

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

**February 26, 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, Charlie Dake, Butch Duffney, Mike Gyarmathy, and Robert Roeckle. Karla Conway and Stanley Weeks are absent. Michael Waldron, Code Enforcement Officer and Charlie Baker, Town Engineer, is present.

**MINUTES**

November 27, 2018

The November 27, 2018 Minutes will be reviewed at the next meeting.

**MINUTES** – January 8, 2019

**MOTION:** C. Dake

**SECOND:** R. Roeckle

RESOLVED that the Planning Board waives the reading of and approves the minutes of the January 8, 2019 meeting with minor corrections.

**VOTE:** Ayaes: K. Conway, C. Dake, B. Duffney, M. Gymarthy, R. Roeckle, S. Weeks and T. Yasenchak.

Noes: None

Absent: None

Abstain: K. Conway and S. Weeks

**DISCUSSION**

T. Yasenchak states that she would like welcome the new Building Inspector, Michael Waldron, and encourages the public to come see him with any questions they may have. The Town Board has appointed a new alternate who is not present tonight but will be present for the March meeting.

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**OLD BUSINESS & PUBLIC HEARING**

**Stewart's Shop's Case #611**  
**TM# 164.-1-44**

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

C. Dake and B. Duffney recuse themselves. Chuck Marshall and Jim Moran are present as the Agents. Ben Muller from Ostergaard Acoustical Associates is present. T. Yasenchak states that the applicant has provided the information that the Board has asked for. C. Marshall states that they resubmitted a letter to the Town on December 19, 2018 with information regarding the octave band decibel reading that were specifically requested and an outline of the procedure as they saw it from the November 27, 2018 meeting with the proposed mitigation should they exceed the 6 decibels for the SEQRA findings from the NYS guidelines. Between then and now they have completed installation of the back-up alarms, and have successfully installed one of the shields around the roof top units. T. Yasenchak states that the information that was presented to her seems to be very succinct. R. Roeckle states that he has no questions at this time. S. Weeks asks if they have added several shields to the roof top units. C. Marshall states yes. S. Weeks states that it appeared that way to him. M. Gyarmathy states that he was not present for the November 27, 2018 meeting but did receive a cut sheet regarding the system that they put on the roof. It shows a plastic fence. C. Marshall states that is what they installed. B. Muller went through a lengthy discussion with the Board about the physical barrier and in that proximity to reduce the immediate reduction of noise. The potential for immediate reduction because most of the impacts are seen at a further distance on the property. They have addressed in roughly 10'. They will do all roof top units as proposed. The new building will have 2 or 4 roof top units and they will receive the same buffering as the current roof top units have on the building in the south east corner. K. Conway and C. Baker state they have no questions. T. Yasenchak states that the letter was received December 20, 2018. The Board asked to have an outline of the mitigation. It's saying that should something be needed after the construction is completed and it was operating they would do additional testing and mitigation would be done if it was over 6 decibels. The letter states that after 3 months there will be another sound study performed at the same points that were taken on November 2, 2018. She would like to see an addendum that it would be either by the same consultant or an equally qualified sound consultant. C. Marshall states that it is not their intention to use another company. They will maintain the same consultant. T. Yasenchak reads the 3<sup>rd</sup> paragraph of the letter and states that because the Board does not know if there will be any site plan modifications, she wants to strike the "requiring site plan modifications," because they don't know what that would be yet, or if there would need to be any. T. Yasenchak states the other revision she would like is where it states "non-compliance provision outlined in the code" change it to provisions outlined by the Site Plan approval. C. Marshall states the intention of the letter was when an applicant or when you are outside your Certificate of Occupancy, the Zoning Code for the Town has certain non-compliant schedule so the intent was to maintain compliance with the Code, not necessarily to the Site Plan or its amendments. T. Yasenchak states that she understands and they are saying that they would be subject if the Code says they are in non-compliance meaning they did not come back for further mitigation, there are provisions in the Town Code for non-compliance. That's where the applicant is coming from. C. Marshall states Board coming back to the Planning Board for review. T. Yasenchak opens the public hearing at 7:17 p.m. and states that anyone in the audience that wishes to speak to remain on point with information the Board is reviewing now and they have a 3 minute time limit to speak. J. Van Dyk, Daniels Road, he wrote a letter and feels that the Board has not acted on some of the details and submits it to the Board. He reads a portion of the letter. M. O'Keefe,

Daniels Road, states that the letter she is about to read has a page enclosed from the minutes from the Planning Board meeting from 9/25/2018 and submits it to the Board. She feels the applicant lied to the Board. She states that the Board should contact their attorney and have them review this information. T. Yasenchak asks C. Baker if he has anything else for the Board. She states that he has provided letters to the Board in regard to the SWPPP that was presented to them in 2018, he has provided additional information to the Board. C. Baker states that the Board should refer to his October 26, 2018 letter. It's detailed. T. Yasenchak states that the Board has had the Town Attorney look at information. Just because the Town Attorney is not present does not mean that they don't ask them to review documents and applications or any questions that the Board has about the process or any information that has been presented to them. The Town Attorney is not present this evening but they will be at the next meeting. They are constantly busy on the 4<sup>th</sup> Tuesday of the month. T. Yasenchak closes the public hearing at 7:32 p.m. T. Yasenchak states that they have reviewed SEQRA and made modifications to it. They had the applicant do a sound study. That was very important to the Board. She thinks that the sound was the only thing that was outstanding. R. Roeckle states that the sound was listed as no or small under noise. SEQRA is limited as far as what it asks for under impact on noise and odor. R. Roeckle reads the Negative Declaration. C. Baker feels that the Board might want to say limited restricted access so that no one can get the idea that they can access it. J. Moran states that it is strictly an employee access.

#### **Resolution-Stewart's Shop's Negative Declaration**

**MOTION:** S. Weeks

**SECOND:** K. Conway

REOLUTION, the Town of Greenfield Planning Board accepts the Negative Declaration Notice of determination for Stewart's Shop's warehouse expansion, Route 9N, TM#164.-1-44 with the additional information to be determined regarding when the public hearing had commenced and the number of meeting that The Board has reviewed this project.

**VOTE:** Ayaes: K. Conway, C. Dake, B. Duffney, M. Gymarthaty, R. Roeckle, S. Weeks and T. Yasenchak.

Noes: None

Absent: None

Abstain: None

T. Yasenchak states that the Board can deem the application complete. If they do they have a certain amount of time that they have to actually take action or have a resolution that the Board acts upon. R. Roeckle states that the public hearing was closed tonight so the Board has 45 days to complete this process. T. Yasenchak states that the Board does not have a resolution tonight for deeming the application complete for the whole application. They feel that any action that the Board takes comes in the form of a written resolution rather than something they formulate directly here off the top of their heads. The Town Attorney would be helping them write and formulate with the correct verbiage. C. Marshall asks if the Board could notify him when to attend the meeting. T. Yasenchak states yes, they assume it will be March 12, 2019 but will contact him if that is not the case.

**MOTION:** R. Roeckle

**SECOND:** S. Weeks

RESOLUTION, the Town of Greenfield Planning Board, will discuss a possible resolution with the Town Attorney to help draft. This is not an approval of the project, they are not taking a particular action it's just that they will be having a discussion with the Town Attorney to make a resolution.

**VOTE:** Ayaes: K. Conway, C. Dake, B. Duffney, M. Gymarthaty, R. Roeckle, S. Weeks and T. Yasenchak.

Noes: None

Absent: None

Abstain: None

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**NEW BUSINESS**

**Plug, PV, LLC**

**TM# 136.-1-55.12**

**Special Use Permit  
356 Lake Desolation Road**

C. Dake and B. Duffney rejoin the Board. T. Yasenchak states this project is for ground mount solar at 356 Lake Desolation Road. Oran Cook is present as the agent for this project. O. Cook states that they are looking for a building permit and for a Special Use Permit for the purpose of construction of ground mount solar for the property owned by Isaac and Heidi Montero at 356 Lake Desolation Road. He provides copies of the design development from the engineers to the Board. O. Cook states that it is different. There are some requirements that the Board asked for. It is what they are planning on doing. T. Yasenchak states that because this is a Special Use Permit they have to have a public hearing. Some of the things that the Board requires for ground mount solar are the over-all height on the rails. O. Cook states that it is not specified on the plans but it is approximately 10'6" high and can provide that information. T. Yasenchak asks what color are the rails and supports. O. Cook states that the structure underneath is steel it's not painted any particular color. B. Duffney asks if it is galvanized. O. Cook states yes, it's galvanized steel, it's not painted. The panels themselves are black on black on black. They are black back sheet, black cells not visible on top. They function as a black square. The mounting that they use is also black. T. Yasenchak states that they have, within their regulations, that the structure be something different than silver so it will blend more to the back ground. Usually they say black, brown, or dark gray. They did provide the Board with transmission lines and asks where that would be. O. Cook states that there would be an 80' trench that would be dug from the array to the existing residence. It does go underneath the driveway. The trench is to be dug with equipment that is 1' wide and 36" deep. B. Duffney asks if they use conduit. O. Cook states yes and electrical tape 6" above the conduit. They reschedule any that goes through any driveway. T. Yasenchak states anyone coming before the Board for ground mount solar would be putting it in a location that gives them the best advantageous location for it. However the Board asks that it not be in the front yard. It looks like it is on the side. K. Conway asks how visible will it be from the road. O. Cook states that it will be seen if someone is driving north bound up the road. It's about 200' from the easement of

the road. About 215' from the road itself. It's 20 panels total. 10' high by 20 some feet wide. It is visible and does not know if there are any plans to change it. The nature of the location could obstruct the view shed. It would also be obstructing sun light coming from the south. B. Duffney asks how far is this property from Middle Grove Road. T. Yasenchak states that this is Dan Cochran's daughter and son-in-law's house. They did a subdivision there recently. Is this a newer house? O. Cook states, yes it is. T. Yasenchak asks if there will be any signs or lights there. O. Cook states no. S. Weeks ask why ground mount is not tilted more. O. Cook states the steel construction costs more. From the customers perspective it's better for them to have more panels than to pay for more the steel construction. It's more advantageous for the customer. R. Roeckle asks if the panels are anti-glare. O. Cook states yes and he can provide that information if the Board would like. T. Yasenchak states that they will look up previous applications to see what they required from them because there is usually a material data sheet provided that states that it meets the FAA requirements for glare. Even though it states it is anti-glare the Board requires that sheet. The Board actually had to have a previous applicant change the cell. O. Cook states that he can provide that information to the Board. B. Duffney asks if the frame work is satin. O. Cook states yes. T. Yasenchak asks if once it is installed it will be owned by the property owners. The Board usually asks for a deconditioning plan if the property owner no longer uses it and that the array gets removed within a certain period of time. No excavating will be done. O. Cook states no. T. Yasenchak asks for the height of the panels. The Board sets a public hearing for March 12, 2019. R. Roeckle asks if this needs a county referral. T. Yasenchak states that she does not think so. She asks K. McMahon to call the Planning Department in Saratoga County to ask what there process would be.

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### **OLD BUSINESS**

**Young, M. Case #622  
TM# 111.-1-68**

**Minor Subdivision  
299 Ormsbee Road**

Mark Young is present. T. Yasenchak states that the application is a little different than the Board usually sees as far as a 2 lot subdivision. M. Young states that one of the Boards comments regarding the narrow corridor that the lot has was where to try and make that as wide as he could. Because of the setbacks, it really pinpointed were the line will be. It made a strange pie shape because of the building site for the home to get the optimum view. It needed that envelope for the proposed building site. It makes for a unique shape of the property. T. Yasenchak states the front property has a strange shape too. M. Young states that the keyhole lot is making a long driveway. T. Yasenchak states also access to the stream for both lots. M. Yong states yes and it actually ends up wider than he thought. If he keeps his current lot and the house (where he lives now) he ends up with more of the stream. It's open hay field and it is ideal for horses. Either piece of property would have the ability to have a barn with a couple of horses, both of these lots would allow that to happen. T. Yasenchak states that the Board also looks at the uniqueness and the uniqueness as it already exists in order to allow the benefits of the field and the stream. M. Young states and the view because the property is buildable. T. Yasenchak asks C. Baker if he had an opportunity to review the traffic study. C. Baker states

that he reviewed it and does not have a problem with it. He is satisfied with the criteria and he provided the typical notes the Town requires and was well presented. B. Duffney states that he knows the property and has no issues with it. R. Roeckle states this is going to be a keyhole lot and it appears that the driveway will not be long enough to require a pull-off. S. Weeks, M. Gyarmathy, C. Dake, and K. Conway all have no issues with this project. T. Yasenchak states the driveway notes will be added and they do have a requirement for keyhole lots about a buffer between the back lot and the front lot. What makes this odd is it is already cleared and is fields. She is not really sure how to deal with that. As the Board moves forward they can say that it is something that was reviewed as part of the application. M. Young states that when he subdivided this property it was a 4 lot subdivision. And he sold the lot in front of him where his father's mobile home and firewood operation used to be. The person that purchased the property really pushed on his intentions where he wants his house to be (hasn't done anything yet but plans to). He thought the same thing. He has an imaginary line in the front yard. This is all one big open field. He put up a chain link fence (that was one of the first things he did). His intention would be to do the same thing. Fence the keyhole lot yard which is his current back yard some sort of fence. Anyone who knows the area, knows, if you put up a fence and don't trim it you will have your barrier within a few years. He spent the last 30 years of his life cleaning stone walls. It's the most impossible thing to do. That is what his intent is. That way it will be marked permanently. T. Yasenchak states that is something that they can discuss as they move forward because it is in the Town's Code. When they do take action they can address that specifically whether they feel it was deemed necessary as this is an open field now. R. Roeckle asks if M. Young is going to put any deed restrictions on the lot in the back to prohibit any planting that are going to block the view. M. Young states no, because as he did with the other lots, he made the property lines the wood lines, so it would be in land owners best interest to have control over their view shed. This person would only be affecting their own view and if they wanted to disturb their view they could plant whatever they wanted but they can't affect anyone else's view. R. Roeckle states based on the map it's hard to tell which direction is the view. T. Yasenchak states where the house is there is no way to plant anything here that would affect anyone's view. R. Roeckle states what about blocking the view of the new lot. M. Young states that couldn't happen either, the way this is drawn up. R. Roeckle states he just wants to make sure it doesn't become an issue 10 years from now. M. Youngs states that the Lunde's (property, next to the proposed keyhole lot), has a stone wall and a tree line that already exists and that is opened up enough so they have a view. They also control that stone wall and view line. R. Roeckle states that he just wants to make sure that isn't an issue for the property owner in the future. M. Young states that when he decided to subdivide he made it so that everyone would control the view. Up there you want to be able to see the view. R. Roeckle asks when he thinks he would be looking to sell the property. M. Young states that he does not know, he is 5-6 years away from retirement and the current house is probably too big for him. So there are options for him. He is not sure if he wants to build something smaller for himself on the proposed keyhole lot or keep his house. He wants to do this before things change and may not be able to get a keyhole lot. T. Yasenchak asks C. Baker if there should be something on the map about a setback from the stream. C. Baker states that if she is concerned about it, they have asked for it to be shown with a potential building site which would show the depth separation line. He would think that would be something that would be looked at with the

building permit. He is going to have to present a design, a plot plan, house location and will have to make the setback requirements. Again, it's a 6 acre lot he is not overly concerned. T. Yasenchak asks because there is plenty of space. C. Baker states correct. B. Duffney states that he can't build anything there anyway it would always be wet. T. Yasenchak states that in the past they have asked to show a limit of clearing. B. Duffney states that would be up to DEC. They take care of that. T. Yasenchak states normally they would put something on the map so someone who doesn't know if they are looking the map would know that they might be subject to additional regulations or restrictions. M. Young states the proposed site is on the lower lot, is probably over 150' to the stream and it is not marshy. There is a vertical bank 15' to the stream. It's like everything gradually goes down to the stream. It is pretty much a cliff. The stream corridor is very tight in that area. The property line is at the stream so you have the natural buffer line from the adjacent property line that would keep someone from getting too close to the stream. T. Yasenchak states that she would feel more comfortable if he put a note on the map that said that there may be additional restrictions or requirements. M. Young states that he can give anything the Board may want to the surveyor and when they get closer to doing that he can give it to them to do that. C. Baker states that he is not exactly sure what she is looking for. T. Yasenchak states what they have done in the past is put a limit of clearing and they can't do that in this case. M. Young states that he would be OK with a 100' buffer from the stream there be no disturbance. There is no reason they would be building over there. It's a steep bank down to the stream. T. Yasenchak states not any cut, just no development. M. Young asks clearing or building? T. Yasenchak states no development. M. Young states no development within 100' of the delineation. T. Yasenchak states that the Board has an option of a public hearing. S. Weeks states that he always likes public hearings. It doesn't hold things up. M. Young states that the Lunde's and they know about this. The other property owners are on Ballou Road but they should all be notified. The Board sets a public hearing for March 12, 2019. R. Roeckle asks if the map will be ready for March 12, 2019 or should they wait until April? T. Yasenchak states that she does not think so. M. Young states that the map might not be ready for the March 12, 2019 meeting.

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Meeting adjourned at 8:48 p.m. All members are in favor.

Respectfully submitted,

Kimberley McMahon  
Planning Board Secretary