

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**JANUARY 13, 2009**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Gary Dake at 7:00 p.m. On roll call, the following members are present: Gary Dake, Lorna Dupouy, Michael Ginley, Thomas Siragusa, John Streit, Tonya Yasenchak and Nathan Duffney, Alternate. Michael Thraikill is absent. Gerry McKenna, Zoning Administrator and Charlie Baker, Town Engineer, are present.

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**DECEMBER 30, 2008 MINUTES**

MOTION: M. Ginley

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of December 30, 2008 as submitted.

VOTE: Ayes: Dake, Duffney, Dupouy, Ginley, Siragusa, Streit, Yasenchak

Noes: None

Absent: Thraikill

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**CHRISTOPHER & GERARD CHWAZ – Special Use Permit**

Christopher and Gerard Chwaz are present along with Wayne Clermont from Harlan-McGee. C. Baker states that he spoke with Mike Kennedy from DOT yesterday to see if we were going to have a response to our letter and was told that because it involves a traffic light and the possibility of going to a fully signalized intersection, they normally refer those down to the Albany office. C. Baker asked what the timeframe on that might be and M. Kennedy did not have a good answer. G. Dake reviews that at the last meeting discussion took place about whether we could do a phased approval where the applicant would be approved only with access on Spier Falls Road until such time that the traffic light was installed as a way for the applicant to get moving and they would not have the entrance onto Route 9N without the light. That would prevent them from having any turning motions on Route 9N close to that intersection. C. Baker states that at this point the Town has done everything that we possibly can do. We asked the applicant to hire a traffic engineer and they did that. The traffic engineer has addressed to us that there may or may not be a problem at that intersection now. We have forwarded that information to DOT and it is in their hands. If they make the decision to make that a fully signalized intersection, it is their decision one way or the other. C. Baker states that it is his feeling that it is not fair to the applicant at this point to hold them up while DOT goes through their process to decide whether or not they are going to make that a fully functioning light. As far as limiting the access to Spier Falls Road, he does not feel strongly about even doing that. If DOT does not want to comment on it in a quick manner then it is their decision. T. Yasenchak states that she feels that limiting the access to Spier Falls Road is more appropriate. She feels it is a fair compromise because we do understand that the traffic patterns have increased however it is obviously not because of the applicants, it is because of the growth in Greenfield. That would have happened if the applicant had opened their doors two years ago or in a month. She feels that she would be comfortable approving the application with an exit only onto Spier Falls Road just to remedy the situation so it is not as complicated as an intersection. She thinks that this process has at least opened up the door for New York State to possibly put a light at this intersection, which wasn't previously addressed before the applicant was before us. She feels that we should not penalize the applicant because they, hopefully in the long run, are going to benefit the community with

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the possibility of a new traffic light. T. Siragusa agrees with the access onto Spier Falls Road only. During the construction they can use either driveway. It is only really a matter of when the doors open. When doors open for business, because of the applicant's engineer's report, that access only be from Spier Falls Road would be prudent. M. Ginley agrees. He reemphasizes that once we have that engineer's report that says that it is potentially dangerous, he thinks that allowing people to go off of Route 9N would be irresponsible. B. Duffney states that he believes that we should be able to do something to let the applicants continue with their construction. J. Streit agrees. Hours of operation are discussed. The applicant has requested 10 a.m. to 10 p.m. in their application. Hours of construction were stated to be 6 a.m. to 9 p.m. and the applicant was asked to not do that on weekends. G. McKenna states that the 2001 approval was for hours of operation to be 11 a.m. to 9 p.m. J. Streit suggests letting the market determine the hours. L. Dupouy states that she does not believe we should allow the applicant to determine hours as there were concerns expressed at the public hearing concerning the comings and goings from this property. G. McKenna states that construction hours are specified in the new code as being 6 a.m. to 9 p.m. The applicants agree to hours of operation being 10 a.m. to 10 p.m. and construction hours to not begin prior to 8 a.m. on the weekends. Discussion takes place that other applicants have also been asked to limit their construction hours, especially on the weekends.

**RESOLUTION – C. & G. Chwaz, Special Use Permit and Site Plan Review**

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Town of Greenfield Planning Board grants a Special Use Permit and Site Plan Review to Christopher and Gerard Chwaz for the operation of their ice cream parlor and restaurant for property located at the corner of Route 9N and Spier Falls Road, TM#112.-1-24.2, contingent upon:

- **The entrance and exit being on Spier Falls Road only until NYS DOT determines that the intersection is safe**
- **Construction is not to begin prior to 8:00 a.m. on weekends**

VOTE: Ayes: Dake, Duffney, Dupouy, Ginley, Siragusa, Streit, Yassenchak

Noes: None

Absent: Thraikill

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**TED MAKKAY – Major Subdivision**

Goose Hollow Road

Ted, Greg and Cary Makkay are present along with Dave Carr and Rob Fraasier from the LA Group. D. Carr indicates that they are here to have a sketch plan discussion with the Board. They had previously presented a plan in August and after feedback from the Planning Board have made some changes to the plans. This is a 154 acre parcel. ACOE and DEC have both been on site to review the wetlands delineation. A jurisdictional determination has been received from DEC and was submitted in the packet. ACOE is in agreement with the flagging and mapping but are waiting for the applicant to make a permit application because they do have one crossing. They are aware of the crossing and like the location because it is at the narrowest point. LA Group has sent a letter to Parks for archaeology and habitat and they have received letters back from them, which will be submitted with the SEQRA. Sight distance on Goose Hollow Road was a concern when the applicant was here the first time. A traffic engineer was hired to do a sight distance analysis and that report is in the submission. Basically what was found was that there was a better location 70' to the south of the location that was picked on the original plan. The plans have been revised to that point. D. Carr explains that the original plan had a boulevard entry and a long cul-de-sac off that. That has been revised to a typical road of approximately 1500' in length and then it loops back on itself. They updated the conservation subdivision mathematics as to the changes in the wetlands. There is an undevelopable area of about 80 acres and a developable area of about 83 acres; maximum number of lots it

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would yield is 27 and they are proposing 24. D. Carr states that while they are proposing 24 lots, yet they have a lot of engineering to do. They have not done any soils investigation; they haven't done the water wells for DOH requirements. The land may not support 24 lots. G. McKenna states that the current subdivision regulations for clusters do not allow for the reduction in front and rear setbacks. Those are 75' front and rear in this zone. He does not think that will be a problem with these lots. C. Baker states that in looking at the conventional plan he thought that a number of lots may not actually be buildable the way they are shown. D. Carr states that they are buildable as far as setbacks from wetlands, road frontage – they are buildable from a zoning standpoint. Without doing soil borings they do not know that they are buildable, but normally when they do a conventional subdivision for a project it is based on zoning and critical environmental areas. They took the wetlands that have been approved, they assumed buffers for septic and without doing the soil borings they don't know, however if you can't get the soils to support 3-acre lots, you are not going to get them to support 1-acre lots. C. Baker states that his comment was regarding the cul-de-sac area that is shown, it is a pretty steep area and he got slopes anywhere from 12 to 15%. D. Carr states that there would have to be some grading. C. Baker asks if they think that they can get a road grade less than 8%. D. Carr states that they do. On the cluster plan, C. Baker questions that the applicant shows approximately 1400' to the loop and questions that current zoning still limits an applicant to 5 times the frontage. G. McKenna states that he will look it up because it did conflict itself in two places in the code. G. Dake states that he thought that had been changed to one distance during the zoning rewrite. D. Carr states that he believes that the code states 1500'. G. Dake states that the discussion during the rewrite had been to make a standard length consistent between zones because the discussion was that if 1500' was unsafe in one zone, why wasn't it in another? C. Baker asks if the open space will be under a homeowners' association. D. Carr states that the Makkays, who are going to maintain lot 1 and have recently put a new home there, would own all of the open space. If the Town preferred to put a conservation easement on it the applicant would do that. D. Carr states that their next step is to contact DOH and try to get an indication of where they want the test wells. L. Dupouy states that every time she sees something done by the LA Group it is impressive and nicely done. J. Streit questions that the length of the road is 1500' from Goose Hollow Road to the loop. D. Carr confirms this. G. McKenna states that there was a conflict prior to May 15, 2008. In Zoning it states that the maximum cul-de-sac length of a dead end road shall be 1500'. In the subdivision regulations it has been changed to read that dead end streets shall be no longer than 1500' and shall be provided at the closed end with a cul-de-sac. J. Streit states that this does not apply because there is a loop at the end of the 1500'. G. McKenna states that he would lean towards that because it loops back on itself. T. Yasenachak asks if the revised road location is on the current map. D. Carr states that it is. T. Yasenachak states that she agrees with C. Baker in that some of the lots on the conventional plan look to be tight. She suggests that D. Carr speak with the Historical Society as they are in the process of putting together a map of historical locations that are pertinent to the Town of Greenfield that may not necessarily show up on a map from the State. T. Siragusa states that in general he likes it, he realizes that there is a lot more work to be done and hopefully the testing will go in the applicant's favor. At the last meeting it was also suggested that the applicant speak with W. Barss and the Fire Department. D. Carr states that they were going to do that after they presented the new plan and got some input. M. Ginley states that this looks good, and he states that he always has questions when there is open space and if there is any requirement from the Town to do anything with it. G. Dake states that there is not. He states that he has been on this Board for 15 years and prior to that on the Wilton Planning Board for 5 or 6 years and we have been wrestling with this issue for all that time and no one has ever come up with a good answer. He states that you can try to give it to people; we had a subdivision that paid to have someone take it; there is no good answer. The Town does not necessarily want it for a park or anything. Anytime you do something like that you take it off the tax rolls. Usually what we have ended up doing, certainly in other towns also, is letting it be part of one great lot and that one great lot ends up owning the land and controlling it with the theory being that while it is not providing active open space that is able to be utilized, there is some positive for the wildlife. M. Ginley asks if the applicant has any plans for trails or anything. D. Carr states that they do not have any plans and the problem is that it is interrupted by a fairly large wetland so any trails that they would do, they would have to deal with DEC for crossings, etc. He states that G. Dake is probably right in that it is more of a forever-wild situation. He states that the problem is that unless it is connected to something you have a very difficult time finding

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someone like the Nature Conservancy or Saratoga PLAN to take something if they can't do anything with it. G. Dake states that if someone such as the applicant still owns it, they would be stuck with the liability for people using it, adding to the complexity of it. M. Ginley comments on the parcel in Moss Creek that was to be shared by all the residents. G. McKenna states that has become a nightmare for the Assessor. M. Ginley questions the storm water management area. D. Carr states that normally if it is a Town road the maintenance responsibility falls to the Town and they would have an easement over that land. G. Dake states that there are provisions in our code for this and there is a fee set up for the ongoing maintenance costs. G. Dake reviews that the applicant has done what was asked of them; they do have some work to do but are moving in the right direction. J. Streit asks what the acreage is on the smallest lot. D. Carr states that it is approximately 1.3 acres. J. Streit questions if it makes sense to suggest that the Town Council look into what is desirable to the Town to use with common space like this and different approaches that the Planning Board could use as guidance. G. Dake states that if the Board would like, we could do that. He would suggest that this pretty much happens in every town and will continue until someone actually wants to have a land bank. He suggests that we could have a training session some time and have someone from the Nature Conservancy or Saratoga PLAN or Saratoga County Planning come in and talk about what the options are. C. Baker states that he would be cautious on the one radius on the loop, as it might be a little tight. D. Carr states that he will take a look at it.

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**RONALD MOREHOUSE – Special Use Permit**

Old State Road

Ronald Morehouse is present. G. Dake reviews that the applicant is replacing a mobile home with a newer double wide. G. McKenna states that a special use permit is required to replace a mobile home, the applicant has received the necessary variances and a new septic system is being designed. B. Duffney states that he sees no problem and setbacks, other than one, will be greater than they were. The Board consensus is that this is an improvement. G. Dake asks if there was public comment at the Zoning Board meeting. R. Rowland states that there was none. A public hearing is required on a special use permit and one is set for January 27, 2009 at 7:00 p.m.

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**DISCUSSION**

C. Baker states that he received a set of plans for the Adirondack Adventures sewer system installation that was previously before the Planning Board. They have received DOH and DEC approvals and have addressed all of C. Baker's comments. He questions that they need to come back to the Planning Board. R. Rowland will check on their approval to see if it was contingent upon C. Baker's comments.

G. Dake reminds the Board that the County Planning training session is happening the week of January 26<sup>th</sup>. He suggests that someone might want to make the suggestion of having a course on open space. T. Yasenchak states that there is a class on open space at this session. G. Dake suggests that perhaps those who are planning on attending might want to coordinate with each other as to which topics they attend so that they can report back to the Board.

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Meeting adjourned 7:45 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary