would not wait for that stamp. B. Duffney states that this is still basically within the character of the area as there are two neighboring farms. As far as the keyhole lot, that was approved in the subdivision process. J. Bokus asks that as this lot exists right now, someone could build a home with a simple building permit and could have a garden for their own use. T. Yasenchak states that a garden for personal use is permitted. J. Bokus states that because they have 6 acres, and with our right to farm laws, they could also have limited farm animals. T. Yasenchak states that there is a list of allowable uses in the code and some of those trigger a special use permit, which is why the applicant is here. She is looking to produce something to sell. J. Bokus states that he is trying to clarify what is permitted on that property right now. He states that it is permissible to build a house, have a lawn, a garden and pets. They could put all the fertilizer and pesticides on their lawn that they wanted to. T. Siragusa asks regarding the farm stand, what hours might it operate, would it be attended, what would the parking be like? A. Shields states that she really is not that interested in bringing a cart out on a daily basis, that is not what she does, she is dealing with 90% wholesale and she will not have time to bring it out. She asks if Greenfield has ever, since its formation, told a farmer in what way he could or could not sell his crops on his own land? T. Siragusa states that in terms of the commercial aspect of someone operating out of their home, there are things that the Planning Board would look at in terms of hours of operation, noise, etc. He states that he is not asking in a restrictive sense but more in an informational sense. He states that if someone were operating a store front, etc., the Board would still ask what hours they intend to be open so that the neighbors know if someone is going to be there at 11:00 p.m., on Sunday, etc. He states that the Board could get a pretty good idea about the farm stand if the applicant were saying it is not 10% of the business, maybe on special occasions, etc. Some of those things being in the record are informative to the community. A. Shields states that she likes the idea of "special occasions". She might have a grandchild visit for the summer who might like to sell some of her product at the end of the road during good daylight hours. It is not her intention to go out and do this seven days a week. J. Bokus asks how the applicant plans to get her product to market. A. Shields states that her product will be delivered, picked up or it could be FedEx'd. J. Bokus asks how many times per day. A. Shields states that she honestly does not know. M. Gyarmathy states that these are the kinds of things that the Board needs to know. He states that she still has not addressed the issues of parking along the road or elsewhere. A. Shields states that she could deliver possibly up to 3 times per day. She states that she has a daughter with a medical condition who lives in the Boston area. One of the things that she will be working with DEC on is a couple of parking spaces adjacent to the driveway for winter so that she can put her car down at the end when a winter storm is predicted so that she can get to Boston overnight if she needs to. Those spaces could be used for the parking should she have the farm stand. T. Yasenchak states that then the applicant would be amenable to using those spaces for the farm stand. A. Shields states that she will never park there unless she knows that there is a storm coming in winter. M. Gyarmathy states that these issues can be addressed easily and that we will revisit these things once we have a larger map. T. Yasenchak states that by discussing them now, the applicant can have these put on the map the first time. T. Siragusa asks if she is going to have a sign. A. Shields states that she will only have a small oval sign as part of her entrance along with the required 911 numbering. T. Siragusa asks if there will be other visitors to the site, other activities other than people working or the normal course of business. A. Shields states that it will be her primary residence. T. Siragusa states that of course she will have guests and family or friends come visit. A. Shields states that if she does the winter wheel chair gardening with BOCES, she will come before the Board to ask for a special use permit for that. J. Streit states that of all the things that we have to consider, nothing is more important to him than the neighbor's feelings and objections or approvals. We have had contentious meetings before and he would like to say that this level of discourse tonight was highly commendable and desirable. We have people who have very valid objections as to what might happen to the land very close to them, those reasons are valid and he would like to address those. He states that there are several issues here and one of them is that it sounds to him that organic horticulture has a high definition and that this definition

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and the regulations and restrictions would meet the objections that have been raised as far as possible future use. He states that if we were to eventually approve this application and define what activities could take place here, that we could write a restrictive set of regulations and restrictions that would meet with the objections that have been raised. As far as the farm stand, he states that he thinks that we are making a bigger issue out of that than it probably is and we can easily write a restriction that states that it can only be done between certain hours with no lights and no sign. We are capable of putting on restrictions that would address most of the possible objections. He states that he has a rather large garden of his own, he does not put fertilizer on it, it is probably ½ an acre and knowing how fast stuff grows on that ½ acre, he does not see the possibility of what he calculates at about 2 ½ acres of agriculture, he does not see semi's pulling in here on a regular basis. It can probably be handled by 2 or 3 station wagon loads a week so he does not think that we should spend that much more time on that. He states that it is his opinion that the concerns voiced are valid and well articulated, but would be met by the restrictions placed on any approval and therefore the point raised that we don't know what would happen after the applicant, we don't have a concern with that because no one else would be granted this permit and if the applicant strays from the permit she would be violating Town Code, which would be enforced by the Town's Code Enforcement officer. He states that this is the kind of public discourse he likes to see at these meetings. B. Duffney asks how much property the applicant is planning to eventually use for gardening. A. Shields states that it would be approximately .3 of 6.1 acres, which would be approximately 1.85 acres. She thinks that the land is more than 6.1 acres so it will be .3 of the total, roughly. B. Duffney states that we had an applicant a few years ago who had neighbors objecting to their proposal. The neighbors went to the applicant and when B. Duffney visited the applicant a couple months later, they were all sitting together in the applicant's shop. His point is that if the neighbor's have questions it would be advisable to ask the applicant. C. Baker states that we need a detailed site plan that shows the proposed buildings; septic systems and wells – both the applicant's and the neighbor's. A. Shields states that she does not know where the neighbor's wells are. R. Torkelson states that they have this information from the initial subdivision and it will be provided. T. Yasenchak states that the Board understands that these things can change and the Board is aware that they are only proposed locations. C. Baker states that the wetlands delineation is very important. T. Yasenchak states that until we get a new map showing all the information we cannot review for SEQRA because we don't know the full impact the project has on the land. She states that sometimes in the past when we have had a new use, we have granted a one-year renewable permit just so we see how it is working out. This is something for the Board to consider. A. Shields asks if she would have to go through the same process. T. Yasenchak states that it is not the whole process and that we have not decided on that, it is just something that the Board could consider. She states that the limits of disturbance should also be shown on the map. J. Streit asks if this might be a site walk situation. T. Yasenchak states that it is something that the Board could consider. A. Shields asks that the Board wait to do a site walk until she has the survey. T. Yasenchak explains that the site walk is just to go out and familiarize ourselves with the property and that because of open meeting laws the Board cannot discuss the project. A. Shields states that she feels it would be a waste of the Board's time, as she does not know where the lines are right now. T. Siragusa explains that the Board would not be there to look at this particular line or another. They would be there because it is easier to see when you are at the location and not from here or a Google map, etc. They would be looking at the lay of the land, how wet it is, etc. J. Streit states that the purpose is that when presented with the map the Board can visualize it better. Technically we only have to ask R. Torkelson's permission. R. Torkelson states that it would not be a problem. T. Yasenchak states that as soon as the applicant can get a revised site plan from the surveyor with all the information requested, and she can stop by the office and get a copy of these minutes, then we will get it on the next available agenda. A. Shields states that as someone trying to initiate a farm in the Town of Greenfield it is difficult to get through this process. It doesn't make people want to initiate farms because it is so complicated. She states that she is happy to step up to the plate because she is used to doing detailed work, but anybody who is not used to doing detailed work would be very challenged by the process. T. Yasenchak states that there are professionals out there to help with that and the regulations are in place to protect the neighbors and to protect the applicant when she owns the property.

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SARCOM LAND DEVELOPMENT – Lot Line Adjustments
Greenfield Estates

Michael Hannah, Attorney, is present for Sarcom, and he explains that he became executor of the estate in 2007. The estate has come to an agreement with the ACOE to downsize this project substantially. They have basically 5 lots that they would like to sell – lots 10, 6, 7, 15, and 16. He states that these are lots that are approved and can be sold at any time, but he has to file a final map with the ACOE and as opposed to filing it over the old map, he wanted to file it over the new map showing the actual parcels. He wanted to resolve some issues – paper streets that were never built; some parcels of land that are not going to be dedicated to the Town that adjoin certain parcels (T. Clemmey, T. Hill and some other people). He wants to do that first so he can clean up this subdivision so that when he is done with it he can walk away from this project and feel good about it. He states that he decided to try to get the lot line adjustments approved before filing the map with the ACOE. Lot 16 which is basically going to be a consolidation of the remaining lots of phase 2 of the project except a little bit of the parcel which will be given to T. Hill along the rear of his property and there is a paper street between T. Hill and T. Clemmey which he is looking to deed half to each of them. On the other side of T. Clemmey's parcel there is another piece of property that is owned by Sarcom Land Development that he wants to deed to T. Clemmey. M. Hannah states that they are not charging for any of these parcels. Lot 2 is to remain forever wild, which he has discussed with a couple of the landowners about whether or not they would be interested in taking title to the property. He states that he has one particular person who is purchasing lot 6 and he has committed to giving them first choice. If she decides not to do it then M. Hannah will look to some other people he has discussed the matter with. There is also another section of paper street which is between parcels 6 and 27, which due to the way that parcel 27 configured their driveway based on the fact that they were relying on the fact that there was ultimately going to be a street in there, he is proposing to do a lot line adjustment there also so that the owner of lot 27 can continue to access their parcel from that driveway. The remaining portion will be deeded to lot 6. He states that basically what they are looking to do is get the lot line adjustments approved prior to filing the map and then he wants to close on these properties. He states that he needs to pay real estate taxes, as the estate has been very illiquid during this time period. There was serious consideration to just walking away from this project a few years ago because there was no money and they came up with this idea with the ACOE of trying to downsize the project and get them to approve a substantially reduced restoration which they have agreed to. Instead of it costing \$150,000, it is going to cost about \$50,000.

A public hearing is opened at 8:46 p.m. Paige Jaeger, Ericson Drive, states that she is underwhelmed by the amount of information received and would like to know a little more about the restoration on the adjacent property. M. Hannah states that they are leaving the land forever wild. He states that this property was approved for 21 additional lots to be sold. S. Strouse allowed the approvals to expire on phase 2, which is the land behind T. Clemmey's and T. Hill's houses and then comes around to the other road near lot 15. They were looking to subdivide up on Nat Hill. The cost of doing that would have been substantial and the Town insisted upon two roads coming in and out in that area for the purposes of fire, etc. They would have had to put a road through the wetland area, which would have been quite a costly proposition. They ultimately decided that they did not have the money to do that and a requirement on these wetlands is that it has to be monitored and reports have to be filed on it. No one wants that kind of headache, no one wanted to buy the property. He reiterates that serious consideration was given to just walking away from this development, which would have left a terrible mess. He states that they have the LA Group working with the ACOE and DEC to come up with a plan and do the monitoring necessary. They are planning to start the work later this summer. P. Jaeger states that she would like to know if those plans are on file with the Town. T. Yasenchak states that we do not send out all the information to all the neighbors. Everything that we have received is always on file and anyone can come at any time and review it. T. Clemmey, Ericson Drive, states that he owns lot 22 and lot 23, which is the parcel behind his house lot. He states that he and his wife do want access to that secondary lot and if the road is not going to be built then the plan M. Hannah has come up with is fine with them. They are not interested in a shared driveway situation. He states that they currently maintain the strip of land that would be deeded to the second lot. Tom Hill, Walker Drive,

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provides the Board with copies of letters. He states that he is opposed to this plan. He states that Sarcom is delinquent in their taxes and he is not sure that as Greenfield residents we should let anything go forward until those taxes are paid. T. Hill states that he has lived in his house since 1998 and his deed, a copy of which has been given to M. Hannah, states that S. Strouse, Sarcom, and his heirs or successors will maintain the driveway that goes to his house only, although it has not been maintained in quite a few years by anyone other than himself. He states that he received a letter from M. Hannah in November 2010 stating that they would no longer be doing any maintenance or snow plowing on his driveway. The existing easement going from Ericson Drive to his house is solely to his residence. T. Clemmey bought a building lot, which is across from T. Hill's property. They subsequently went to the Zoning Board to seek an area variance for frontage to try to get a building permit and T. Clemmey withdrew the application after opposition by T. Hill. This lot line adjustment is already T. Hill's driveway. If T. Clemmey wants access to the rear lot, which he does not need, he can go through his house lot. He questions where the lines are on the plans and states that his driveway is not shown on the plans. He asks if M. Hannah would have him build another driveway at his own expense? He states that Town Code is pretty specific about not having shared driveways without an agreement between landowners, which T. Hill states there definitely is not here. He states that he has not been able to contact his attorney regarding this and there is no real information here about how this driveway business is going to be handled. S. Strouse and his successors were supposed to maintain this until such time that a public road was put in or until such time as it was turned over to T. Hill. He states that his attorney attempted to contact M. Hannah in 2010 and M. Hannah did not reply. T. Hill states that he would like a lot more information on how this driveway is going to be handled, is it going to be a shared driveway, which he is adamantly opposed to, and why T. Clemmey needs a strip of that right-of-way down to the rear lot. He states that lot is not buildable based on area and no road frontage. If the driveway is split, he does not know how they would maintain it, he does not know where they would push the snow, as there is a bank that runs down the length. He is not sure how much room they are being given. He would like to see a plan with the boundaries on it, his driveway and the proposed lot line adjustment. T. Hill states that if the Board grants this lot line adjustment they are approving yet another keyhole lot which the Town Code states will only be permitted in unusual conditions and he does not believe this is an unusual condition. If someone buys a lot that is unbuildable, buyer beware. T. Hill states that basically M. Hannah and Sarcom abandoned that road and left them with the snow plowing and have done no maintenance on it in 14 years and now they are asking him to split the driveway between themselves and someone else. He does not really understand why they are suggesting this. He states that he would like to see Sarcom Land Development clean up their act in Greenfield Estates before the Planning Board allows them to go on here. They have a legal obligation to T. Hill for the driveway, which is in the deed. He states that he would like to see this resolved amicably between himself and Sarcom Land Development before the Board considers any other development. T. Clemmey states that he would like to make sure that his interests are maintained and that whether he has a lot that is separate from his current home lot or not, that he would have legal access to that lot. It is a lot that he purchased, pays taxes on, so with Walker Drive not being developed, he would not have access. The way the driveway split is proposed; it has nothing to do with the dirt driveway. It is actually into the grass that T. Clemmey maintains. He would also prefer to not have a shared driveway situation. T. Hill states that M. Hannah had stated that it would be 30 and 30, which is splitting it up the center of the stone driveway he has been using for 15 years and that is contrary to what T. Clemmey stated. He reiterates that he would like to see more information and would like to see the stone driveway on the map and would like to have survey markers at the property. He states that as far as the other lots, he didn't know anything about this until he received the public hearing notice and would like time for his attorney to review. He questions what M. Hannah stated about phase 1 and phase 2 being built out. He suggests taking time to make sure that we know what is being proposed. T. Clemmey suggests that if the Board is going to do a site walk, stop by this property as there are markers set and it has nothing to do with the dirt driveway. T. Yasenchak states that copies will be made of the information provided by T. Hill and it will be provided to all Board members. T. Clemmey submits a written letter. T. Yasenchak states that this will also be copied for the Board and states that everything that has been provided to the Board is always on file. She states that the reason behind a public notification is to let the neighbors know. That is the process. The applicant comes in and tells the Board what they are going to do. Then the Board makes notice to the neighbors. All this information is

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available for review. T. Yasenchak states that she would charge the applicant that before he starts saying that property is going to go here or there, that there should be an agreement between the applicant and those property owners before it is presented to the Planning Board. T. Hill reiterates that T. Clemmey does not need a strip down to the back lot to access his property legally because he can access it through the front lot. He states that M. Hannah had stated that he was giving T. Hill some property at the rear of his lot, and he has no idea what M. Hannah is talking about. T. Yasenchak states that we are going to continue to review and discuss this, but we always require that any property transactions, easements have to be part of the application before it gets approved. T. Hill reiterates that his deed states that Sarcom Land Development and/or its successors have a legal responsibility for maintenance of that 330' of road from Ericson to his driveway. He states that if he does not accept or like the terms, whomever Sarcom gives that to property to will be responsible for the maintenance. The public hearing will remain open.

J. Streit states that it would be difficult to take a position without an amicable agreement between the parties. He believes that the Board's hands are tied until this is resolved. T. Yasenchak agrees that it is something that needs to be resolved. M. Hannah states that he does not believe that he can resolve something with T. Hill. He states that he offered him the land and he offered it to his attorney, stating that we would be happy to give T. Hill the land that the driveway is on, but Sarcom has no money. There is no money in Sarcom Land Development. T. Hill states that he would like it in the public record that M. Hannah did not offer him the land. T. Yasenchak states that the public hearing has been adjourned, and will be adjourned until it is reopened. She states that we may be able to look at other portions of the project. However, in order to close out the entire project, there may still be things that need to be addressed and the Planning Board will need to contact our Town Attorney to make sure that we are making a proper decision. She states that we can not make a decision on the whole thing and leave that portion out and leave a neighbor who originally thought there would be a road there with nothing. M. Hannah states that he has the right to sell lots 15, 6 and 7. They are approved lots and they are grandfathered. He would like to address those, get some money. He states that he owes money to the surveyors, the LA Group, he owes back taxes. He cannot file the maps without paying the taxes. He has a timetable with the ACOE. He has an extension that he believes runs out August 8th. He states that the reason he is in this trouble is because he wanted to solve the lot line adjustments prior to selling the lots. He thinks that he has made a very reasonable offer. He has not asked anyone for any payment for any of these lot line adjustments, he is giving people more land. He thinks it is obvious that neither T. Clemmey nor T. Hill want to share the roadway. His original thought was to deed them both the road with cross easements back and forth. They have had some issues with one another over the years and neither of them wants to share anything with each other. We are talking about a strip of land here that more than accommodates a driveway for both of those people. He states that we are talking about 60' of frontage on the road for ingress and egress, and it narrows at the back to 33', but that is what would be deeded to T. Hill so he has plenty of ingress and egress. He states that it is marked at the property. T. Yasenchak states that we are going to continue on. She states that we cannot force someone to take property. M. Hannah states that if T. Hill thinks that they are being unreasonable, he certainly can pursue this under the law, but he is trying to come up with the best solution. T. Yasenchak states that she will have the Town Attorney look at this. She charges the applicant to have more dialogue between attorneys to try to get this resolved. M. Hannah asks about the lot line adjustment between lots 6 and 27 so that he can move forward with that. J. Streit states that he does not think that we can take action on the whole project until these issues are resolved. He does suggest taking a look at the lot line between lots 6 and 27. They fit the zoning as he understands it and he would have no objection to that lot line, as it does not negatively impact any landowner. M. Gyarmathy states that he agrees with Dr. Streit. He states that the only other concern he had was that we had discussed how the trucks turn around at the end of Walker Drive and Nat Hill Road. He does not clearly understand how that is taking place. M. Hannah states that he knows they turn around there with the snow plows, he is certainly willing to deed as much land to the Town as they would feel that they would need. M. Gyarmathy states that M. Hannah should meet with the Highway Superintendent. M. Hannah states that he would be happy to call him. T. Yasenchak states that the Board will contact him also. M. Gyarmathy states that he would not be opposed to the lot line adjustment between lots 6 and 7. J. Bokus asks what the issue is with selling lot 15. M. Hannah states there is no issue. He has to file a map showing

