

August 12th, 2021 Town Board Minutes

At 7PM a Public Hearing was called to order by Supervisor Daniel Pemrick to hear those for or against a petition that was received by the Town of Greenfield and the City of Saratoga Springs by Stewarts Corporation to annex property owned by Stewarts Corporation, SBL 164.-1-12.1 in the City of Saratoga Springs to the Town of Greenfield. Town Clerk provides proof of publication. Supervisor Pemrick asks for comments. There being no comments for or against, the meeting is closed at 7:02 PM.

The regular meeting of the Greenfield Town Board was opened at 7:02 by Supervisor Pemrick with the Pledge to the Flag. The following members are present: Supervisor, Daniel Pemrick; MaryAnn Johnson, Rick Capasso, Kevin Veitch and Ty Stacey Councilpersons. Also present were, Mark Schachner, Town Counsel; Saratoga Springs Assistant City Attorney, Tony Izzo; Saratoga Springs Commissioner of Finances Michelle Madigan; Superintendent of Highways Justin Burwell and approx.10 residents.

On a motion by Capasso, C. and Seconded by Stacey, C. the minutes from July 8th, 2021 were approved as submitted by all members present.

CORRESPONDENCE

UPDATE EAGLE SCOUT PROJECT- Town Clerk, Louise Okoniewski, states Seth Tremper was in to have his project signed so he could present to his eagle Scout Board for their review. They will be starting the project the 24th of September and hopes to have it finished the 26th of September.

Letter was received from James Wimmet and residents of Middle Grove Road regarding the Solar project on Middle Grove Road.

Letter was received from Rev. Jay and Judy Ekman regarding the Polo Project on Bloomfield Road.

OLD BUSINESS

PUBLIC COMMENTS-

Jane Bouchard, Denton Road- Mrs. Bouchard comments on the proposed project at the Polo Fields. She states no one wants the Town responsible for a Water District. She feels the project is too big and dense for the area. She states it should not go ahead as is.

Karen Wadsworth, Daniels Road- She asks if the Town will do a financial analysis to see what potential impact there will be creating a water district. She read in the July minutes if the project is not solvent it would be up to the HOA if that falls through then it would be the Town's responsibility. The original PUD approved 14 houses, the proposed project has a different structure and goes beyond the original PUD. She asks the Town Board how they would assess the ultimate impact and what is the cost benefit for us? She is not in favor of a water district.

Paul Bouchard, Denton Road – Mr. Bouchard states this is a large project and will have a large impact on our road system. There may be 700 cars, extra foot traffic and biking on roads that are not built for the extra use. He feels the developers want to make a quick dollar, leave and the Town would be responsible.

Jeff Brown, Locust Grove Rd – He feels this project does not conform with the neighborhood. He states the Skidmore baseball fields and riding stables, the gentleman's horse farm, equine hospital, etc. would not benefit from this project. The infrastructure is not in place and it would be a financial burden and maintenance responsibility to reconstruct the roads, county water charges, sewage treatment facility, drainage and traffic issues that come with project. He proposes the Town keep the beneficial agricultural / recreational nature of this neighborhood instead of this housing project.

Supervisor Pemrick thanks all for their comments.

STEWARTS ANNEXATION- Chuck Marshall, Stewarts' representative, states the annexation of the 5.5 acre parcel to the Town from the City of Saratoga has to do with long term ownership of the 47 acres. He would like it to be included in the industrial zone. Veitch, C asks if this would convert the property into the industrial zone. Town Counsel Schachner states not automatically. The Town Board could decide that. Johnson, C asks if it would be appropriate to do that as part of this resolution or do them separately? Counsel Schachner states separately, first make your decision on whether to annex the property. Johnson, C asks if we have to do the zoning as a separate Local Law. Counsel Schachner it would be an amendment to the zoning law. Johnson, C states we would need to do a local law and schedule a public hearing. Supervisor Pemrick states it would have to be approved by the State. Town Counsel Schachner states there are a lot of steps in the annexation process, this is the first step. Both municipalities have 90 days from today in which to act. Johnson C states she is ready to act and take the proposed resolution as submitted by Town Counsel to adopt the proposed annexation of SBL 164.-1-12.1 in the City of Saratoga Springs to the Town of Greenfield. Counsel Schachner adds the proposed resolution is not a go ahead it is approving the annexation on behalf of the Town. There are multiple steps in the process. Supervisor Pemrick asks Chuck Marshall to keep the Town informed as he goes through the multiple steps with the City of Saratoga Springs.

August 12th, 2021 TB Minutes

RESOLUION #96-2021 APPROVE ANNEXATION OF SBL 164.-1-12.1 LOCATED IN THE CITY OF SARATOGA SPRINGS TO THE TOWN OF GREENFIELD

Motion: Johnson, C

Seconded: Capasso, C

WHEREAS, on April 27th, 2021 the Town of Greenfield received a “Petition for Annexation” of SBL 164.-1-12.1 from Stewart’s Corporation seeking annexation of property owned by them in the City of Saratoga Springs to become part of the Town of Greenfield, and

WHEREAS, Notice of a joint public hearing was published on July 14th and 15th in the Daily Gazette and July 14th in the Saratogian; and

WHEREAS, a joint public hearing was held pursuant to New York State General Municipal Law Article 17 sect.705 on August 12th,2021 where public comment was heard;

NOW, THEREFORE, BE IT

RESOLVED, that approval of the proposed annexation of SBL 164.-1-12.1 in the City of Saratoga Springs into the Town of Greenfield is in the over-all public interest when taking into consideration the effect on (a) the territory proposed to be annexed; (b) the local government in which the territory is proposed to be annexed;(c) the local government in which the territory is situated; and (d) any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district;

AND BE IT FURTHER

RESOLVED, that the petition complies with the requirements of New York State General Municipal Law Article 17 sect 703 as such petition contained: (1) a description of the territory to be annexed; (2) stated the approximate number of inhabitants of the territory to be annexed; and (3) is signed by the owners of a majority in assessed valuation of the real property in such territory to be annexed based upon the proceeding assessment roll; with a certification from the Assessment Clerk for the City of Saratoga Springs attached on the petition;

AND BE IT FURTHER

RESOLVED, that the proposed annexation of SBL 164.-1-12.1 in the City of Saratoga Springs into the Town of Greenfield is approved.

Duly adopted this 12th day of August, 2021 by the following vote:

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey

Noes: None

Absent: None

Abstain: None

DISCUSSION CTG POLO PROJECT- Supervisor Pemrick states we are at the beginning of this project. We have representatives from Polo here. We would like more information this evening. The Board tonight will decide the next step in the process.

Mary Beth Slevin, Counsel to the applicant, agrees with the Supervisor that this is the beginning of a process. There is a lot to be done to evaluate the application, to evaluate the compliance with the underlying PUD and variations from that PUD language that was adopted. They would like to respond to any questions the Board may have. They provided clarification based on the June 10th meeting minutes. This evening they would like to respond to questions and they are looking for a referral to the Planning Board to start the real review process. The Planning Board based on the PUD language has the continuing jurisdiction for SEQUA review. That is one of the issues that need to be reviewed for the project to proceed. To look at impacts how it relates to the comments we heard this evening, water, sewer, roads, density, preservation of polo use on the property. We know there will be modifications but they want to start the serious review of the project and make sure the Town Board is comfortable making the next step. Supervisor Pemrick states the next step for this Town Board is to make a decision regarding the PUD language. You would like to use the current PUD language that was adopted in 2016. Counsel Slevin states yes and amend it as necessary. Supervisor Pemrick states they have received information from the Town Engineer and the Board has their own questions and concerns regarding the original PUD that guides this property and what you are intending to do. Supervisor Pemrick states he feels there is enough change as pointed out by the Town Engineer that should require you to provide new PUD language. Not revise what is there but write new PUD language to guide your project. He would like provided to this Board and the Town more clarification over the concept of what you are trying to do. The current PUD is well defined concept in terms of how it was going to use the Polo project and the other uses that were written in that PUD language. He is not clear what you intend to do. His position is that new PUD language is provided. The long term would be to eventually rescind the current PUD and once they are comfortable with the new language that describes and defines the project, then it would go the Planning Board for their review. Counsel Slevin states the difficulty with that is there are threshold issues that need to be evaluated from SEQUA for impacts and that will mold what the project will look like. The project is simple in terms of what the proposal is. It is proposed to have a number of condominiums, which statistically match the density that was allowed under the original PUD. It preserves the concept of using the POLO fields for POLO and other recreational uses, all consistent with the current PUD language. They acknowledge that it requires an amendment of the PUD in order to move forward, although statistically it matches the PUD in place, aspirationally there are differences, particularly the language on appendix B, that has a number of different concepts which are not included in this project. That would be the focus on modification to the PUD. The rest of the PUD language is consistent with what is being proposed. What is needed is to put together a comprehensive amendment to the local law. Input is needed to this board and the Planning Board as to what they want the project to look like. It one thing to say we can match what the PUD says but when you get down to it, the development of storm water plans, the development of water sources and how to handle that, the development of sewer, the development of the roads, all those issues which are engineering issues, it's difficult to get to those when you are only dealing with the PUD language.

Without guidance to go to the next step with the planning board, it's difficult to have a presentation with what they think the amendment would look like. Counsel Schachner asks if he understands this correctly, this is an applicant driven proposed PUD, not a Town Board driven PUD. That being the case he doesn't feel it is appropriate to put up to the Town Board to plan the parameters of a water district, a certain number of units. What he understands from the presentation the applicant is looking for

August 12th, 2021 TB Minutes

substantial guidance from this Board and the Planning Board. In the presentation it was asked what the Town wants. The Town Board needs to make a determination what's proposed is consistent enough with the existent PUD zoning for further review as an allowed use. If it is not consistent enough for an allowed use then the applicant needs some documentation showing what is proposed as a new PUD. Counsel Schachner feels the applicants would rather not propose a new PUD but propose amendments to the existing PUD. Counsel Slevin agrees and states that the plan has been submitted to the Board and that is what they are asking to consider with the context of the original PUD language. Counsel Schachner states the threshold issue before anything is referred to the Planning Board, is whether the Town Board as the governing legislative body of the Town of Greenfield, do you believe what is being proposed, and it doesn't have to be identical, is consistent enough to say it is close to the existing PUD to be an allowed use, subject to amendment. Or it's so different than what is currently authorized it can't proceed as an allowed use subject to amendment, but a new proposed PUD legislation. Stacey, C states his concern the original PUD was POLO based, then housing, etc. This is based on housing and then maybe POLO, maybe not. He feels it is a different approach. Counsel Schachner adds we are not at the approval stage of anything. It is appropriate to make a consistency determination. Councilman Stacey feels it is a different animal. The Board needs to consider is it the same or sufficiently similar animal to continue down the existing PUD path or is it such a new animal that it should not continue down the existing PUD path, if so we need not just a plan, which we have, but a company proposed new legislation. Capasso, C states the initial PUD had a substantial amount of commercial property with a hotel. He feels this is not close. Counsel Slevin states what she said was statistically in terms of the amount of improvements it is almost identical to what was done before. Counsel Schachner asks statistically he is interpreting the number of units is that what you are saying by statistically? Johnson, C states that in the rebuttal they talk about the impervious soil and square footage. But the usage of the square footage they are proposing is much different from the usage of the square footage that is in the current PUD. Is it the same size. Counsel Slevin states fewer uses. Johnson, C fewer uses but bigger amount in the whole visual concept is quite different. She feels it is different. Counsel Schachner states we don't have from the applicant new proposed legislation but a new map. Supervisor Pemrick states yes. Veitch, C. feels it is a different animal. The fact that POLO is not the focus anymore, you're allowing a piece of property to be left open the size of a Polo field. You've told us that Polo is dying or has died. Polo fields aren't being used because of that. He does not see it being consistent with the current PUD. Supervisor Pemrick states what you are hearing from the Board is we see this project that you are proposing to us as significantly different. Charlie Baker has substantiated that somewhat and you have addressed those which could end up in the language. His opinion is the Board will require you to provide us that before we continue. For him it is the entire concept of what you are trying to do there. We've listened 2 or 3 times and it is not clear in this Board's mind what exactly you are trying to do there. That conceptual design needs to be loud and clear to us in the language as it does in the current PUD language. Counsel Slevin asks what the Board is looking for is a proposal for an amendment to the PUD or proposal for new language for the PUD. Perhaps they can provide both for consideration to the Board so they can decide if there's enough basis to move forward for an amendment or new proposal entirely is the better direction. Counsel Schachner states it may be more than you want to take on. It seems clear if the applicant wants to pursue the Board would like to see at least a new proposed Local Law/ PUD. Nick Laraway, CTG Polo, asks if the problem of the vagueness of their proposal lies solely around the open space in the rear the size of a Polo field? From their prospective all of the square footage requirements, all of the numbers of what they are proposing fit into the numbers of what was approved. It comes

August 12th, 2021 TB Minutes

down to Appendix B which listed dozens of possible uses which included a proposal for a lodge and some condominiums or fractional houses. They have come back with a number of exclusively condominiums with an open space designated for polo, but could not answer the question if it would be used exclusively and primarily for polo because they need to find that expert to utilize that land. They presented a plan that meets closely but not exactly every letter of the PUD. Their prospective with the presentation was to try and get information from the Planning Board, if possible, whether in an official or unofficial capacity so they can make sure the final presentation and proposed amendment checks all the boxes. Mr. Laraway asks if the vagueness is around the open space? Supervisor Pemrick states no. It is a number of things in this proposal that needs to be worked through. We don't want to compare your project to the current PUD. You've heard this Board say develop your own idea your own concept, don't be held captive by the language that is there. Mr. Laraway asks what is the next step? Counsel Slevin states the Board is suggesting to us is propose actual legislation for the PUD for them to consider to then use that as a platform for them to make a determination for a referral to the Planning Board for their recommendation. Supervisor Pemrick states that is correct. Counsel Slevin there are going to be some parts of the project that are not finite when legislation is made. For example, there are three different options for how water can be provided to the project. Is the Board going to look for a decision on those kind of directions at the level of developing the legislation or is that something that will be able to be dealt with in the evolution of the project as it goes through review? She is trying to determine what the Board's expectations are. Supervisor Pemrick states they will take the time to work with the applicant and they will be guided by the Town experts, Zoning Administrator, Town Engineer and Counsel. Counsel Slevin thanks the Town Board for their time.

SARATOGA SNOWMOBILE ASSOCIATION LANDOWNER PERMISSION- Supervisor Pemrick states this was for Mulleyville Club which is now Saratoga Snowmobile Association. It is an annual approval from the Town to cross a piece of property in the Town of Greenfield.

RESOLUTION #97-2021- SARATOGA SNOMOBILE ASSOCIATION LANDOWNER PERMISSION

Motion: Capasso, C
Seconded: Johnson. C

RESOLVED, that the Supervisor be authorized to sign the 2021-2022 Snowmobile Landowner Permission Agreement with the Saratoga Snowmobile Association.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey

Noes: None

Absent: None

Abstain: None

FRIENDS OF THE KAYADEROSSERAS- PEDAL THE CREEK- - Supervisor Pemrick states we support the Friends of the Kayaderosseras annually as they clean the portions of the creek that pass through Greenfield. They hold a Bike Tour each year and would like permission to use the Brookhaven Pavilion and Greenfield Roads for their Bike Tour September 18th, 2021.

RESOLUTION #98- 2021- AUTHORIZE USE OF BROOKHAVEN PAVILION FOR PEDAL THE CREEK BIKE TOUR

Motion: Veitch, C
Seconded: Stacey, C

RESOLVED, That the Town Board hereby grants permission to the Friends of the Kayaderosseras to use the Brookhaven Pavilion and Roads for the Pedal the Creek event to be held September 18th, 2021.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey
Noes: None Absent: None Abstain: None

RESOLUTION #99- 2021- SET DATES AND AUTHORIZE TOWN CLERK TO ADVERTISE FALL CLEANUP DATES

Motion: Johnson, C
Seconded: Capasso, C

RESOLVED, That the Town Board hereby authorizes the Town Clerk to Advertise for Fall Cleanup, September 17,18 &19 2021. Electronics will be accepted. No construction debris, household garbage or tires will be accepted. You must be a resident of the Town of Greenfield, a Resident Card is required.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey
Noes: None Absent: None Abstain: None

SUPPORT SARATOGA PLAN- Supervisor Pemrick states Saratoga Plan is planning on purchasing a conservation easement of the Klepetar property in the Town of Greenfield. It is an important project to conserve open space.

RESOLUTION #100-2021- ENDORSE SARATOGA PLAN'S PURCHASE OF THE KLEPETAR PORPERTY

Motion: Stacey, C
Seconded: Capasso, C

RESOLVED, that the Town Board hereby endorses Saratoga Plan's purchase of a conservation easement of 435 acres of the Klepetar woodlands in the Palmertown Range. The purchase will preserve contiguous forest land, preserve open space and provide recreational opportunities for the public to enjoy.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey
Noes: None Absent: None Abstain: None

August 12th, 2021 TB Minutes

DISCUSSION AIR CONDITIONING AT BROOKHAVEN- Supervisor Pemrick states the air conditioning broke down at Brookhaven. Those have been replaced, however, the Town would like to add two high efficiency units which would also provide heat in the winter. The people leasing the restaurant are committed to having winter activities and have brought in a smaller air unit. Johnson, C. states it costs a lot of money to run those but in the winter it would be nice to have the extra heat. The building is used in the winter for snow-showing, cross country skiing and winter activities. Supervisor Pemrick states the 2 units would cost approximately \$13,500. It will be two months before they will be installed.

RESOLUTION #101-2021- AUTHORIZE PURCHASE OF AIR CONDITION UNITS FOR BROOKHAVEN

PARK

Motion: Veitch, C

Seconded: Johnson, C

RESOLVED, that the Town Board hereby approves the purchase of two air conditioning /heating units for Brookhaven Clubhouse. It will be beneficial for events and activities that are held in both the summer and winter months.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey

Noes: None

Absent: None

Abstain: None

DISCUSSION GOLF CARTS FOR BROOKHAVEN- Supervisor Pemrick states Golf Pro Anthony Therrien is looking at prices for golf carts and is dealing with two different companies. For us to have them by April of next year they will need to be ordered by middle of September. He does not have the exact figures, but they are about \$5500 each with a trade in of \$1300. Should have more information at next meeting.

EMS UPDATE- Capasso, C states they are working with Casey Cornell and Code Enforcement on the building. He and Kevin Veitch met with the Town of Corinth Board members last month. They are all on Board. The goal is for Greenfield to have their own EMS by the end of December.

RESOLUTION #102-2021-BUDGET TRANSFERS

Motion: Veitch, C

Seconded: Stacey, C

RESOLVED, That the supervisor be authorized to make the following transfer of funds:

\$ 1000.00 From: A2705 To: A7310

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey

Noes: None

Absent: None

Abstain: None

RESOLUTION #103-2021-BUDGET TRANSFERS

Motion: Johnson, C

Seconded: Veitch, C

RESOLVED, That the supervisor be authorized to make the following transfer of funds:

\$ 750.00 From: CR7110.2 To: CR7180.2

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey

Noes: None

Absent: None

Abstain: None

August 12th, 2021 TB Minutes

Monthly reports were submitted by the Town Clerk, Superintendent of Highways May- July, Town Justices June & July and Building Department.

RESOLUTION #104-2021-GENERAL BILLS

Motion: Capasso, C
Seconded: Veitch, C

RESOLVED, That the General Bills in the amount of \$263,651.23 be paid.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey
Noes: None Absent: None Abstain: None

RESOLUTION #105-2021-HIGHWAY BILLS

Motion: Johnson, C
Seconded: Stacey, C

RESOLVED, That the Highway Bills in the amount of \$306,353.78 be paid.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey
Noes: None Absent: None Abstain: None

RESOLUTION #106-2021-PARKS BILLS

Motion: Capasso, C
Seconded: Veitch, C

RESOLVED, That the Parks bills in the amount of \$25,161.76 be paid.

VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey
Noes: None Absent: None Abstain: None

On a motion by Capasso, C and seconded by Stacey, C the meeting was adjourned at 7:59PM

Town Clerk

DRAFT