

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**March 13, 2012**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:02 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Stan Weeks and John Bokus, Alternate. Lorna Dupouy, Michael Gyarmathy, Thomas Siragusa and John Streit are absent. Charlie Baker, Town Engineer, is present.

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**MINUTES – January 31, 2012**

MOTION: B. Duffney

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of January 31, 2012, as submitted.

VOTE: Ayes: Bokus, Duffney, Weeks, Yasenchak

Absent: Dupouy, Gyarmathy, Siragusa, Streit

Noes: None

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(T. Siragusa arrives)

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**THEODORE MAKKAY – Major Subdivision**

Goose Hollow Road

Ted Makkay and Rob Fraser, LA Group, are present for the application. R. Fraser states that he prepared the application and the site plan. They last appeared before the Planning Board in January of 2009. Some of the items from that meeting were to investigate the soils for septic; put in some test wells for quantity and quality. Those two items have been done and the information has been submitted with the storm water report. They conducted a sight distance study and there is a letter from a traffic engineer in the application. They have also obtained an Army Corp permit for the wetlands crossing. NYS DEC has reviewed and has no issues. The only item that they need is a SEQRA determination from the Planning Board in order to issue their permit for the wetland crossing. R. Fraser states that they are here seeking preliminary site plan approval and SEQRA approval. In summary, R. Fraser states that this is a 23-lot subdivision with ingress and egress on Goose Hollow Road. They have reduced the number of lots to 23 from 24 since the January 2009 meeting. He states that he is not sure that the Board received C. Baker's review letter, but before he gets to those comments, they got to the density calculations based on 83 acres of developable area. The total parcel is 154 acres. The undevelopable area includes slopes that were greater than 15%, wetlands, and the 100' no-cut buffer. This was based on the MDR2 area table from the Town of Greenfield code. This is a cluster subdivision, so according to the regs they would be able to take the minimum lot from that MDR2 table which is 3 acres and therefore each lot would be  $\frac{3}{4}$  of an acre. He states that if they used that cluster calculation, they would be at over 100 lots for the cluster subdivision. Actually 23 lots seems to be the appropriate number based on the findings and conditions. He states that the soils investigation support that calculation. The minimum lot that they are proposing is 1.3 acres and the largest is 7.93 acres, which will be owned by the applicant. The total open space area is 83.59 acres and that is including the no-cut buffer. In terms of developing the project, what they would like to do is try to minimize the disturbance to less than 5 acres at one time. So they are proposing that phase 1, come in with the

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subdivision right-of-way up to a certain point (indicated on pg. L-1.1) to give access to the applicant to market the front lots, develop the road, get the storm water devices in and control the storm water. Phase 2 would be to develop the cul-de-sac road. They conducted the traffic engineer's study and developed the site in accordance with the new storm water regulations that came out in 2010. They did have to make some modifications because the original design was on the old storm water regs, so they had to improve the storm water management of this site to meet the 2010 DEC guidelines. R. Fraser states that there are three different types of septic systems proposed based on the conditions – conventional, shallow and raised depending on soil conditions. He states that C. Baker and M. Shaw, DOH, were present for the deep hole and perk testing. R. Fraser states that R. Rowland indicated that she was going to submit the plan sets to the Fire Chief and the Highway Department for comment and he has not received any comments. T. Yasenchak states that we will check into that. R. Fraser states that they did three test wells in areas specified by DOH and they have submitted the information to DOH for preliminary review. In speaking to the Fire Chief quite a while ago, R. Fraser states that the Fire Department wanted a turnaround in the keyhole lots and they have done that. T. Yasenchak states that she will go through some of the comments from G. McKenna and then C. Baker's comments. G. McKenna comments that regarding the road name, right now we do have a Maple Avenue and that may be something that needs discussion, because it makes it less confusing for emergencies. He also had a comment regarding the 4.9 acre lot to be conveyed to the town. T. Yasenchak asks for the reasoning behind that. R. Fraser states that he thinks the lot G. McKenna is referring to has a storm water management device, structure #1, on it. That is a lot that has ACOE wetlands on it and a storm water device, which is essential to meeting the storm water management regulations for taking the storm water from phase 2. He states that the Town will be responsible for maintaining this storm water device. There is no other use for this other than storm water. T. Yasenchak states that what we have done in the past is that property that has the storm water on it has been part of the subdivision, part of the lot and there are easements on it. She states that is something we will have to discuss a little more. R. Fraser states that they could make that part of the open space lot, but it seems that they could work something out. He states that lots 17 and 19 will also have easements due to storm water devices. G. McKenna also has a question about site distance on lot 12, the lot in the center of the cul-de-sac. T. Yasenchak states that the Board will need to further discuss this. G. McKenna's interpretation of the cluster regs seems to say that it is not allowed to reduce road frontage. T. Yasenchak reads from the definition and states that she will discuss this with G. McKenna (Page 105.24, Section 105-7). R. Fraser will discuss with G. McKenna as well. C. Baker states that his most substantial comment deals with the number of lots. This project was before the Board in 2009, the Board looked at a sketch plan and had some preliminary discussions at that point, but he does not believe that we ever agreed on any number of lots. At that point, the applicant did provide a conventional plan. C. Baker states that he feels that the applicant needs to provide an updated conventional plan because a conventional plan also has to take into account the new storm water management regulations. The applicant has to prove to the Planning Board that they can build 23 conventional lots under the new regulations, which he does not believe they have done to date. He states that the applicant did provide a conventional plan back in 2009, the Board looked at it, there was some discussion that that might be a bit of an aggressive number of lots, the Board wanted to see the results of the soil borings, they were looking for some additional information before an actual number of lots was nailed down. C. Baker states that the soil borings have been done and for the most part the borings were not bad but they are looking at a substantial number of fill systems, predominately fill systems. In that case we have to ask the question, are we overloading that property because of those types of systems? He states that only 3 out of the 23 are conventional. He states that that information all goes into what the Board needs to consider when looking at the actual number of lots that you can get on this piece of property. C. Baker states that R. Fraser had mentioned that you could get in excess of 100 lots, but we all know that that is totally unrealistic and there is no way that that could be demonstrated. C. Baker states so, is the real number 23, is it 18, is it 27? We have no way to know that until the applicant shows us the information that substantiates that. C. Baker reiterates that he is recommending that we update that conventional plan and document that 23 is the real number. R. Fraser states that they are proposing 23 and that the septic systems are within the guidelines. He states that there is nothing prohibiting them from installing raised systems. C. Baker states that is correct. R. Fraser states that they based the subdivision on the calculations of the MDR2 requiring 3 acres, they actually came up with 24 and reduced it to 23 based on

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a more practical approach. R. Fraser states that they are confident that 23 lots will work. C. Baker states that he understands that R. Fraser is confident, but he is not so sure that the Board is. He states that this is a question for the Board to discuss and decide whether or not they want more information. C. Baker states that in his opinion a conventional plan needs to show us that you can get 23 lots taking into account the roadway, the storm water management areas, the storm water management design in accordance with the 2010 standards, etc. He states that he does not think that the applicant demonstrated that with the plan that was submitted in 2008. R. Fraser states that they are here in 2012 with a full storm water management plan, full SWPPP, full set of grading plans, storm water basins that have been designed in accordance with that manual. T. Yasenchak states that she thinks that what C. Baker is saying is that we have a conventional subdivision that was sent to us for sketch plan in 2009, since then the storm water regulations have changed and that is how this was designed. However, we don't have a conventional subdivision based on the standards that we are looking at today. T. Yasenchak states that the applicant did a conventional subdivision in 2009 based on the regulations at that time. We need to see an updated conventional subdivision under today's regulations to see if that number is still relevant. R. Fraser states that he does not understand why that is important to submit. T. Yasenchak states that it is part of our regulations. The cluster regs state that we have the ability to ask for that to show that what an applicant is telling us is actually true. She states that we know that R. Fraser is a licensed professional, but as far as the Board, we need something to substantiate that number of lots. We need to be able to review it, put it in our folder and be able to say yes, under a conventional subdivision 24 lots are allowed. That means that we can then review a cluster subdivision of 23 lots. T. Yasenchak reads from the code. R. Fraser states that to him it is not going to look much different than what he is proposing today. T. Siragusa states that the conventional means that all the lots are minimum lot sizes so it couldn't look the same. He states that if the property is not buildable, it's not buildable. There has to be other reasons for clustering. C. Baker states that essentially the applicant did that on the 2008 plan, but the point is that plan did not take into account, because the regulations hadn't changed, and now they have. He states that they are pretty difficult as far as retaining a significant amount of storm water. He states that 23 might be the right number, but C. Baker doesn't think we have enough information before us right now. C. Baker states that his comment #2 regarding frontage is something that they will have to discuss with G. McKenna. C. Baker states that the proposed plans should show the limits of the conservation easement. The soil water management report has a significant amount of area, approximately 100 acres. He states that the conservation area seems to encroach on quite a few of the lots. R. Fraser states that is part of the no-cut buffer. C. Baker states that if the applicant is taking credit for that area as green infrastructure, then that area has to be deed restricted, identified on the subdivision plan, etc., as buyers need to be aware that a significant portion of the lot would be undevelopable in the future. All deed restrictions need to be submitted to the Town Attorney. C. Baker states that he recommends that storm water management ponds be fenced. They are designed as wet ponds that the Town is going to own in the future and he is sure that for liability issues those would need to be fenced in. We would be looking for some type of fencing details to be shown on the plans. C. Baker states that a performance bond is required for the road construction. Lighting is discussed. Coordinated review will be required with DEC and DOH. R. Fraser states that DEC has a copy of the long form which they submitted with the joint application. C. Baker states that there has been a revision to the road cross section over the last couple of years. We are currently looking for 2" of top and 3" on the binder; 3' of cover on culvert crossings and the only one that C. Baker noticed that might be in question is the wetland crossing. R. Fraser states that he took another look at that and a retaining wall may be possible. Details will be provided. C. Baker reviews more of his comments and states that he went through the storm water report very briefly because there is a significant amount of information. He states that historically the Town does not take the land where the basins are located. We look for easements typically. T. Siragusa states that he has no additional questions. S. Weeks questions why lot 22 has such a small frontage and lot 23 has such a large frontage. If they were equal they would both be 200' or a little bit over. R. Fraser states that he believes part of that is because of the no-cut buffer. He will take a look at that. S. Weeks states that, especially along the road, he would be happier if the frontages were fairly equal or at least those two would be close to equal. B. Duffney states that a lot of his questions were answered already or will be taken care of. He questions that lots 13, 14 and 15 are so small while lots 9, 10 and 11 are 5-acres plus. He asks if there was a reason for that, but that can be addressed with G. McKenna. B. Duffney asks

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about the neighboring house and that it is right on the property line. T. Makkay states that years ago there was a farm house that was purchased by his grandfather. The individual who sold the property to his grandfather then built this house, which is actually a couple of feet on the driveway. B. Duffney states that now it is not an issue, but what he is looking at is that if T. Makkay sells his property and it becomes a problem. T. Makkay states that he would stipulate to the neighbor that that land is theirs. T. Yasenchak states that the applicant was talking about phasing and asks R. Fraser to go over that a little more. She states that he had stated that phase 1 would go up to about where the keyhole lots are. R. Fraser refers to map L – 1.1. T. Yasenchak states that she understands developing the lots along Goose Hollow Road, because those have road access. As far as developing the road up to where the keyhole lots are, what are their intentions? It would have to be a private road at that point because if there is not a turnaround on it there is no way for the Town to get their trucks in to plow that. She states that she is concerned because we have had issues in the past where people have done this. They had all good intentions but for whatever reason it never got developed and then we have a road that doesn't have a turnaround. Then we have people who end up on a road that cannot be maintained by the Town. She reiterates her question is what are the intentions, is that going to be a private road until they continue the road or will phase 1 have some kind of turnaround so that it can be given to the Town at that point and then phase 2 goes on later. R. Fraser states that the shaded area on map L – 1.1 represents phase 1 and they have indicated a temporary turn around at the end of that. T. Yasenchak asks if that meets the Town's regulations for a turnaround. R. Fraser states that it does and if the Town wants that modified they certainly will do that, but it is designed for emergency vehicles, a fire truck, etc. R. Fraser states that if the Fire Chief wants this to be designed differently, they will certainly do that. C. Baker questions that it is their intention to build a town road. R. Fraser states that it is. C. Baker states that in order for this approval to happen, this will be approved as a town road and the road bond will have to be in place to cover the entire road and storm water management areas, not just phase 1. The town is not going to take that road until it is 100% complete so it will be a private road under private ownership and maintenance until the town officially takes it over. T. Yasenchak questions at what point the town takes over a road. C. Baker states that right now the Town does not take over a road until it is 100% complete. That is something that the Highway Superintendent and EDP are working on with the Town Board, because in the Town of Greenfield, as well as a lot of other municipalities, that is not practical now days because we have subdivisions that take years to build out and developers want to get rid of that as quickly as they can. It is in the Town's best interest to get that road because the longer it stays with just binder on it, the binder deteriorates and the finished product is less than desirable. He reiterates that they are working with the Town Board right now to try to come up with a point at which they would take the road. T. Yasenchak asks when the Town has the ability to take a bond if the road is not completed. C. Baker states that if it goes into default and the subdivision doesn't get completed, then the Town has the ability to use that bond to finish the road. T. Yasenchak states that we have several subdivisions in town that have met with the same complications and we have angry property owners. T. Yasenchak questions that Lots 19 and 17. She questions if there is a page that shows these lots with the easements that are granted to the Town plus the houses and the septic systems plus the 100' buffer from the wetlands. She states that all that detail is in the plans, but they are on different pages. She feels that with all that on those lots, they would be very restricted. Page L-3.0 has this information, but it is very difficult to read. R. Fraser states that he could blow up those lots and he states that there is no 100' buffer on that wetland. T. Yasenchak states that C. Baker did comment on the number of conventional systems versus the number of raised systems. Three are conventional and the rest are all raised. R. Fraser states that there are 3 shallow, 3 conventional and the remainder are raised. Public hearing is discussed and T. Yasenchak states that she does not feel that we have enough information to do that. SEQRA will be done after public hearing. We will check with the Fire Chief for comments. R. Fraser states that he would like more feedback from C. Baker on storm water before they meet with the Board again. C. Baker states that he can look at that, but he wants to make sure that the Board is satisfied with this layout before he spends a lot of time on this. R. Fraser states that he will address the questions and talk with G. McKenna, then meet again. C. Baker states that as far as the storm water comments go and other engineering, that can be worked out between C. Baker and R. Fraser. Those do not necessarily require the Board's input. T. Yasenchak states that the Board tries to be helpful with the applicant and don't want the applicant to have to go through all the storm water management, etc., when we

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are still looking at layout concerns and hear what the public says before the applicant goes ahead and does all of those details. S. Lieberman, Environmental Commission, asks if it would be possible to see something more updated on the wetland area, wetland crossings, delineation, etc. T. Yasenchak asks the Board to review Section 105-22 before we see the applicant again.

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### **ZBA REFERRAL**

**David Mandel** - This application was before the Board for a sketch plan review. Planning Board discussed this and the applicant requires frontage variances. T. Yasenchak reminds the Board that these lots are very large and frontage was not an issue. T. Siragusa states that there had been a lot of clearing done by the previous owners to create a view and he is not sure of the current standing of that as it concerns clear cutting. T. Yasenchak states that will be something that can be discussed when this application is back before the Planning Board.

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### **DISCUSSION**

C. Baker states that this subdivision application before the Board tonight is good practice for another one that is going to be coming in shortly on Locust Grove Road – Macchio, Equitable Greenfield, LLC. He states that it is very similar, similar number of lots, similar types of issues. C. Baker suggests keeping this project in mind also when the Board is reviewing the cluster regs.

C. Baker states that they had a meeting with the Saratoga Polo people. They are looking to resurrect the project, not as grandious as it was before, but they are really interested in tapping into county water. One of the things that they are going to do once D. Rowland gets back will be to sit down with the Town Board to talk about the possibility of creating a water district.

T. Yasenchak suggests site walks for both Goose Hollow and Equitable Greenfield. C. Baker states that they are both pretty nice pieces of property.

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Meeting adjourned, 8:16 p.m., all members in favor.

Respectfully submitted,

Lorraine Fiorino  
Secretary