

TOWN OF GREENFIELD
PLANNING BOARD

June 25, 2019

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Karla Conway, Charlie Dake, Butch Duffney, Mike Gyarmathy, Robert Roeckle, and Nick Querques, Alternate. Mike Waldron, Code Enforcement Officer, and Charlie Baker, Town Engineer, are present. T. Yasenchak states at the Town Boards last meeting they appointed Nicholas Querques a full time Planning Board member.

MINUTES

Minutes- June 11, 2019

The June 11, 2019 minutes will be reviewed at the next meeting.

OLD BUSINESS

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

Case #616
420 Ballou Road

Joe Van Gelder is present. T. Yasenchak states that the plans that J. Van Gelder submitted a while ago don't show where the new line is. J. Van Gelder states that this goes back 10 years. 10 years ago he applied for lot line adjustment and subdivision. He rescinded the subdivision. T. Yasenchak asks where the line is it does not show on the plans. T. Yasenchak asks if the Board has a new application, because the applicant mentioned that yoherescinded your application. T. Yasenchak asks if M. Waldron has a copy of the plans or a new application. M. Waldron states that he has one that is dated June 6, 2019. R. Roeckle states that the proposed property line is 7' from the property line. That does not meet the setbacks. J. Van Gelder states that he has an Area Variance for that. R. Roeckle states the Board will need to see a copy of it. T. Yasenchak states that the Board will need a new application with a map. J. Van Gelder states that he has done that. T. Yasenchak states that their process is for any subdivision the Board needs to have the application and the map. The garage that has a permit appears to be a house with a porch and a garage underneath it. It has that appearance. J. Van Gelder states it has the appearance of a garage and it is a garage. It will be verified. T. Yasenchak states that typically garages don't have full porches on them. R. Roeckle states as long as the garage is a garage and it meets all the setbacks. With doing a subdivision that means there is a new boundary line and if the garage is not shown on the map the Board does not know if it meets the setback requirements. J. Van Gelder states that it does meet the setback requirements. M. Waldron states that his concern is that the garage isn't a garage and he does not want the Board to approve a subdivision until he has verified it. He is also concerned about the language that is on the plan regarding the environmental impact to be done by the perspective buyer. In 2015, the Saratoga County Planning Board sent a letter to the

Town of Greenfield Planning Board stating their concerns about the notes regarding the environmental impact. The applicant has no intent of selling the property. He just wanted to bring that to the Board's attention. The plan states proposed house and there is a house there with an open building permit. M. Waldron would like to do a site visit to clear the matter up regarding the garage. T. Yasenchak asks if M. Waldron could do that and then respond back to the Board. M. Waldron states yes. R. Roeckle asks if there is a septic design for the open building permit. M. Waldron states that he believes there is and it has been renewed a number of times. R. Roeckle states that he wants to make sure the Board has all the documentation. M. Waldron states that he will verify that and do it when he does the site inspection. C. Baker requests a full size map. T. Yasenchak states that the Board does not have any issues with the actual subdivision they need to make sure that they have all the paperwork filed correctly: verify a new application has been made for the subdivision, full size maps, and a SEQRA form filled out. J. Van Gelder remembers submitting a new application and paying an additional fee. T. Yasenchak states that she does not know that and she does not deal with that. T. Yasenchak states that the applicant has to deal with the Building Department and figure it out. The SEQRA is a State required form that the Board reviews for any subdivision and it is something they have to review. They cannot look back at an old form to review. J. Van Gelder asks if the Board understands the only reason he is doing this is because the Town is requiring him to do this. He did not want to. R. Roeckle states that they need to verify the septic system.

Brittany Chase
TM# 126.-1-115

Case #531
372 Brookstone Drive

Ken Martin is present. C. Dake recuses himself. K. Martin is here to request to have the public hearing re-opened. He states that he has nothing new to show the Board. He has a question on the performance bond, is that just for the road and cul-de-sac. C. Baker states new drainage, anything to do with building the roads. K. Martin states that the applicant would like to start to timber harvest. Not clear cutting, but it would be harvestable timber. T. Yasenchak states that she is not sure and asks C. Baker how the Board has dealt with that in the past. C. Baker states that he does not deal with that. The applicant is a property owner and has a right to request it. R. Roeckle states that at the last meeting the Board discussed it not being in an area of the subdivision plan, such as a no cut area. That was one of their concerns and what kind of trees would be cut. There is wetland mitigation going to be done too. K. Martin states that when the mitigation plan is approved more than likely there will be clear cutting in that area. That will come with the mitigation. C. Baker asks what the status of that is. K. Martin is in the process of getting all the data together now. He has not presented it to Army Corp of Engineers yet. C. Baker asks if they have not submitted the mitigation plan yet. K. Martin states that ACOE wanted him to go through the spring, he started that last August. They usually request a year of data. M. Waldron refers to item number 6 on C. Baker's list of items to be completed and reads it. He is concerned that if they do timber harvesting it may negatively impact the environment. C. Baker states typically they would have to clear the rain gardens any way, he understands M. Waldron's concerns. It would be nice to know where they are being proposed. K, Martin states that normally in the clearing area. C. Baker states that typically they are used for road. K. Martin states that is what they would be doing. As the storm water control ponds the easements were during phase 1, phase 2, and phase 3. It's a matter of getting meets and bounds. K. Martin states that one of them was shown at the time and it comes off the road. This one comes off the northern easement. There is a 30' easement down to that pond and the other pond borders the road going to the south cul-de-sac. C. Baker states that the road bond, he feels the applicant is quite a ways ahead of himself. He thinks that the stalling point right now, from the Planning Board's final approval, is the mitigation plan and until they know that the ACOE agrees to the mitigation plan that he is proposing. If ACOE changes the mitigation plan

that will impact the way this property is developed. He tried to give a detailed list of everything that is going to be looked at for final approval, but until the Board sees correspondence from ACOE they can't make any approvals. K. Martin asks if it would be possible to go ahead with the public hearing, do the SEQRA review and go through preliminary final approval being contingent upon basically the mitigation plan. T. Yasenchak does not know if the Board has an updated SEQRA for 2019 that incorporates the changes that he made in the most recent plans. K. Martin states that the Board does have it and can provide it again. T. Yasenchak states if nothing has changed they could review it. If they did open a public hearing they would keep it open until the application was complete. The application would not be complete until the mitigation was done. In case something changes. The Board is bound by their laws that once they close a public hearing they have to make a decision within a certain period of time. Typically the way they like to do things is to open the public hearing before they review SEQRA because sometimes things come to light from the neighbors. She feels that they need to seek Town Counsel regarding the timber harvesting. They have buffers that need to be looked at that they had asked not to be disturbed and wetland buffers that need to be reviewed that they had asked to not be disturbed. She is not sure where that stands. Realistically they are looking at the plan as it is. It will look differently after it is logged. R. Roeckle states that he thinks that they adjourned the public hearing and they would just have to re-notice it. N. Querques states that he would be opposed to any clear cutting which is a very subjective term for different people and he would not be comfortable blindly approving any selective cutting. Certainly it is every home owner's right to timber harvest but they are proposing a Major Subdivision which puts this in a different category for him. He would like to see more of a plan where the cutting would be and how it would affect the lay of the land. B. Duffney states, to clarify, selective cutting is 50% or less. He has done a lot of land clearing for builders, he has cut roads, he has cleared building lots and they are usually marked out. He is not saying to go ahead and log it that is entirely up to the applicant, but he really takes offense with what is selective cutting. They think the logger is just going to go and tear up everything that is there. There are some loggers that do that, but any reputable logger isn't going to do it. He takes offense, severe offense to that. T. Yasenchak states that she apologizes if he takes offense on that, but they do not know who would be cutting it. They also have a project that they are looking at trees and the land as it is now and that is the question that is before them. N. Querques states in this situation the Board is totally blind, they don't know who the logger is or what the proposal is. B. Duffney states if they get a logger, get a reputable logger. T. Yasenchak states that they have seen people clear in no cut buffer zones before. B. Duffney states that he has been on this Board, he knows. B. Duffney is in favor of the public hearing because there was quite a bit of concern from the neighbors. K. Conway wants to see the plan first to move forward so people can see it and have some knowledge. She would defer now. T. Yasenchak states the Board did receive a set of plans. C. Baker states that the plan is a set of 12 sheets and it is detailed. Maybe K. Conway has not seen them. Maybe it is the mitigation plan that he referenced and that is a separate issue. K. Conway states that is her question. K. Martin would like to get everything he can taken care of before he submits the plan. T. Yasenchak asks if he can submit more of the larger copies that they have already submitted. Most of the changes have been engineering. Providing them to the Board will help with their review of SEQRA. C. Baker states that they are at a level of having enough detail to have preliminary approval as far as he is concerned. He has done a considerable amount of work on those plans. As far as public hearing and SEQRA goes he believes that they are detailed enough to do all that. His hesitation is there are a number of items that have to be done before final approval and those are things that might take some time. The number 1 thing is the mitigation plan. K. Martin did contact DOH because of the 6 acre lots; they are not involved. C. Baker states he figured as much. He would like to see something in writing regarding that. K. Martin states that he believes he can get an email. M. Gyarmathy states that he has mentioned this before,

obviously this is a multi-phase project and it seems to him the main thing that is holding the approval up is the wetlands mitigation plan. About a year ago he asked how that was going and just recently K. Martin said he was working on it. He feels that should be the applicant's priority because if they have to make any changes to the plans that the Board has now. He does not see any sense to having more public hearing until the mitigation plan is complete and they know that the designated areas are going to be the ones used and so forth. He feels that they need to wrap this up and move forward. K. Conway states she concurs with M. Gyarmathy. N. Querques also concurs with M. Gyarmathy. T. Yasenchak states that the Board has a letter from the Town Engineer stating that the Board has enough information in his opinion for SEQRA review. They are not the Board reviewing the mitigation plan. It is being reviewed by ACOE and will be approved and permitted by them. M. Gyarmathy states that his concern is that they had another project in town where the wetland mitigation wasn't completed, after the man who owned the property passed, his attorney came to the Planning Board to help finalize the mitigation plan. It seems to him it is backwards. C. Baker states that there is another way to look at it, if they get to the point where the road bond becomes an issue and they certainly could put a line item in there to cover the cost of the mitigation and tie it into the bond. That could be their protection. As of right now, there is nothing. He understands M. Waldron's is concerned without having ACOE approval that there is no guarantee that it is going to be completed. Until they get approval of their subdivision and start to generate money they probably don't have the money to do the work. M. Gyarmathy states this is phase 3. C. Baker states that he understands and is not defending the applicant. M. Gyarmathy states if they are taking wetlands away and not putting them back. R. Roeckle states that he agrees with K. Conway, M. Gyarmathy, and N. Qureques. The mitigation area is on the plan, but the actual plan, they are still working on, it has not been submitted. He would like to see a plan, what the applicant is proposing before they re-open the public hearing. N. Qurques requests some form of verification from ACOE. T. Yasenchak notes to the applicant that the Board does not feel comfortable re-opening the public hearing. In the mean time they will confer with the Town Counsel about the timber harvesting. M. Waldron states that in 2014 another applicant waited until their subdivision approval before they went and did the timber harvesting. That subdivision also had no cut buffers. It was a way to ensure there is a no cut buffer. It also allowed them to timber harvest before things were cut for the lots. K. Martin asks if anyone has a problem with the lots. T. Yasenchak states the last time he was in front of the Board they didn't have any issues in general. C. Baker asks if the holdup with the mitigation is a year. K. Martin states yes and that he has gone through a season. He started it last August.

NEW BUSINESS

Hopkins, K.
TM# 137.-2-23.111

Case #630
196 Bockes Road

Kylee Hopkins is present and states that she would like to put a home occupation, a hair salon, in her existing garage. M. Waldron states it is an allowable use and it is a type 2 in the zoning district. T. Yasenchak asks what her hours of operation would be. K. Hopkins states Tuesday – Friday 9-5 and Saturday 8-12. T. Yasenchak asks if she would be open Sunday or Monday. K. Hopkins states no. T. Yasenchak asks if she would have any employees. K. Hopkins states no and it would be by appointment only. T. Yasenchak asks if the applicant will need to get a license from the state. K. Hopkins states that she has not contacted New York State yet to see if she needs a license from them to have a home occupation. T. Yasenchak states that the Board will need to see a plan for the parking. R. Roeckle asks if the property has

ever been surveyed. K. Hopkins states not since they have owned it. M. Waldron states that if she does not have a survey, the county might. If they do she can ask them to print her out a scalable survey. R. Roeckle asks M. Waldron since this is an existing structure on an existing lot and it meets the current setbacks is the Board considering the location of the building pre-existing, non-conforming and it would meet the requirements of the law for the use of home occupation. M. Waldron states yes. K. Conway asks how many clients she would have at one particular time. K. Hopkins states at the most she would have 2 people at once. C. Baker states that it is pretty straight forward and asks if her septic system is in good shape. M. Waldron states that there is a letter from her septic company verifying it in her file. T. Yasenchak asks if she plans on having a sign. K. Hopkins asks what is allowed. She has not planned for that yet. T. Yasenchak states that she believes she is allowed to have a sign under type 2 home occupation. K. Hopkins asks if she can have a light up open sign when she is working. T. Yasenchak states that their sign regulations deal with free standing signs that she would have in her yard. It should not exceed 3 square feet and the highest part of the sign shall not be more than 6 feet above the ground. No more than one sign shall be permitted to advertise any single permitted use. The Board sets a public hearing for July 9, 2019 at 7:00 p.m. M. Waldron asks for clarification for what is needed for the next meeting. T. Yasenchak states a site sketch that shows where the building is on the property and the parking. B. Duffney asks if there should be sight distance. C. Baker states good point and states that they did require it for a doctor's office. T. Yasenchak states that a surveyor or engineer can do that. M. Waldron states they should also have the information regarding the license for home occupancy from NYS.

OTHER BUSINESS

T. Yasenchak states that they have been reviewing of the proposal Planning Board by-laws and had some minor revisions to them. The Board sets a public hearing for July 9, 2019 for this.

Meeting adjourned at 8:34 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
Planning Board Secretary