

**TOWN OF GREENFIELD**  
**PLANNING BOARD**

**March 10, 2020**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Robert Roeckle at 7:060p.m. The following members are present, Karla Conway, Charlie Dake, Butch Duffney, Mike Gyarmathy, and Nick Querques. T. Yasenchak and Joe Sabanos are absent. Mike Waldron, Code Enforcement Officer, and Charlie Baker, Town Engineer, are present.

**MINUTES**

Minutes- February 11, 2020

MOTION: Dake  
SECOND: Gyarmathy

RESOLVED that the Planning Board waives the reading of and approves the minutes of the January 14, 2020 meeting with minor corrections.

**VOTE:** Ayes: Conway, Dake, Gyarmathy, Roeckle, Querques  
Noes: None  
Absent: Yasenchak and Sabanos  
Abstain: Duffney

Minutes- February 25, 2020

The minutes will be reviewed at the next meeting.

**OLD BUSINESS & PUBLIC HEARING**

**Northeast Surgical Case #628**  
**TM# 153.13-1-34**

**458 Maple Ave.**  
**Site Plan Review**

R. Roeckle states there was a problem with the public hearing notice that went out. The doctors that are looking to build this facility are located at 458 Maple Avenue and the new facility is at 479 Maple Avenue. He believes it was noticed that the application was for construction at 458 Maple Ave. The Board will have the public hearing at the next meeting. The Board opens the public hearing at 7:05 and adjourns this public hearing until March 31, 2020.

**OLD BUSINESS**

**Mahay, J. & A. Case #629**  
**TM# 149.-1-1**

**Open Development**  
**300 Lake Desolation Road**

Aimee and Jarod Mahay are present. J. Mahay states they are present for Site Plan Review for Open Development and they submitted house plans for Kayaderossevas Overlay District. Last time they were in front of the Board there were concerns with the driveway conditions. They have also provided photos of the property and had it surveyed with the elevation and the grade. R. Roeckle asks if they provided a copy of the driveway permit that was issued 2002 by the county. J. Mahay states yes. R. Roeckle asks if the Town Board has taken any action on this project. M. Waldron states that the ZBA referred it to the Town Board. The Town Board approved it for Open Development. Now it is back to the Planning Board. R. Roeckle asks when was it approved by the Town Board. In reviewing the Town Board minutes he states that they accepted the application and referred it to the Planning Board. M. Waldron apologizes and states that the Town Board accepted it in April 2019. R. Roeckle states yes, April 11, 2019. R. Roeckle states that the Planning Board doesn't normally take action on Site Plan approval from Open Development until the ZBA approves it. The Board can't approve the site plan without the zoning being met and the zoning won't be met until the ZBA approves the variance. The ZBA will not approve the variance until the Town Board makes their recommendation to the ZBA. M. Waldron states that the applicants are also in the Kayaderossevas Overlay District. R. Roeckle states he understands that. How does the Board want to proceed does the Board want to review the Kayaderossevas Overlay District information that was submitted and see if anything else needs to be submitted. The Board has correspondence received March 9, 2020 from David Jaques and he is concerned about the work that has been done on the road. R. Roeckle asks if the Board wants to look at the Kayaderossevas Overlay District information and possibly make a recommendation to the Town Board. That way all the Boards can do what they need to do. The Board agrees to proceed. R. Roeckle asks M. Waldron if he had a chance to review all the information that the applicants have submitted. M. Waldron states yes. R. Roeckle asks if it is in compliance with the Kayaderossevas Overlay District as far as he is concerned. M. Waldron states yes. R. Roeckle asks if the Board needs to take action on that or does M. Waldron do that as part of the building review. M. Waldron states that he believes the Planning Board has to review it. R. Roeckle asks if the Board needs any other information from the applicants other than what they have provided. C. Dake states that it looks complete to him. R. Roeckle states the Board can't grant approval until the ZBA grants the variance. In the information submitted, does the driveway permit and the better drawing meet the requirements of the Planning Board. B. Duffney states there is a letter from Saratoga County Water Conservation and asks C. Baker if he had an opportunity to review that. C. Baker states no. B. Duffney asks if the letter has any engineering issues. C. Baker states that he reviewed the information that was submitted and what M. Waldron prepared and it looks like the driveway curb cut was issued by Saratoga County. The applicants built the driveway and the applicants got the necessary permit. It looks to him that the grading of the driveway was done very well. They have cut out a rather large embankment and dealt with site distance, and it looks to him that they have done a good job with the construction of the driveway. He states that the Town Engineer typically does not do reviews of driveways. It is up to the County to determine that. He is satisfied with it. B. Duffney states the letter mentions water going down toward Desolation. He asks how far back will their house be. J. Mahay states 1,500'. J. Mahay states that he does not know why D. Jaques' is concerned about the driveway because it hasn't been touched in over 8 years. B. Duffney states that every 500' there has to be a 30' wide turn around. J. Mahay states there is. C. Dake states there are several of them. M. Waldron states that every 300' there is a pull off. J. Mahay states the driveway is 20' wide the whole length of it. M. Gyarmathy states that the Board usually requires a light and vent schedule on the construction drawings in the Kayaderossevas Overlay District. B. Duffney agrees. He states light and windows all of it. Anything with a glare. J. Mahay states that they are doing downward facing lighting on the soffits. M. Gyarmathy states he is talking

about the windows. B. Duffney states the window size and he can't remember how big they can be. C. Dake states they can't be more than 50% of the building. J. Mahay states that they are under that. M. Gyarmathy states the Board usually requests a schedule to be included showing the dimension of the windows. J. Mahay states that he believes he may have that. R. Roeckle states that if the applicant's architect or engineer already has that just provide that to the Board. B. Duffney states that everything is in order. The applicant knows about the pull-offs, the lighting and the windows. He feels it is ok to refer it back to the Town Board. C. Dake states he thought the Board already did and he is fine with it as well. R. Roeckle states that he does not believe they did. He feels that the Board requested additional information on the driveway, a better drawing and a site visit from the Code Enforcement Officer. J. Mahay states that D. Jaques had ENCON and DEC go to the property when the driveway was being done. He states that they weren't concerned.

### **Resolution-Mahay Open Development**

MOTION: Dake

SECOND: Duffney

RESOLVED, J. & A. Mahay, Open Development, that the Planning Board, refers the application of Open Development for Jarod and Aimee Mahay, TM# TM# 149.-1-1, back to the Town Board for further review.

**VOTE:** Ayes: Conway, Dake, Duffney, Gyarmathy, Roeckle, and Querques

Noes: None

Absent: Yasenchak and Sabanos

Abstain: None

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

**Minor Subdivision  
Ballou Road**

Joe Van Gelder and Todd Morrow are present. B. Duffney states that he has been to the property, he has not done any business and he does not know if anything will be done. He does not believe this will hinder his decision. T. Morrow states that he was roped into this last minute. He states that he has limited knowledge, he was asked to prepare a deed. He sent it to Brian Reichenbach (one of the Town Attorneys) for review. As far as he knows, he has approved what was drafted with exception. He believes the next step is to sign off on the maps and take the stamped documents to the County to be filed and recorded. R. Roeckle asks K. McMahon if that is where the Board is with this. K. McMahon states she honestly does not know. She states that she has never been involved with property being turned over to the Town before. T. Morrow states it is his understanding that they need the signature before they can bring it down to Saratoga County Real Property. From his part of preparing the deed he can't finalize the deed until that is recorded. That takes about a week to 10 days for the County to send out a letter stating that they have reviewed everything and get a map filing number. He knows that there was some talk of having this for Thursday but if it's not signed off. Even if it is signed off tonight he won't have the number for at least a week to record the deed. R. Roeckle states that the deed that T. Morrow created is deeding a portion of the property to the Town for a turn around. T. Morrow states correct. R. Roeckle asks if the Town Board has received the deed and is aware of what is going on. The Town Board may or may not take action on Thursday. T. Morrow states that he talked to B. Reichenbach (who works with Mark Schachner the Town Attorney) he was fine with the description. When he spoke to him he also understood

that there were certain things that he needs, not necessarily for the deed, but for New York State's Transfer Document's one being the Tax I.D. for the Town of Greenfield. He will also need someone to sign off on it. It's almost no way this will happen by Thursday. They will not have the map file number until it gets filed and reviewed. It takes about a week for Saratoga County Real Property Services to send a letter stating that they have accepted the maps (or not) filed under whatever the map number is. There will be a little bit of time delay; he is just putting everyone on notice before a deed can actually be recorded. R. Roeckle asks if the Town Board has accepted this piece of property or will be accepting this property. M. Waldron states that the last time this project was in front of this Board it was asked that the Town Attorney review the proposed warranty deed for the parcel to be turned over to the Town. Since that time, do they have record that they have received attorney approval of the deed and survey description, and that is what brings us here today? R. Roeckle states that before the Town can have the property, the map would have to be filed and the tax maps would have to be changed. T. Morrow states that part is not correct. Just the maps would have to be filed. He provides a deed and an extra paragraph (on a separate piece of paper) that should be added to the deed. R. Roeckle states that basically the deed to transfer the property to the Town for the turn-around cannot be done until the map is filed and the applicant has the information from that map for the deed. T. Yasenchak would need to sign the maps. C. Baker asks if the Highway Superintendent has signed off on it. R. Roeckle states that is what he is asking as well. Regardless of whether or not the deed was correct or not. J. Van Gelder was understanding this was the next step. Once B. Reichenbach approved it, it would be all set. He has all the maps and that is what his understanding is. At this point he feels the minor subdivision needs to be approved so he can submit the maps to the County so he can turn the property over to the Town. The Town Board would have to accept it. T. Morrow states that even when their portion of this is taken care of there are 2 places for New York State's Transfer Documents; someone from the Town has to sign off on this. R. Roeckle asks if the Town Board knows this is coming in front of them. M. Waldron asked the Town Clerk last week if J. Van Gelder could be put on the agenda. He believes he was set to be on the agenda for March 12, 2020 to present it to the Board. The Highway Superintendent and the Town Attorney would be present at that meeting. He states that Walt Barss expressed to him how important it is for the Town to have this property. For some reason J. Van Gelder has been removed from the meeting and he is not sure why. T. Morrow states that it is actually better that J. Van Gelder is on the following agenda. If the applicant gets the maps signed and filed he can almost guarantee that they will have the numbers for the deed by the next Town Board meeting. R. Roeckle states that he would like to see something from the Town Board that they are willing to accept this property. However, when the deed comes to the Board, the attorney will execute it whether that is Thursday or next month. Before the chairperson signs the maps and they can move forward he would like the Town Board to agree to that. J. Van Gelder states the last time he was in front of the Planning Board he was asked to provide this information to the Town and he has provided that now. It has been approved by the attorneys. He brought the professionals to the meeting tonight because if there was any questions that the Board has it could be answered now. From his perspective it needs to go to the step. He states that this Board was the ones that asked him to do that. R. Roeckle states speaking for himself, he does not have a problem with the Board approving this as soon as the Town Board approves it. Once that occurs he does not see a problem with the chairperson signing the maps. Even if the applicant does not have to come back in front of the Planning Board. The Board agrees. T. Morrow states this is a little odd that the Town Attorney is not present. Any other time he has done anything like this in any other municipality he/she was present. M. Gyarmathy states they are at the wrong Board meeting. The Town Board still has to approve the acceptance of this property. Before it is filed the Planning Board chairperson has to sign the maps. T. Morrow states that is not his point. It seems that J. Van Gelder was not given the proper sequence of events. He understands where

the Board is coming from. B. Duffney states that there is a possibility that the Planning Board chairperson (who is not present tonight) has had contact with the Town Board. T. Morrow states that he thought R. Roeckle was the chairperson. R. Roeckle states no he is the vice chairperson he is substituting tonight. He asks if the Board has a problem making a motion to approve the signing of the maps once the Board receives verification that the Town Board will accept the property. The Board agrees. R. Roeckle states once they receive the approval the Board can finalize the maps and they can file the maps with the County and do whatever needs to be done.

**Resolution-Mahay J. VanGelder, Minor Subdivision**

MOTION: Dake  
SECOND: Conway

RESOLVED, that the Planning Board, approves the application of a Minor subdivision for Joe Van Gelder, 420 Ballou Road, TM# TM# 110.-1-22, contingent upon:

- Approval from the Town Board acceptance of the Town accepting a portion the property located at 420 Ballou Road.

**VOTE:** Ayes: Conway, Dake, Duffney, Gyarmathy, Roeckle, and Querques  
Noes: None  
Absent: Yasenchak and Sabanos  
Abstain: None

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**Stewart's Shop's Case #636**  
**TM# 164.1-44**

**461 Rt. 9N**  
**Site Plan Review**

C. Dake and B. Duffney recuse themselves. Jim Norton and Jamie Easton are present. R. Roeckle states there are now 4 members present and if the Board makes a decision on the project it would have to be unanimous. J. Norton states at the last meeting there was a request from the Board for additional information on the existing condenser roof top units on their refrigerator space. They submitted it. The proposal is 5 existing condenser units and the dotted lines represent the 2 additional condenser units that will be part of the new refrigerator addition that they are looking to do. The game plan for them is 2 parts. The first part would be the roof top screening. That is what they agreed to do last time. They will put those sound dentening back up. The second part is they would put noise deadening adhesive material inside each condenser. That material is used in the automotive industry to reduce heat and noise. It is very affective. It helps stop vibrations and reduces noise. R. Roeckle asks if it will be going inside the housing units that go over the top of the condenser. J. Norton states correct and around each condenser would be the screening. It's two prong tact. R. Roeckle asks the Board if they want any other information at this time. M. Gyarmathy states he does not believe so. R. Roeckle states that there was a question about F.O.I.L's at one of the previous public hearings that residents did not have access to documentation. It is his understanding that prior to the last meeting when the public hearing was closed that documentation was made available. That question is not an issue at this point. He provides the Board with a motion. He

asks the Board members to review it and asks if the Board wants to move forward. K. Conway asks if they are opening it up to public comment. R. Roeckle states the public hearing was closed at the last meeting so they don't have to. The SEQRA determination was made at the last meeting. They re-evaluated the previous SEQRA determination and the Board did not feel they needed to make any changes. It is up to the Board if they want to wait or if they need any additional information. N. Querques asks on the condenser enclosures are they open on top. J. Norton states yes. It has to be. R. Roeckle asks if the Board will be able to make a unanimous decision or should they post pone to determination. If they don't feel there will be a unanimous decision then they should post pone this until the next meeting. K. Conway asks will someone be monitoring the roof top enclosures to make sure they stay affixed. J. Norton states they have a Plant Engineer who has an entire maintenance department that is up on the roof constantly. They installed them this summer and they did have a burst of wind come through and took 4 of the 5 away. They will be up on the roof at least a few times a week. They will have to adhere them better than they did last time. As far as the adhesive that is actually inside the unit, he does not know the life expectancy. The condenser are cleaned a couple times a year. They will make sure they are anchored properly and there is no more issue with them. R. Roeckle asks the Board if they want to use the proposed resolution or use something else. The Board agrees to use the resolution draw up by T. Yasenchak. K. Conway states that she feels that the resolution that was drawn up by the chair. R. Roeckle suggests changing some dates. N. Querques asks in terms of 3 months after the completion of the warehouse the applicant's will have a new sound study done. C. Marshall states yes.

**Resolution- Stewart's Shop's, Site Plan Review**

MOTION: Conway

SECOND: Gyarmathy

**GREENFIELD PLANNING BOARD  
RESOLUTION OF SITE PLAN APPROVAL  
REGARDING THE APPLICATION OF STEWART'S WAREHOUSE ADDITION**

**WHEREAS**, Stewart's Shops ("Applicant") submitted an application to the Town of Greenfield Planning Board in accordance with Town Code Article IX, Section 105-91 for Modification of a previously approved Site Plan Review ("Application") to enable development of Applicant's property to include construction of a warehouse addition, cooler addition and additional parking spaces, within a smaller disturbance area than previously approved, to the existing Stewart's Manufacturing and Distribution Facility located on property between NYS Route 9N and Locust Grove Rd. TM# 164.-1-44, ("Property"), located within an IM – Industrial / Manufacturing Zoning District.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Board makes the following findings, which shall constitute as “Site Plan Review” in accordance with the “Site Plan Review Procedure” outlined in Town Code Section 105-93.

A. Site Plan: The Applicant has provided a formal application for Site Plan Review including but not limited to site plan documentation dated 5-30-2018, with revisions and received on May 30 2018, stamped by a New York State licensed Professional Engineer and in substantial compliance with Section 105-52A (3) of the Town Code; more specifically including project relevant documentation of the following:

- a. Existing and Proposed contour lines and spot grades as required to demonstrate grading and drainage.
- b. Proposed buildings (with dimensions), parking, loading areas and access drives.
- c. Site drainage plan, showing the location and design of proposed stormwater management facilities.
- d. A proposed landscaping plan depicting plantings on the existing berm located along Locust Grove Rd. across from the Denton Rd. intersection which is the same as in the previously approved site plan.
- e. A proposed lighting plan indicating downward facing cutoff lights along the North side of the new parking area, no lights along the North side of the new warehouse addition and cutoff lights on the cooler addition below the line of the proposed canopies.
- f. Vehicular (truck) circulation for on-site loading and maneuvering space required for day to day operations including in and out going deliveries has not changed from the previously approved site plan.
- g. The type of materials and exterior treatment of all structures proposed, including corrugated metal siding for the warehouse and material specifics for roof top sound attenuating equipment and enclosures. More specifically, sound attenuating materials are to be placed within the equipment housing as well as enclosures around the installed equipment.

B. Additional Documentation: The Applicant has provided additional information and documentation requested by the Town Planning Board as necessary to review the Project for compliance with the Town Code (105-93. B (3))

- a. Soil Conditions & Excavation: “Geotechnical Engineering Report for Stability Evaluation of Embankment, Expansion of Stewart’s Facility” prepared by Gifford Engineering, dated May 30, 2018. The project site will be monitored by an on-site engineer during excavation and construction.
- b. Backup Alarms: The original approved application condition that the applicant agreed to replace their truck backup alarms with new state of the art “quiet noise” alarm technology remains a condition.
- c. Site Noise:
  - i. A Baseline Sound Survey was conducted by Ostergaard Acoustical Associates to evaluate current site sound levels with the inclusion of Octave Multispectra Statistics.
  - ii. The applicant has provided a plan for sound attenuation within and around roof top equipment on existing and proposed structures.
  - iii. As in the previously approved site plan, the applicant agrees to retain Ostergaard Acoustical to re-evaluate site sound levels after the facility has become fully operational after a three-month period. Should mitigation be required due to an increase of 6 decibels or more beyond the pre-construction average baseline, the applicant shall submit a mitigation plan to the Planning Board for review.
  - iv. The Applicant will provide a copy of the re-evaluation site sound levels report to confirm to the Planning Board the findings.
- C. Storm Water Pollution Prevention: The Applicant has provided an updated Storm Water Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 85 of the Town Code, prepared by MJ Engineering and Land Surveying, PC and stamped by a New York State licensed Professional Engineer. The SWPPP has been reviewed by the designated Town Engineer, Environmental Design Partnership, LLP.
- D. Environmental Commission: The Planning Board, under the previously approved site plan, took into consideration, comments from the Town of Greenfield Environmental Commission related to the Project. The current project under consideration does not result in any significant changes or differences than what were discussed and addressed in the previously approved site plan.



- E. Environmental Quality: The Planning Board discussed the Negative Declaration of SEQRA for the previously approved site plan and determined as the current project under consideration results in a reduced total disturbance of soil, and that the applicant has added sound attenuation within proposed roof top equipment, there is no potential for a larger impact to occur, and therefore finds that the SEWARA review does not need to be revisited and that previously issued a Negative Declaration of SEQRA for the previously approved Project on February 26, 2019, shall remain valid.
- F. Public Hearing: The Planning Board has conducted a Public Hearing process which commenced on February 11, 2020 and was closed on February 25, 2020, having received verbal and written comments from the public.
2. The Planning Board has found that based on the information and analysis above, the provided Site Plan, Public Hearing process and the additional supporting documentation, that the Application for Site Plan Review has been deemed complete on March 11, 2020.
  3. The Planning Board, following a complete Site Plan Review process in accordance with Town Code Article IX, herein grants Site Plan approval to Stewart's Shops to allow for development in conformance to the submitted and reviewed plans, materials and supplemental information outlined above.

**The resolution was duly adopted by the following roll call vote:**

**VOTE:** Ayes: Conway, Gyarmathy, Roeckle, Querques  
 Noes: None  
 Absent: Yasenchak and Sabanos  
 Abstain: Dake and Duffney

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Meeting adjourned at 7:55 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
 Planning Board Secretary