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the wetlands and ACOE wants him to file the map before he sells any property. He just thought it would be a good idea to get the lot line adjustments taken care of rather than filing an amendment to the map. He thought that the lot line adjustments would be in everyone's best interest. B. Duffney states that as to the lot line adjustment between lots 6 and 27, J. Streit pretty much covered that and B. Duffney sees no issues. He believes that the frontage is good. T. Yasenchak asks if G. McKenna confirmed this. R. Rowland states that G. McKenna stated that these were ok. B. Duffney asks how wide the piece of property is between T. Hill and T. Clemmey. M. Hannah states that in the front it is 120' and then it narrows down to about 55 or 56 feet. C. Baker asks if ownership has been resolved for lot 2. M. Hannah states that he has asked a couple of homeowners about it, who have an interest. He states that he has committed to the person who is purchasing lot 6, who would like to take title to it. If she decides not to do it, he will go back to someone else he was discussing this with. C. Baker states that one of the things we will need to have in our discussion with the Highway Superintendent is whether or not we want an easement around the basin in the front for maintenance. M. Hannah states that he has no problem with that. C. Baker states that the strip of land that goes between lots 39 and 22, which is in contention right now, the plan was for a Town road so both lots 39 and 22 would have had frontage on that road. Now that that road is not going through, what we are basically looking at is 2 flag lots. The question is, is there any way that the lot line could go so that the driveway is included totally on T. Hill's property. M. Hannah states that he has not gone out there and looked since the surveyor put the pin in, but a pin should be where it was to be divided. T. Yasenchak states that it would be a good idea if we can see something on paper so that we can see that there can be a separate driveway on each. Suggestion is made to do a site walk to this property. M. Hannah states that he is just trying to get his hands on some amount of money so that he can pay the taxes. He states that the only way he can file this map is by paying the taxes. He is going to have to loan the corporation the money to pay the taxes and then he will get paid back hopefully at the closing. He is not going to do that unless he knows he can close. He has two parcels, 6 & 7 under contract and he really would like to close on them. He also has some people looking at lot 15. T. Yasenchak states that this has been going on for a long time and this is when the Board and the Town have the opportunity to make these changes and to make sure that projects get finalized in a correct manner for everyone involved. M. Hannah states that he has already been served by the County. The foreclosure will occur in September. T. Yasenchak states that the Board will try to do everything that they can. If the applicant could clarify where the driveway actually is and how it is going to be affected by the new property line. That is very important, as well as any easement language about the access for maintenance of the basin. C. Baker suggests M. Hannah draft some language giving ingress and egress for maintenance. T. Yasenchak states that the Town will contact W. Barss and the Town Attorney about the driveway. She states that the applicant had 90 days from the order, which would have brought us past the date, and he now has a 60-day extension. She states that one of the stipulations was that for the following 5 years after the establishment of the restoration work in the wetlands has been done, there should be annual reports completed. Her question is who does that. M. Hannah states that would be his responsibility. He would need to hold back some money in escrow and he intends to hire the LA Group to file the reports, etc. C. Baker states that is one of the issues that Mark Schachner should look at. M. Hannah states that his discussion with the landowner was that he would enter into a contract to sell it to her, but he did not want her to be responsible for anything that he failed to do. He would not actually close on the property and transfer it to her, or transfer it to her and hold it in escrow, until such time as the ACOE was totally satisfied.

ZBA REFFERAL

W. & P. Schade – T. Yasenchak reviews that this is an interpretation request regarding Hobby Farms. G. McKenna's notes state that depending on the ZBA's interpretation, this would be a use variance. Town Center does not allow for agricultural uses. R. Rowland states that the new Hobby Farming regulation states that 'all zoning must be met' and that was not necessarily the intent of the hobby farm. T. Yasenchak states that when the code states that all code must be met, if it was met, there would be no reason to have hobby farms. 'Hobby farm' was to be for one's own use versus agriculture where you have permission to sell. T. Siragusa states that the applicant has nine acres and the whole point of the Hobby Farm was to be able to

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have animals and be clear about being able to have some reasonable use and access to chickens and other hobby farm products, non-commercial. He states that it would be a shame for someone in Town Center with 9 acres to not be able to do that. To him the intent was that would be an allowed use. J. Streit states that he agrees with T. Siragusa. The Planning Board recommends that the Town Board pass on a resolution that the applicant can have a hobby farm in that area and review the Code language and that the Planning Board is in support of hobby farming.

John Harding – This request is for an area variance to build a pole barn. No Planning Board issues.

Kevin Clark – This is an area variance request to combine three lots, remove an existing structure and replace it with a new modular home. T. Yasenchak states that the applicant is making it less dense by combining the three lots. No Planning Board issues.

Theodore Makkay – This is an interpretation request for frontage reductions in a cluster development. The code allows for a reduction in acreage, but it does not specify a reduction in frontage. T. Siragusa states that it seems reasonable that if lot size can be reduced by $\frac{1}{4}$, then frontage should be able to be reduced by half. C. Baker states that most municipalities that have cluster developments do have a provision for a frontage reduction. Planning Board's recommendation is that someone should research what other municipalities have.

Meeting adjourned, 9:50 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary