

TOWN OF GREENFIELD

PLANNING BOARD

January 8, 2013

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. 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 John Bokus, Alternate. Charlie Baker, Town Engineer, is present.

MINUTES – December 11, 2012

MOTION: S. Weeks

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of December 11, 2012, with a minor correction.

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

Noes: None

Abstain: Siragusa

PLANNING BOARD CASES

SEAN CROTTY – Site Plan Review

Plank Road

Sean Crotty and Gary Robinson, PE, are present for the application. G. Robinson states that they have added the topo as requested and reviews the new information submitted. He explains a couple of minor changes to the placement of the house and driveway, and indicates that the clearing limits have been added. Information was provided regarding the solar panels. He states that they are about 3.5 x 5.5, each panel. There are eight on one frame and they are attached to a post. There are three arrays, which are right in a row. The frame has an angle adjustment that goes from about 30-degrees to 60-degrees and that changes throughout the different seasons of the year. They will never be pointing down so there will be no reflection that anyone will see. Elevations were submitted with the percentage of glass. This will be a one story, modular structure with a shed type roof. The septic system will be a peat moss system and G. Robinson provides a little model and photos. J. Streit states that everything has been very thoroughly covered. M. Gyarmathy concurs and states that the applicant has covered everything that was asked. T. Siragusa states that it looks like a good project. S. Weeks asks if the solar panels will tip in different directions. G. Robinson states that they will not tip in directions, just angles, up and down. T. Yasenchak asks how tall the poles are that have the panels on them. G. Robinson states that to the top of the panel is 12-feet. J. Streit questions that the panels are guarded from the road by the house. G. Robinson states that they are, you won't be able to see the panels from Plank Road as it is heavily wooded. C. Baker states that they have answered all his questions. He does want to point out that this is a large lot, in the middle of no where, basically, and you might have different issues if it were a similar application in a more populated area with the visual aspects. T. Yasenchak asks about the siding and roofing colors. S. Crotty states that they are going to use a hearty plank instead of a wood product. It almost looks like a greenish bark and the roof will be green.

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RESOLUTION – S. Crotty, SEQRA

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered “no” and motion is made to check Box B, indicating that this will not result in any significant negative environmental impacts for the application of Sean Crotty for a Site Plan Review for property located at 374 Plank Road, TM#123.-2-29.

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

RESOLUTION – S. Crotty, Site Plan Review

MOTION: T. Siragusa

SECOND: B. Duffney

RESOLVED, that the Planning Board approves the application of Sean Crotty for a Site Plan Review for a single family residence for property located at 374 Plank Road, TM#123.-2-29.

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

CASEY CORNELL – Major Subdivision

Humes Road

Casey Cornell and Gary Robinson are present for this application. G. Robinson states that they have met with the Highway Superintendent to discuss the road. He states that the meeting went well, they have a good idea of what W. Barss plans to do. Originally they were proposing a rural road cross section, with drainage ditches along the sides to have some wide natural looking swales along the side of the road to carry the storm water and a couple of ponds located on site. Neither the applicant nor the Highway Superintendent are very fond of ponds, they tend to like the infiltration basins better. They are looking at a series of infiltration basins. They probably won't be using the rural road cross-section but looking at wing curbs with catch basins and no ditches. There are still decisions to be made. Maintenance easements were discussed. G. Robinson states that as far as the work is concerned, he thinks that the Town is looking at doing quite a bit of the work on Humes Road because it is a Town Road. When they get up to the top of the property where they have the cul-de-sac, which will be 100% the applicant. W. Barss thought that the geometry is good that they have there. He states that W. Barss would like to get started on some of the work that the Town would do now and one of the improvements that W. Barss would like to make is to change the bend so that they can come down to Coy Road at 90-degrees. He states that the sight distance is always better at 90-degrees and they are going to try to bring it down hill a little, about 2 or 3% on the way in. It would be about 80' from Coy Road to where it would bend. G. Robinson states that W. Barss would like the applicant to change the right-of-way so that he can do that work. G. Robinson states that he does not see any issue with that. He states that he told W. Barss that he thought it was important that W. Barss talk to the Planning Board about it before he does the work, it is an existing Town Road. He believes that they would do some clearing in the area where the road would be widened. S. Weeks states that he likes the entrance change because it is a lot safer because people would tend to take that a lot faster in the existing configuration. G. Robinson states that it makes tremendous sense and it is good that W. Barss thought of it. They would do work under an existing permit, they have a general permit with the State and they would be working under that permit to do whatever work on this road. T. Yasenachak asks if there is a letter from W. Barss stating what he would like to do. There is currently no letter. C. Baker asks what the radius is. G. Robinson states that he has not done anything with this yet. He thinks that W. Barss is planning to do this by eye and once he gets that started G. Robinson would go out and shoot the road center line and then put the right-of-way around there based on what is in the field. S. Weeks asks if we need a letter before he begins. G. Robinson states that he does not

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think that there is anything needed as far as they are concerned and he does not know why as far as the Planning Board is concerned, because it is an existing Town Road and it is not like W. Barss would be building something for the applicant. T. Yasenchak states that we have had other applications where there is an existing Town Road, but because the development was going to increase the traffic and increase the impact on that road, the road had to be improved. Which was not necessarily something that the Town was making happen. She states that she would like to see something in writing from W. Barss. G. Robinson states that W. Barss is not improving the whole road, they wish he would do more. There are things that W. Barss might be able to do. What W. Barss is saying is that for some of the things that he would do – clearing, stumping, doing some of the grading – he would want to start that right away. G. Robinson states that the applicant will be doing a lot of the work. Who will be doing what is not finalized at this time. They just wanted to let the Board know what was discussed and that W. Barss wants to get out there and do some work while the ground is a little colder and easier to work on. T. Yasenchak reiterates she would like something in writing from W. Barss. C. Baker states that they will have to follow the Town standards for rebuilding the intersection and it has to be designed to meet the minimum radius, etc. We need a little more of a plan. G. Robinson states that he thinks that the work W. Barss is planning to do now is independent of that and asks if C. Baker wants to get together with W. Barss. C. Baker concurs so that they can get everything worked out. T. Siragusa asks about the washout that was discussed at a previous meeting. B. Duffney explains that he had put in water bars for the logging he was doing there, someone went through with a 4-wheeler or something and knocked the water bars out. It was early spring, everything was still frozen, we got a lot of rain and it came right straight down through there taking the road out. He does not believe there will be any issues once the improvements are made.

STEWART'S SHOPS – Site Plan Review

Middle Grove Road

Chuck Marshall is present for Stewart's. B. Duffney recuses himself. C. Marshall reviews the proposal and the changes that were requested and made from the last meeting – the row of arborvitae and the fence, that were agreed upon by the neighbors. He states that the 6' stockade fencing comes in 8' sections and the row of arborvitae are shown. He also provides photos. A public hearing is reopened at 7:37 p.m. Lora Brown, Middle Grove Road, states that she did come in and look at the revised plans. She is happy to see that they did add the row of arborvitae. Brian Wilcox, Middle Grove Road, states that he is the neighbor directly behind Stewart's and they had requested fencing. He states that everything looks good except that they did not expect that much of a fence. He asks if they are going to take down all the existing trees from the back of the store. C. Marshall states that he does not know. B. Wilcox states that there are about 40' of woods between the back of the store and to where his property begins. If Stewart's takes everything down, that will leave him about 3' of woods before the fence which goes right across his front yard and maybe 10' from his driveway. If that is the way the fence will be, he would prefer to have no fence and just woods. Mrs. Wilcox states that she would hate to lose the woods for the fence. There being no further public comments, this public hearing is closed at 7:40 p.m.

T. Yasenchak states that it was not the intention of the Board for the trees to be removed and replaced with the fence. The Board asked for the fence because the code does require a buffer of some sort between commercial and residential use. C. Marshall states that they will do whatever the Board requests. There will have to be some clearing for the project, but he does not believe the intention was to clear all 40'. He questions where the fence should be located. T. Yasenchak states that it does have to be on the Stewart's property but they do not want to see anymore clearing of the trees other than what is required for the project. C. Marshall states that their concern is that they do not want to create a hangout or a spot for garbage to gather. They do want to create something that is clean and does provide the proper buffer. His perception was that the issues were the addition of a fence and the arborvitae buffer on the other side. J. Streit states that as far as he is concerned every issue has been raised. He states that he does not know if it is proper to create a contingency, if this were approved, that if we have something in writing between B. Wilcox and

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Stewart's that they have mutually agreed upon the proper treatment. Either the fence or leaving the trees would be appropriate to J. Streit. He states that he does not know that the Board has to make the decision of which of these two options exist if the parties can come to an agreement. T. Yasenchak states that a buffer is required by the code, whether it is a fence or trees is something that we can work out between the neighbors, but we can approve a project with a contingency that they come back with an agreement that T. Yasenchak would then review. J. Streit states that there should be no other clearing than what is needed for the footprint of the addition. T. Yasenchak states as well as the location of the fence and arborvitae. M. Gyarmathy states that he agrees with J. Streit and that his personal opinion is that he would like to see vegetation there rather than the fence. He thinks it is a better buffer as long as Stewart's maintains it. T. Siragusa asks what was the decision to use fencing vs. arborvitae or something on that side. Wasn't it to do more than what the trees were going to do, like keeping people from hanging out there, blowing garbage, etc. T. Yasenchak states that it was for all of those and Mrs. Wilcox had stated that she would prefer a fence. T. Siragusa agrees with a contingency regarding an agreement between the parties. He states that on the map, the end of the fence is marked as being about 30' from the driveway. S. Weeks states that there is not much room behind the dumpster to have any vegetative buffer. He thinks that a fence behind the dumpsters is something that he would like to see. He is not sure they need to run the fence all the way out to the right as far as it goes. He also notes that the compressors are now on the ground. They were going to be up on top. T. Yasenchak states that T. Lewis had stated that they were going to be on the roof and that there was going to be sound deadening material on them. S. Weeks states that now it looks like there is going to be stockade fence around them. C. Marshall states that is correct that they are on the ground. As to sound deadening, other than what comes on the compressors themselves they don't typically install another deadening material. S. Weeks states that he likes the fence behind the compressors and there should be fence behind the dumpsters but he does not believe we need to run it all the way to the right. C. Marshall suggests going about 9 fence lengths which would be about 72', and he indicates approximately where that would end on the plans, to be compliant with the Code and if he is understanding correctly he will work with Mr. & Mrs. Wilcox regarding an agreement. C. Baker states that he did look at the topo and he is a little concerned that we might need a temporary drainage easement because it looks like they are very close to the property line if not a little over on the Wilcox side. He states that it appears to him that the drainage is self-contained on the site and they are not adding anything additional off site. He does not have any concerns as far as the drainage is concerned. C. Marshall states that they will add a temporary easement into their letter with Mr. & Mrs. Wilcox.

RESOLUTION – Stewart's Shops, Site Plan Review

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board approves the application of Stewart's Shops for a Site Plan Review for property located at 465 Middle Grove Road, TM#162.12-1-6, contingent upon:

- **Temporary easement in writing for the grading from any neighbor that they may need in order to correctly install their drainage**
- **A letter of approved screening, location of fence and/or trees that is agreeable with the neighbors, Mr. & Mrs. Wilcox**

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

THEODORE MAKKAY – Major Subdivision

Goose Hollow Road

Theodore Makkay and Rob Fraser are present for this application. T. Yasenchak states that we have not received a response to our Lead Agency letter from ACOE. We did receive a response from DEC. C.

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Baker states that he would be surprised if ACOE responds. R. Fraser reviews that the project is a major subdivision; they are proposing 23 lots; open space will be able to be accessed by all property owners; the subdivision road will come off of Goose Hollow Road and extends up to a cul-de-sac area; there is a 100' no cut buffer associated with the perimeter of the property; they have conducted deep hole test pits and investigated the soils for septic; have conducted test wells to determine the quantity and quality of the water and so far everything looks pretty good.

A public hearing is opened at 8:00 p.m. June Banning, Russell Road, has concerns as to how the new houses will affect the water and sewer. She feels that there are too many houses being proposed; her objection is that her property is below this one and if they have that many wells and sewers she is concerned that it will affect her property. She has never had a problem before. She discusses that this year was a rainy season, what will happen if it is dry. Denise Jenks, Wilsey Road, states that their property surrounds a majority of the development. She states that their concern is all of the wastewater. Out of the whole development, only 3 of the septic systems are proposed as conventional septic systems. There is a creek that runs through one of the water basins right on to their property and they are very concerned about the water draining onto their property. They are very concerned about their property getting soaked from all the additional homes. Their other concern is the 100' no cut buffer zone. They want to make sure that none of the trees in that buffer zone get cut. Another thing that they want to point out with this development is that some of this property may be dry now, but with this development, there will be less trees taking up the water and the property will get wetter. Dale Jenks, Wilsey Road, states that if the no cut zone is thinned out, it will cause it to become wetter. Larry Klementowski, Wilsey Road, states that there are still lots with less than 200' of road frontage and he thought that it was decided that they had to have 200' of frontage, and there are a lot of keyhole lots. T. Yasenchak states that there is a difference between keyhole lots and that is something that the Board is looking at, and there is a difference for frontage on a cul-de-sac. The applicant did apply to the Zoning Board and the public would have been notified. Denise Jenks states that was for frontage but not the keyhole lots. T. Yasenchak states that this Board deals with keyhole lots. L. Klementowski states that from what he can tell the applicant is going to sell the lots. What is to keep the people, once they own the lot, from cutting the buffer? T. Yasenchak states that it is a no cut buffer and it is decided that way. L. Klementowski asks if he wants to cut his land up to the applicants, if he can do that. T. Yasenchak states that if there is no buffer on his property, he can clear what he wants. As this would be decided, if there is a question then it would need to go to the Code Enforcement official. Dianna Klementowski, Wilsey Road, asks if the subdivision road will be a public road and the taxpayers will have to take care of this road. T. Yasenchak states that it will be a road that is taken over by the Town at a certain point. Denise Jenks states that she doesn't understand why everyone else has to have 3 acres and the applicant doesn't. She also states that the increased traffic concerns her a great deal. Janet Koelbel, Goose Hollow Road, states that she went on-line and got information from the Geological Survey and reads from a portion of that information regarding cluster housing contamination, which discusses houses draining down to properties below them. She is concerned with the number of cars that would be coming in. Every roof that gets up in, when it rains, when it snows, all of that is contamination goes into the ground water. She states that she is not totally against someone building; she thinks that having smaller lots and the mound septic systems, all those things are major concerns because she is downhill and her water supply is coming down that hill. Dale Jenks also states that they had an appraisal done on their home and were told that the whole area was a flood plain. Denise Jenks asks about the National Grid easement and if it no longer exists. R. Fraser states that Niagara Mohawk abandoned that line. C. Baker explains what a cluster development is, that is allowed under the Town of Greenfield Town Code and the process for granting such. He explains that the applicant has to meet all requirements established by the NYS DOH; minimum separations between the wells and septic systems; and they have to meet the State's requirements for storm water management, which will address all the drainage from the roadways, the roofs, any impervious area. It is a very stringent standard that the State has developed and it has changed radically in the last three or four years. Storm water management has become a huge issue throughout the State of New York and the United States, in general. The requirements were developed by the Environmental Protection Agency and the states have latched on to that and made it more stringent on the state levels. Storm water management is extremely difficult now days and the process

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that they will go through will have to be to meet those requirements. We are still in the early stages of the design here; we have a lot of things to look at; the questions that the public has raised are certainly very valid questions and are questions that people typically raise. As far as the septic systems go, the requirements are established by the NYS DOH. The systems that the applicant is proposing meet the requirements of the State DOH; they will be reviewed by the State DOH; and the DOH will signoff on all of that. Applicants are required by DOH to drill a number of test wells in the area to determine if there is enough water available for this subdivision. Based on the number of test wells that they do and the yields that they get on those wells, the DOH will make the determination whether or not there is adequate water in that area. C. Baker reiterates that there is a very stringent set of requirements that the applicant will have to go through, not only through the Town of Greenfield, but also through the NYS DOH to answer a lot of the questions that were posed tonight. J. Koelbel asks if all those requirements consider the existing houses or is that just for the development that is planned. C. Baker states that as far as storm water goes, the underlying basis for storm water management design is that they are not allowed to discharge any more water from this site than currently drains to it. There is still going to be the same amount of water that falls on that property that falls on it today, but it is going to come off quicker because of the paved areas and the impervious areas, so what the applicant has to do with their storm water management is to make sure that those rates are slowed down. There are a number of ways that this can be done – storm water detention basins, infiltrations basins, etc. This has to be done in accordance with the NYS Environmental Conservation Laws. It is very difficult to do; it is very difficult to meet especially since they have made a lot of changes in those requirements. C. Baker states that as far as the runoff from this site, there will be no more runoff from this site after they develop it than exists now. J. Koelbel states that when that runoff is collected there, it is still going to go into the groundwater and it is still going to affect her well. C. Baker states that it is going to go into the groundwater just like it does today, but the idea is that it is going to be treated through these storm water management areas as well as the green infrastructure technologies which are part of the storm water management design. The same with the septic system. The idea behind a septic system is that you have to have a certain amount of dirt that will treat the water as it goes down through before it gets into the ground water and causes any kind of contamination. There are a number of guidelines and regulations that are established to protect ground water specifically for these issues. J. Koelbel states that one more thing on the information that she printed is that other approaches that are being considered are community water supplies with individual septic systems or individual water supplies with a community sewer system. She asks if that would be a possibility that they could put in a community system. C. Baker states that it is a possibility, but it is very rare. This is considered a relatively small subdivision. It is big as far as Greenfield is concerned, but as far as the statewide level, this would be considered a very small residential subdivision. In order to build central water systems or central sewer systems it usually requires anything above 50 lots in order to make it financially feasible and engineering feasible. J. Banning states that C. Baker stated that the septic system needs so much dirt. She states that the septic system is going to be years going through that same amount of dirt. You are going to have a small area and the septic is going through the same dirt over and over. She states that it will not keep cleaning. They need a little more area. She also states that this was a wet summer and they need to test for water over several years. C. Baker states that there are standards established for testing wells. NYS DOH has a standard procedure that you go through when you do a well. There is a defined process that you have to go through in order to prove that the well is going to have adequate flow and adequate water. As far as the septic system, test pits were done on this property in order to determine where the seasonal water table is. During the summer time it typically dries up, so the tests that are done are typically witnessed by a soil scientist who can identify where that water table is at the highest point, which is typically April/May, and the systems are designed for the worst-case scenario. There is a very highly regulated system for how these systems are designed and how they comply. Denise Jenks states that the creek that runs through the property and is near one of the proposed basins, the concern that they have is that the water from the storm water basin will get into the creek and go onto their property. Is there any guarantee that they can be given that that won't happen? C. Baker states that he believes that there is a discharge from that particular basin into the creek, which is allowed as long as the water is treated. Denise Jenks states that she cannot be told that there won't end up being more water onto their property. C. Baker states that all he can tell her is that the requirements are that the post development flows from this property

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cannot be any greater than the pre-development flows. Denise Jenks asks who watches that. C. Baker states that it is demonstrated through the whole storm water design. There is a process that needs to be followed and that is the purpose of the Board and the engineers to review that. Denise Jenks asks if the storm water basins will be owned by the Town of Greenfield. If they have problems in ten years with water coming onto their property, is it the Town's responsibility? C. Baker states that the Town will eventually take this roadway, it is proposed as a Town road. Once the subdivision is completed and the road, the ground and everything is stabilized to the acceptability of the Town, then the Town will take the road. Denise Jenks asks what happens if it never gets built. C. Baker states applicants are required to post a road bond and if the developer never finishes the subdivision, the Town has the ability to take that money and finish the road and complete the storm water. Denise Jenks asks if that happens. C. Baker states that it has happened. There are subdivisions underway right now and the Town will not take the road until it is completed. If there is not a reason, the Town will not take it. Denise Jenks asks who is responsible if that storm water basin dumps into the creek onto her property at that point. C. Baker states that while it is under construction it is the developer's responsibility. While the project is being constructed, they have to follow the NYS Storm Water Guidelines which require them to have an inspector on that job every week inspecting the storm water management to make sure that there is no siltation going into the streams, etc. Dale Jenks asks who the inspector is. C. Baker states that is someone who is hired by and paid by the developer. T. Yasenachak states that it has to be on record. She states that there are a lot of things that the State has in process that are more regulated than what the Town Code says. If during the process of construction there are people that the neighbors can go to that they can complain to who will inspect the site. D. Klementowski asks if someone buys a house and goes in and cuts the no cut buffer. T. Yasenachak states that if there were a complaint it would go to our Code Enforcement Official. D. Klementowski asks what would happen. T. Yasenachak states that she doesn't know. B. Duffney states that he has been a logger in this Town for over 30 years, and there are fines. The Code Enforcement Officer and the Court would deal with that. Regarding the thinning of trees within the no cut buffer, R. Fraser states that that would only pertain to dead or dying trees. B. Duffney states that he was the one who brought up the thinning of trees in the no cut buffer at the last meeting. He states that he is a NYS certified logger; he has taken Silva culture courses and has been in this business for over 30 years. What he had brought up was that if you have mature pines that might be weaker once an area has been cleared for a house, the tall trees have nothing to hold each other up. His comment was about taking the taller trees down in the no cut buffer. It is a safety issue. His suggestion is not to clear it out. There will be new growth when the bigger trees are removed. Thinning means to take down the overgrown, mature, diseased trees, etc. R. Fraser states that they do not have any intention to cut. J. Koelbel asks how large the houses will be. T. Yasenachak states that they can be as large as the owner wants. R. Fraser states that the septic systems are designed for no larger than 4 bedroom houses. Denise Jenks asks if there will be basements. R. Fraser states possibly. There being no further public comments at this time, the public hearing is adjourned at 8:36 p.m.

T. Yasenachak asks C. Baker if he has any additional comments. C. Baker states that he is still very into the engineering review and he is not prepared to give a final signoff on the engineering at this time as he still has a lot to look at and discuss. He states that he has discussed the project with the Highway Superintendent who as well has not had a chance to go through this in detail yet. He feels that the package is certainly complete enough at this point with enough information that if the Board felt that preliminary approval was in order, he believes that there is the level of detail to move that. T. Yasenachak asks about SEQRA. C. Baker states that he has gone through the Long Form but does not know if the Board members have. J. Streit asks, for information, if T. Yasenachak would describe what the preliminary approval would mean. It means that the developer cannot go ahead and do it; the Board can approve what we have heard so far, but we have questions, mostly engineering questions that have to be resolved before we give any final approval. J. Streit asks if that is correct. T. Yasenachak states that it is. S. Weeks states that we had discussion the last time about what a no cut buffer means and we do not define it in our code. He states that he likes a lot better what we approved with Crotty's application where they talked about a no clearing buffer and they had said that no trees over 6" would be removed unless they blocked the solar array, which does not apply here, unless they grow where they might fall on any structure or are dead or dying. He states that

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makes a lot more sense than saying you are never going to cut anything in this buffer. He thinks that makes a lot more sense. T. Yasenchak states that we have a no cut buffer as part of the conservation easement and we can also have a limit of clearing which would fall into that definition. She states that the plans already show the typical limit of clearing on drawing L3. Most of the limits of clearing are pretty far away from the 100' no cut buffer. S. Weeks states that he just does not think that it should be said that you are never going to cut down trees no matter what. If you have dead trees, they really should be cut down. He does not see why we would say that you will never cut down a tree. T. Yasenchak states that the no cut buffer is also not anywhere near where the limits of clearing are proposed for the houses. If something were to die in that 100' buffer, it shouldn't be hitting the house because it should be far enough away. C. Baker states that what the limit of clearing line is a delineation on the plan that is going to allow us to determine how much land is actually going to be disturbed. That is really all it means. There are no restrictions attached to a limit of clearing line other than using it as a way to come up with the amount of disturbance on the site. If the Board wants additional restrictions, that is something that has to be done through deed restrictions or a conservation easement, etc. C. Baker states that we did raise at the last meeting the issue of the conservation easement. He asks if the applicant has had the chance to get that on the plans yet. R. Fraser states that he thinks that they included deed language in the response. C. Baker states that it is not going to be typical. The line is going to vary on every lot. S. Weeks reiterates that he is ok with no cut as long as you allow trees that might fall on structures that are dead or dying to be removed. He states that it makes sense to do that and he does not know why you would limit someone from doing that. T. Yasenchak states that it does say in the covenant language, under Trees and Vegetation, that in that no cut buffer, which would be the conservation easement on the restricted property. C. Baker states that there are two different issues. There is the 100' no cut buffer, which they have shown on the plans. Then there is the conservation easement area, which they are taking credit for in their storm water management, which is basically an area that they will not disturb as part of this development. He states that area needs to be defined on the plans so that we know that it is not being disturbed. T. Yasenchak states that the language that is used for the conservation area does talk about "no clearing, burning, cutting or destroying of trees or vegetation except for removal or trimming of vegetation hazardous to a person or property, or of timber downed or damaged due to natural disaster, or as authorized by the DA Permit." That is what is happening in the conservation easement. R. Fraser states that he knows what C. Baker is after. T. Yasenchak states that we could also put something in the definition of that no cut buffer so that people are aware of what they can and cannot do. S. Weeks states that he would be really happy with something like that. Discussion takes place regarding reviewing the long form SEQRA. S. Weeks asks if the Board should wait for the Town Engineer to review and give the Board assurance. T. Yasenchak states that this is looking at it as a whole and C. Baker has said that we have the information that we can address the SEQRA at this point. T. Yasenchak explains that what the long form does is to help identify all the different environmental issues so that if they need to be addressed now the applicant can do so with the Town Engineer in front of this Board rather than doing it later. All Board members do not have their copies of the SEQRA. C. Baker states that he thinks that each Board member should have in front of them and they should go through the long form. T. Yasenchak asks that all Board members review the long form so that at the next meeting we can do this properly. It is a very important document and addresses all the concerns that the neighbors brought up. This is a State required process and it is very detailed. The Long Form SEQRA will be reviewed at the next meeting. R. Fraser asks if he can get a preliminary approval tonight. T. Yasenchak states that it was very good that we had this public hearing so that we could all understand the questions and comments of the community. C. Baker states that we have to do the SEQRA first before preliminary approval.

PETER & ALICIA BEVAN – Minor Subdivision

Allen Road

Joe Fuerst is present for this application. T. Yasenchak recuses herself. J. Fuerst states that the sight distance issue was resolved by the Highway Department clearing out some areas and they did an excellent job cleaning the brush back. He states that the sight distances are listed in note #9 on the plan. B. Duffney

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states that he did drive by there after the last meeting and it was overgrown. He states that the sight distance was the only issue; the lots are plenty big enough. C. Baker states that the sight distances look good. Board concurs that sight distance was the only issue.

RESOLUTION – P. & A. Bevan, SEQRA

MOTION: T. Siragusa

SECOND: B. Duffney

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 negative environmental impacts for the Minor Subdivision of Peter and Alicia Bevan for property located at 194 Allen Road, TM#111.-2-73 & 44.

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

RESOLUTION – P. & A. Bevan, Minor Subdivision

MOTION: B. Duffney

SECOND: S. Weeks

RESOLVED, that the Planning Board approves the application of Peter and Alicia Bevan for a Minor Subdivision for property located at 194 Allen Road, TM#111.-2-73 & 44 as presented.

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

AXEL SONDHOF – Site Plan Review

Daniels Road

Axel Sondhof and Will Orthwein are present. W. Orthwein states that he is the current owner of the property and Dr. Sondhof is interested in purchasing the property for a Vet Clinic. A. Sondhof explains that he would like to build a 3200 square foot equine veterinary hospital; he is a veterinarian limited to horses; the hospital would have 4 to 5 stalls and will be designed to address medical and surgical needs of horses in this area. J. Streit refers to G. McKenna’s notes. B. Duffney states that it appears that DEC has been to the site and has provided a letter. He states that the spot that the applicant has picked for the building is actually a perfect area and he likes to see farm related activities here in Town. The equine hospital would be right near Skidmore, the Polo fields, etc. He thinks it is a good project. T. Siragusa asks about hours of operation, lighting, and signage. A. Sondhof states that the operation would be 24/7; he would be working with one associate, so it is a very small operation; he would have emergency services. As to lighting, it would be limited. He does not foresee having any permanent lighting there, it would be as needed. He states that emergencies are very sporadic, there may be weeks where there is very little business to none. A very small percentage of his business is also off site. He has an ambulatory practice. This facility is designed for horses that would require more medical attention than he can provide in the field. T. Siragusa asks if there is a need, if the applicant already knows who his customers are in the area. It seems like a really good project, there must be a need for it. W. Orthwein asks A. Sondhof how long he has been practicing veterinary medicine. A. Sondhof states over 12 years. W. Orthwein states that A. Sondhof has been his vet, he does service a lot of the Polo clientele, this would be close to the Skidmore stables. He states that A. Sondhof has been looking for a site close to Saratoga Springs and part of the reason he chose this site is that it is close to Town, but Saratoga Springs has very limited zoning with regard to equine and Greenfield is a more appropriate choice. M. Gyarmathy states that his understanding is that this would be for horses that need continuous care for a limited time following an incident. A. Sondhof states that the majority would be in one day and out the next. There are situations where a horse would need to undergo a major operation and it would be necessary to stay in the hospital for an average of 5 days. M. Gyarmathy states that it looks like a

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very good project. J. Streit questions that access would be off of Daniels Road. He states that we would need a site plan showing where the driveway would be; we need information regarding parking, sewage, etc. The applicant is only here for preliminary fact-finding. A. Sondhof states that his intention is to go back to the bank and file a request for funding for this project. They like to see that the town is in favor of the project so that they have some sort of assurance that the applicant would be able to build the facility on a particular lot. C. Baker states that he thinks it is a great project but he has severe concerns about the land. We have a map showing DEC wetlands and he knows that there is a letter from DEC that they are not DEC wetlands. He thinks that before we move forward we need to have an ACOE delineation done on the property and a jurisdictional determination from ACOE to rule out whether or not there are jurisdictional wetlands there because it could severely affect this project. W. Orthwein states that there is one area there which is currently shown on the ACOE map. The entire parcel is over 10 acres, they did have DEC out there and they said it was a miss-marked parcel and it did not qualify per DEC regulations. One corner of the parcel has Federal wetlands. C. Baker states that there is a stream that runs through the property and there may be ACOE wetlands associated with that as well. It needs to be looked at as a whole. C. Baker states that what we need at this point is a delineation and a letter from ACOE, basically the same letter they got from DEC, with their jurisdictional determination that there are or are no wetlands. J. Streit states that we would also need a site plan showing access, parking, etc. T. Siragusa asks if the letters are ok or do they need new maps. C. Baker states we have a letter from DEC and he is willing to accept that. Then we need a jurisdictional determination from ACOE and in order for them to issue that the applicant is going to have to give them a site plan that shows their delineation and the ACOE will verify whether the delineation is accurate. He states that they will need a more detailed map and the Planning Board will need a detailed site plan showing the building, the parking, access road, contours, etc. It is all listed in the Town Code. C. Baker states that he would caution the Planning Board not to give any approval without the signoff from ACOE because it could change the whole project. J. Streit states that our next meeting is January 29, 2012. W. Orthwein states that it is doubtful that ACOE will be done by that date. C. Baker states that there really is nothing that the Planning Board can do because if there are ACOE wetlands on the site, then they are going to have to go through the permitting process with the ACOE. W. Orthwein asks if they can defer to the ACOE wetland maps on that. C. Baker states that the maps are just a guideline. They are not an actual field delineation. The same as with the DEC. You have the DEC maps but when the DEC officer went out and looked at it, he said the map is incorrect. The same thing happens with the ACOE maps. W. Orthwein asks if they have to do that for the full parcel or if they can just pick the piece that A. Sondhof wants to develop. C. Baker states that the applicant is also applying for a subdivision, so he thinks that the entire parcel should be done. The only way that the Planning Board can determine whether or not the land is subdividable is to know how restrictive those wetlands are. W. Orthwein states that A. Sondhof is interested in about 7 acres and they would be subdividing a 3-acre parcel. He states that it is an interesting piece because there is a parcel that was subdivided out of the middle, as can be seen from the map. There would also be a lot line adjustment with that third lot due to a septic encroachment. J. Streit states that the Board would encourage the applicant to come back as soon as they have the ACOE designation.

MICHAEL SPIAK – Special Use Permit
Grange Road

Michael Spiak is present. J. Streit states, for disclosure, that he does know M. Spiak however that would have no bearing on any decision. B. Duffney states that he also knows M. Spiak. T. Yasenchak states that the applicant already has a special use permit in place and is looking for an expansion of use. M. Spiak states that he did receive a Special Use Permit for an Ag use in November 2007, which was for his vineyard activities and boarding horses. At that time he made it clear that the grapes he wanted to grow were wine grapes and that his intentions were to produce wine in the future. He was told at that time he would need to come back when it was time for the winery. He states it is time. The vineyard has matured and the crops are coming in, so he would like to apply for his license from the TTB. The process for that is to get permission from the Town. He states that he does not have stamped plans; his understanding is that it is an agricultural

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facility. There will not be a tasting room in this building. He was asked to draw out a plan as to where he intends to build it. He plans to build it himself. It is going to be a simple pole barn to start. T. Yasenchak reads from the definitions of Agricultural Structure, Agricultural Processing, and Agricultural Use. The applicant is looking at putting together an agricultural structure for his processing. This is just an expansion of the Special Use Permit. J. Streit states that then the vineyard has matured to the point that the grapes are now useable for making the wine and that the manufacturing activities would take place in this pole barn. M. Spiak states that the plan is to do everything on site. It is probably going to take two to three years to get enough stock. He is planning on putting a small store somewhere. They have several ideas for tasting rooms, which he is sure he will have to come back for that, but that is in the future. He states that they have made some wine, just to experiment with it, and it was pretty good. J. Streit questions it would be done during the daytime, no noise created, employees? M. Spiak states that it is just him and one other guy who has been helping him out. J. Streit asks if they will be putting in a shipping dock. M. Spiak states that might be in the future. As far as distribution goes it would be by licensed truck. He states that his plan for the future is to put a little store somewhere but he is not exactly sure where yet, maybe on the site. T. Yasenchak asks if they will need another well or to expand the plumbing. M. Spiak states that they do not use a lot of water during the process. They use hot water pressure washers to sterilize the equipment. There is a well on site already that they use. T. Yasenchak asks if there is a drain. M. Spiak states that they just clean the equipment outside. They do want to put in a pad for washing the equipment in the future. T. Yasenchak asks if there are any chemicals involved. M. Spiak states that it is just hot water. He states that it will be part of the structure itself – it will be a simple pole barn with an area outside to wash. T. Yasenchak asks if there are bathrooms in the facility. M. Spiak states that there are not. T. Yasenchak asks about trash removal and what is left over from the wine making. M. Spiak explains the process and states that the stems, remaining seeds, skins, etc. are composted. T. Yasenchak asks about signage. M. Spiak states that he would ask for permission to put up a sign when they are ready for the tasting room. Right now he is not inviting anyone out there. He states that he wishes he could come here with a whole plan about where they want the tasting room and everything, but they just don't know yet. He states that the licensing process takes a while and part of that process is to get permission from the Town. They need to put up the structure because it will need to be inspected. T. Siragusa questions that the barn is in the preservation easement area. M. Spiak states that he has spoken to Saratoga Plan, they know what the applicant is doing and it is not a problem with them because it is an agricultural structure and it's is an agricultural easement. He did receive an e-mail from them giving their ok. He did not print that out. S. Weeks asks what a monitor roof is. M. Spiak explains that it has a taller center and then shed extensions off the sides, which they are going to insulate. B. Duffney states that he likes agriculture being maintained in Town. M. Spiak states that this is an historical farm, a piece of history for Greenfield. He states that they wanted to preserve it as a farm and that is why they have the agricultural easement. J. Bokus asks how much wine they are going to produce. M. Spiak states that is a good question – they are figuring somewhere around 1500 gallons with just the small portion that they have taken out. Right now he has about 80 gallons that they produced this fall. He states that anywhere from 1500 to 3000 gallons would be really good. J. Streit asks if they are subject to any restrictions in the manufacture by NYS or any other agency. M. Spiak states that there are a lot of restrictions. They are applying for what is called a small farm winery license, which is one of the easier ones to get. In order to get that license, he can only use NYS grapes. The only time they can outsource outside of NYS is if there is a natural disaster and it actually has to be signed by the Governor of the State of NY. A public hearing is discussed and set for January 29, 2013. C. Baker states that he thinks that this is a great application, but it seems to him that we are getting to the point where we should be seeing a master plan that shows the existing buildings, the existing layouts of the vineyards, anything that is proposed. He states that it is very similar to what L. Dupouy was trying to propose. He thinks we are getting to the point with this application where we need a plan that shows boundaries, drainage, buffers – the whole list of stuff that is required in the code. T. Yasenchak states that obviously when the applicant goes forward with anything else and starts to bring the public on to the property, she thinks that for her that is the line. As far as having an agricultural processing building, she is not sure that she feels that way, but when we start talking about public coming on to the property. J. Streit asks how many acres the property is. M. Spiak states 136. J. Streit asks that this is the only footprint change to that – this one barn. M. Spiak states that is correct. J. Streit states that in the future

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it might be wise to heed C. Baker's words and do a plan with all that is required. M. Spiak states that that is one of the reasons that they are still trying to figure out what to do as far as the tasting room goes. It may just behoove them to just have it in Town. The one thing they do know is that the grapes are producing and they do need to have an outlet for this product. M. Spiak states that they are in the middle of trying to get an Ag assessment on the property and he has been talking with the Assessor, John Bonanno, about that. He states that if he can get that, he can kind of do what he wants. T. Yasenchak states that if the applicant starts to have people coming on the property and it continues to grow, he is going to need a master plan. B. Duffney states that the only change is that the applicant is going to build a barn and do some processing of grapes. Like C. Baker said, if the applicant expands with a tasting room, etc. this would be like a PUD type thing. C. Baker states that there are certain things that are required for a Special Use Permit and a site plan is one of them. We really don't have a site plan showing the limits of the property, etc. The only reason he is pointing this out is that when people come before the Board for Special Use Permits, we have to be equal. Eventually someone is going to challenge that so you have to be in a position where you feel you have been fair across the board. M. Gyarmathy asks if M. Spiak lives on the farm. M. Spiak states that he lives on Greene Road. He will eventually live there, hopefully not too soon. B. Duffney states that with this project, this is 130+ acres. Personally he knows the property and he knows that the barn is not going to be next to a property line. M. Gyarmathy states that if the applicant lived there, it would be his barn, but this is what he hopes is going to be a business. B. Duffney states that this is 136 acres that they are putting a barn in the middle of and expanding a special use permit. S. Weeks states since he works a lot with agriculture, plot plans are always good. They are always good so that you can figure out where driveways ought to go, distances, turning distances, etc. He always encourages people to get one so that they know where things are. M. Spiak states that the way the time line goes is that the TTB is running about 67 days from start to finish to get your license. He states that if he is able to put this pole barn up in the spring, once he has it in place and has a floor plan that he can send out to the TTB, hopefully he will be licensed by October, which is typically when they harvest the grapes. If he is not licensed, it will be a lot of wine for fun. B. Duffney asks C. Baker what the applicant would have to have for a plot plan. Does it have to be done by a surveyor? T. Yasenchak states that it is all in the Codebook. It states that the requirements are a "may". She states that, thinking like we have done in the past, some have a little more intense use than others. If we believe at this point that it would be more beneficial to the Town as well as the applicant to have more of an idea where the applicant is going, he is going to need to get one at some point, he could get a survey and show where the buildings are. It may also help the Planning Board, if the applicant is getting product shipped out, to know that the driveway is sufficient, to know that they have the sight distance, etc. S. Weeks states that he usually tells people that for \$500 to \$1,000 they can get a survey done and then they have it. T. Siragusa agrees to encourage it. He does not feel strongly that he has to have it right now. He agrees with S. Weeks that it is a good idea to have and he can't imagine that it would be impossible to come back for a tasting room like T. Yasenchak stated without a detailed plan. He is ok without a detailed plan today. B. Duffney states that since this is just the barn, he is ok with this. When the applicant comes back in the future to have the tasting room, he should have the plot plan showing all the buildings and he would strongly suggest that the applicant puts in a good roadway to the barn so if there is an issue fire trucks can get back in there. M. Spiak states that there is a decent roadway. J. Streit asks if the grandfather clause applies to this barn since there was a barn there before. T. Yasenchak states that it does not. She states that we can qualify a decision saying that we have made the decision based on the fact that there will only be x number of employees who work a certain number of days, etc. so that we can show that it is only for the agricultural use. We can limit this.

Meeting adjourned 9:49 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary