

**TOWN OF GREENFIELD
PLANNING BOARD**

August 25, 2015

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, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks and Robert Roeckle, Alternate. John Bokus is absent. Charlie Baker, Town Engineer is present.

MINUTES – August 11, 2015

MOTION: S. Weeks

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 11, 2015, as submitted.

VOTE: Ayes: Duffney Gyarmathy, Roeckle, Streit, Weeks, Yasenchak

Noes: None

Abstain: Siragusa

Absent: Bokus

PLANNING BOARD CASES

DAVID VANIER – Minor Subdivision

Greene Road

David Vanier is present but is in the process of completing the SEQRA form. T. Yasenchak states that we will give him time to do that and come back to him.

7337 Middle Grove LLC – Special Use Permit/Site Plan Review

Middle Grove Road

Mike Ballestero is present. T. Yasenchak reviews that the applicant has provided a new map of the additional items that were requested. M. Ballestero reviews the plan submitted and states that storm water has been provided. T. Yasenchak questions if the storm water he is referring to is the drain around the outside of the barn. She states that the Board was looking for a little more information.

(J. Bokus arrives at 7:05 p.m.)

C. Baker states that he would like to see the total plan. This does not show the existing junk yard. He asks if this is all the alternations that are planned for the site. M. Ballestero states that is correct. C. Baker states that then what is shown is adequate for storm water. T. Yasenchak questions that as the applicant removes the cars, what does he plan to do with the space that is left. Will it be reclaimed, will it just grow as it will. B. Duffney states that he has no questions at this time. The plan shows the barn, pad and septic. M. Ballestero states that the new drive will not be paved so you do not have to worry about runoff from it. S. Weeks states that we have advanced, but we are pretty specific about what is required for a special use permit in terms of a drawing and having it certified by a NYS licensed professional and that is one thing we still need. R. Roeckle asks if the location of the barn is where the junk yard is currently and if

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they have to move vehicles to put in the barn and the septic. M. Ballestero states yes. C. Baker states that to follow up on what S. Weeks said, we do have a NYS PE septic system. R. Rowland states that everyone has the site plan but not the septic plan. C. Baker states that if there is something the Board feels is missing they need to be more specific. M. Ballestero states that he provided the certified septic plan and he also has a permit from Saratoga County to install the new driveway. S. Weeks states that all adds to what the applicant had the first time, but we are very specific about the details that need to be on the plan. M. Ballestero states that he is confused about what details the Board needs on the plans – this is the plan. Do they want him to think 15 years down the road what he might do? T. Yasenchak refers to the list in the code. This was a survey that was used to prepare a plot plan. The list does request information about parking, etc. which is not on the plan. The proposed pad, is it in the clearing, is there a driveway to it, does it need to be cleared. M. Ballestero states that it is about 15 acres of cars right now. T. Yasenchak states that until the applicant clears the cars, where will that pad go, where will the containers be stored, etc. It needs to be more specific. T. Siragusa states that the applicant stated that he has to clear away cars for the pad and the barn. He asks how many vehicles have to be moved. M. Ballestero states he does not know. It is a long term deal; he is not going in tomorrow and removing all the cars. T. Siragusa states that he is asking how many will be moved in order for the construction. M. Ballestero states he doesn't know – they are bumper to bumper, side to side and he is not going to move them if he doesn't have to. T. Siragusa asks where the vehicles will go to do the construction. M. Ballestero states that he is not doing any construction at this point, the barn is up and the pad is proposed for when they start moving the cars. They will move probably 50 to 100 cars in order to put in the pad. If the Board is asking if he is taking the cars from the back and putting them out front to make the space – no, they are not. They have a tree buffer that you see from the road and that will remain. T. Yasenchak states that she realizes that, her question was not just the cars but the business that they would like to do, the contractor's storage yard – where would those vehicles and any other type of equipment, containers, etc. be stored. M. Ballestero states that they will be behind the buffer. T. Yasenchak states that we don't have anything in writing. M. Gyarmathy states that the buffer is not located on the map and if the location of the containers was shown the board would have a better understanding. T. Siragusa states that the applicant has stated that the barn is there already. The applicant stated that he had to clear away cars to run the business. M. Ballestero states they are not running a business there, they store there. They go to work everywhere else and park their equipment there, other than the little bit of recycling they do with the metals. When all is good they are not at the shop, they are working somewhere else. He will add to the map. Right now any containers or trucks will be in the barn because that is the space that they have. T. Siragusa states that he would also be interested to see where the vehicles are, even if it is just shaded in. M. Ballestero states that it was on the aerial photo he provided. T. Siragusa states in looking at the aerial where the pad and barn are located it shows cars. M. Ballestero states that they moved the cars out of the way to put the barn up. M. Gyarmathy states he is confused, he does not understand the progression of this. M. Ballestero states that the barn is there but not the septic. M. Gyarmathy states that for now they will be storing the containers and trucks in the barn, and that then as they grow they will start to recycle the vehicles. M. Ballestero states that is correct. J. Streit questions that M. Ballestero bought this land that was formerly a junkyard and is applying for the use of the land, put up a pad, break down the cars and get rid of the materials; the applicant stated last time that he would not going to bring one more car in. T. Yasenchak states that they also have the recycling business and are applying for the large contractor's storage yard. This is where they would come in the morning to get their trucks. J. Streit states it is a storage yard; they store stuff; they go other places, do jobs, they come back and store it again. The only use other than that storage is breaking down the cars that are there. T. Yasenchak states also bringing back any metal recycling that they pick up off site. M. Ballestero concurs. J. Streit states that will be taken to the pad, put into containers and then removed. J. Bokus asks that as they eliminate cars and material that is brought in for recycling, will the dismantling process be crushing. M. Ballestero states that he does not believe they will be crushed; they will be put in dumpsters and hauled off. J. Bokus states that then it is a matter of the aluminum going in the aluminum dumpster, etc. M. Ballestero concurs. J. Bokus reiterates that the cars will not be crushed. M. Ballestero states that he believes so. J. Streit asks about the non-metal parts of the vehicles. M. Ballestero states that they go in dumpster and to the land fill. T. Yasenchak states that the applicant previously stated that the vehicles would

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go out on trucks and that they are not cursing on site. M. Ballestero states that is the plan. He asks if they need a special permit to put in a crusher. T. Yasenchak states that that is not a storage yard at that point; they would be processing at that point. The ZBA has denied an applicant to be able to process on their site. M. Ballestero questions that even though this is an existing site and he is not bringing in stuff. T. Yasenchak states he would be bringing in the crusher. M. Ballestero states that they are going to drain the fluids out and do it the proper way, whether they dismantle them or crush them. T. Yasenchak reiterates that the application is for a large contractor's storage yard, that is literally what it is - a 'storage yard'. Bringing the trucks, parking them and leaving in the morning – it is not processing. Seeing the site cleaned up is nice, but crushing adds a different level and it is not a contractor's storage yard. It also adds to noise and that is part of what we look at as a special use permit. C. Baker states that he would like to understand a little more of how they sort the materials, because to him that sounds like a processing aspect as well. If they are bringing in materials and tearing it apart with hydraulic rippers – that is a processing. He had asked for a list of equipment that would be on the site and what the process actually is, what type of machinery they use, how loud it is, etc. T. Yasenchak stated that at the last meeting the applicant stated they would just dismantle the cars and the metal goes in a pile. M. Ballestero questions that if they bring in a pickup load of metal and sort it out, is that processing. T. Yasenchak states that the sorting is not processing as much as is he ripping it, saw it, etc. M. Ballestero states that they would use a grapple to load the dumpster. They use it to pick up the car, take something off the car and then put it in the dumpster. T. Yasenchak states that sorting is different than taking pieces and cutting them up, grinding, etc. M. Ballestero states that they are sorting. He does not have a grinder. S. Weeks asks if they are using a torch to tear the auto down. M. Ballestero states it would be an excavator with a grapple. He states that they pick up the car, take the motor out, the seats, etc. He states that it is like a big hand. Mrs. McLellan asks if she is allowed to ask a question. T. Yasenchak explains that this time is just for the Board to review the information and possibly ask for additional information. We are required to have a public hearing and would set one when we feel we have enough info. B. Duffney asks about how much material they separate a year. M. Ballestero states that it is not big; it might be a dumpster or two a month. It is not his business; it is just something they do on the side to make a dollar. B. Duffney states that they would not be sorting every day. M. Ballestero states that this is not where they make their money. In the winter they try to make payroll and it is their busiest time in the shop. T. Yasenchak questions that all those roll-offs would still be out in the winter. M. Ballestero states that he hopes so. Public hearing is discussed. S. Weeks states that he would be ok with the proviso that some more things be added to the drawing. We have a pretty basic concept of what is going on but some things added would be helpful. B. Duffney states that he would like to see where they are going to store the containers, the equipment, etc. T. Yasenchak refers back to the list of items including parking, lighting, trash removal – obviously it is different for this case, but where do they plan to put the bins of recyclables, etc. M. Ballestero states that he does not know exactly what he is doing but there will be a buffer. He is not sure where he will be putting things. T. Yasenchak states that it is part of the requirements in the Code. This is to protect everyone by having specifics on paper and for the Board to know what they are approving. J. Streit states that it would make sense that they would be taking things apart on the pad and that the dumpsters would be close to that. If the buffer is shown it would help the board to be able to judge whether they could be seen or not. J. Streit questions opening the public hearing tonight since there seems to be a number of people here. T. Yasenchak states that we cannot as we have not sent out the notices. J. Streit asks if people can send their concerns in writing. T. Yasenchak states that anyone can always send comments in writing. Further discussion takes place about the notifying process. T. Siragusa questions a site walk. Discussion takes place and a site walk is set for September 1st at 6:30 p.m. T. Yasenchak explains that due to the open meeting laws, the project is not to be discussed at a site walk.

DAVID VANIER – Minor Subdivision

Greene Road

D. Vanier is present and submits his SEQRA form. T. Yasenchak reviews that this was previously before the Board. C. Baker states the one question he has is sight distance for the new lot, it doesn't look like

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it is an issue but it is on a curve. Everything else we normally request is on the plan. M. Gyarmathy asks if there is a mobile home on the adjacent lot. D. Vanier explains the area. J. Streit states that he drove down there and there was no sight line issue, however, if the Town Engineer suggests that there should be a study. D. Vanier states that if it becomes a requirement, who would he get that statement from. C. Baker states that he is not familiar with this particular location and if a number of the Board members are familiar with it. He suggests that an engineer would do this. T. Yasenchak states that we just subdivided the property to the west and we did not ask them about the site distance. M. Gyarmathy states he does not believe there is an issue. B. Duffney states that this is pretty flat and this property is on the positive side of the curve. He refers to the property to the west that was subdivided and states that this is actually flat. S. Weeks states that it is an interesting question and it would be nice to know absolutely whether there is an issue. M. Gyarmathy states that he has driven by here a number of times and he does not think that there is a sight distance issue. B. Duffney states that there wasn't for lot 3 on the other subdivision. R. Rowland states that when someone builds here they will have to get a driveway permit from W. Barss who will ask them to move it if he does not feel that it is appropriate. T. Yasenchak states that we weren't concerned with the upper lot on the other subdivision and she is ok with not requesting it here for that reason. She asks if the Board is ok with not requiring it on this particular subdivision because we are familiar with the property as well as the requirements that we held the adjacent property owner to. S. Weeks states that he does not care about the adjacent property, he only cares about this one. He wouldn't base it on that. He would base it on the fact that the other Board members know it well. He states that it would be very unfortunate if we found out that if the lot line was moved a few feet you would have sight distance approval to get into the lot. You just want to make sure that you are not locking yourself into something where you can't get a driveway in. If the Board feels there is no issue, he will go along with the Board. He would be way more comfortable if the surveyor had stated that it had sight distance. T. Siragusa asks why the surveyor didn't do it. T. Yasenchak states that it is usually something that the Board asks for based on the subdivision. S. Weeks states that he would be plenty pleased to do it with a contingency that there is not a sight distance issue. T. Yasenchak states that if we do take action on a project with a contingency, before she signs it, that contingency would have to be met. D. Vanier states that he would like to avoid that if it is not necessary because he would have to pay for it additionally and it would cost him time, which is important to him at this time. T. Yasenchak states that it is something that we normally look at. J. Streit states that he does not believe that the sight distance is an issue based on what has been stated by B. Duffney, M. Gyarmathy and what he saw himself. M. Gyarmathy and J. Bokus agree with J. Streit. S. Weeks states that if the property owner is not happy with the contingency, it is his problem. If the applicant is not happy with that contingency because it is going to cost money, he needs to understand that if he doesn't have sight distance he cannot build on it. S. Weeks states that the Board is trying to protect the applicant but he is fine either way. J. Streit states that if we put a contingency on it that adds another level of bureaucracy. T. Siragusa states that he does not like that, this is all bureaucracy, we have sight distance for a lot of people. He would rather know for sure and that is two board members. Whether it is a contingency or not doesn't matter. The new owner could find themselves without a buildable lot. That is our primary job, not moving things through. J. Streit states that he would be in agreement, but several of the Board members have been there and seen the conditions. B. Duffney states that if he thought it was an issue he would state as much, as he has brought up sight distance on many projects. R. Roeckle states he is semi-familiar with the road and is not sure it is an issue. T. Yasenchak states that she could go either way. She does like to have things documented to protect future homeowners. She does not think there is a problem there as she has driven that road. Further discussion takes place. An informal poll of the Board indicates that S. Weeks and T. Siragusa would like this documented.

RESOLUTION – D. Vanier, SEQRA

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered “no” and the second box is checked, indicating that this will not result in any significant

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negative environmental impacts for the Minor Subdivision of David Vanier for property located at 48 Greene Road, TM#125.-2-3.

VOTE: Ayes: Bokus, Duffney Gyarmathy, Siragusa, Streit, Weeks, Yasenchak
Noes: None

RESOLUTION – David Vanier – Minor Subdivision

MOTION: B. Duffney

SECOND: J. Bokus

RESOLVED, that the Planning Board grants a minor subdivision to David Vanier for property located at 48 Greene Road, TM#125.-2-3, per the map submitted.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Streit, Weeks, Yasenchak
Noes: None

DISCUSSION

T. Yasenchak asks if B. Duffney has any additional information on the keyhole driveway discussions with the Fire Department. He states that he does not and asks if anything has been submitted to the office. R. Rowland has not received the information that M. Chandler was to send her.

R. Roeckle asks if the Town sign law is going to be changed based on the Supreme Court decision that signs cannot be regulated based on content. He will get the information for us as soon as possible.

C. Baker states that regarding the sight distance discussion, years ago Mark Schachner cautioned the Planning Board to be careful to interject personal opinions regarding the issue of sight distance. The applicant is responsible to prove that they are meeting all the criteria in order to make lots buildable. Even though the members know the Town very well, the way M. Schachner presented it is that when a Planning Board member says that something is not a problem, the fact is that you are not professionals who know all the criteria, it immediately puts the Town on the line for future liability. He states that we talked in great detail about it at the time. M. Gyarmathy asks if it is a requirement in the Town Code that each applicant provide that information. C. Baker states only if the Planning Board questions it for any reason. It is required for new Town roads. T. Yasenchak states that she can take this to the Code review committee to add to the code. J. Streit questions that a surveyor should know to do this. C. Baker states all surveyors are not qualified. Further discussion takes place regarding what requirements are for a driveway permit for a building permit.

Mary Boldish asks if the Board is going to see Ballestero's property, would they also visit the neighboring properties. T. Yasenchak states that the Board would have to ask permission, just as they did with the applicant. If someone wishes to have the Board visit, they should contact the secretary and state that they would like the Board to visit.

Meeting adjourned 8:20 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary