

TOWN OF GREENFIELD

PLANNING BOARD

JUNE 30, 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, Michael Thraikill, Tonya Yasenchak and Nathan Duffney, Alternate. Gerry McKenna, Zoning Administrator, is absent and Charlie Baker, Town Engineer, is present.

MINUTES - June 9, 2009

MOTION: M. Ginley

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and accepts the minutes of June 9, 2009, with minor corrections.

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

Noes: None

PLANNING BOARD CASES

ATT MOBILITY, Inc. – Site Plan Review

Wilton Road

Steven Woodward, Pyramid Network Services, is present for the application and explains that they are the authorized agent/subcontractor, for ATT Mobility. He explains that there is a gap in coverage and indicates on the map. Their intention is to collocate on the existing tower on Wilton Road. He states that ATT has prefabricated 12' x 20' concrete shelters and he indicates where they will be placing that. They will construct an ice bridge from the shelter to the tower to stop any falling ice from destroying the cables. They are also looking to install a 50 kilowatt diesel-fueled, generator which would be put on a 5' x 11' concrete slab. That is done so that in the case of power outages the generator immediately kicks on and you will still have cell phone coverage. S. Woodward indicates that they are looking to install the antennas at 147', it is a pretty loaded tower, with a lot of dishes on it. He indicates the location on a photograph. American Tower, the owner, has already approved this location and there is a letter of authorization in the packets. G. Dake reads from G. McKenna's notes. C. Baker states that he did read the report and there does not appear to be any structural issue with the tower. G. Dake asks about the SEQRA. C. Baker states that it has been a long time since this tower was looked at and there is no harm in doing it. L. Dupouy states that extended coverage is a great thing and indicates that her concerns are with the aesthetics on the building and suggests that instead of a white building, that maybe it could blend in better with the surroundings. J. Streit states that as the tower will not be getting any higher, he does not feel there is an impact. He comments that S. Woodward indicated that the shelter would be further back and he thinks that it was a good suggestion but he does not know about requiring it at this point since the other building is already there. S. Woodward states that they are prefab buildings and have almost like a rock face. He reiterates that there is essentially no impact, no change. M. Thraikill agrees that there is not a lot of impact but asks if they have diesel generators at just about every tower. S. Woodward states no at every tower. Most cell phone carriers don't but Verizon and

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ATT are doing it now at pretty much all their towers mainly because of the Katrina Act which is not in law yet, but it is a bill on Congress' desk. Basically when Katrina hit New Orleans, all cell phone service was lost and there is a huge safety concern. So now they are trying to pass a law to make every cell phone tower have generators so that in the case of an emergency people can use their cell phones. M. Thrailkill asks if carriers would share a generator. S. Woodward states that they do not share; they would each have their own. T. Yasenchak states that since the tower is already there, she does not see the need for a public hearing. She feels that the public's aggression towards towers has passed because of the need for the towers and the coverage. T. Siragusa states that he is in favor, the tower's footprint is not going to change except for the addition of the building, and people would appreciate the better coverage. He asks how much fuel is stored on site and how it is stored. S. Woodward states that it is stored in the bottom of the generator. The generator actually sits on the storage tank. It will hold 225 gallons, which is enough to run 3 to 3 ½ days/24 hours a day at full power. M. Thrailkill questions the need to replace the diesel if it is not used. S. Woodward states that in order to avoid that the generator will run a ½ hour test once a week, during normal business hours 8:00 to 5:00. In the winter they use an additive to winterize it. M. Ginley states that he agrees with T. Yasenchak regarding a public hearing. B. Duffney states that he has been going by this site since he was a kid, and he does not see a problem with it. The concrete shed that will be there will look like someone's storage shed and he also does not feel that a public hearing is necessary. G. Dake states that he agrees with the consensus regarding the public hearing and does not believe that anyone would even notice the new antennas given the amount already on the tower. As far as the SEQRA, G. Dake states that we do have a long form and he went through it, and the applicant did a good job of filling everything out, there is a negligible visual impact. He concurs with the applicant's answers. He states that all we are talking about is the additional equipment and not the tower as a whole. G. Dake states that he would be comfortable, assuming that C. Baker has also looked at the SEQRA, in entertaining a motion for a negative declaration.

RESOLUTION – ATT MOBILITY, SEQRA

MOTION: J. Streit

SECOND: L. Dupouy

RESOLVED, that the Planning Board moves to check Box A, Negative Declaration, for the application of ATT Mobility, Inc. to collocate on an existing telecommunications tower located at 422 County Road 36 (Wilton Road), TM#126.-1-21.2.

VOTE: Ayes: Dake, Dupouy, Ginley, Siragusa, Streit, Thrailkill, Yasenchak
Noes: None

RESOLUTION – ATT Mobility, Site Plan Review

MOTION: T. Yasenchak

SECOND: J. Streit

RESOLVED, that the Planning Board waives the public hearing and approves the Site Plan Review application of ATT Mobility for a collocation on an existing telecommunications tower owned by American Tower Corp. located at 422 County Road 36 (Wilton Road), TM#126.-1-21.2.

VOTE: Ayes: Dake, Dupouy, Ginley, Siragusa, Streit, Thrailkill, Yasenchak
Noes: None

WALBRIDGE ENTERPRISES – SITE PLAN REVIEW

Maple Avenue

Bill Walbridge is present representing this application and states that he acquired the property in 2003 and the previous owners were Tim Zilka and brothers. It has been an Allied Maytag operation for 10-plus years and unfortunately with rough economic times there are not a lot of appliances being purchased, so in January the current tenant approached him to consolidate and move into half of the space. They will be

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doing repairs only. As a result that has opened up the left side, the south side, of the building for him. He has been trying to recruit new tenants for that space and after about a 5 month vacancy, Mosher's Hockey Shop will be the new tenant. There are two apartments above this space. He states that there will really be no change in the use as it has been operating as a commercial space for 10-plus years and will now go to two tenants. He states that G. McKenna has been a delight to deal with, he has been very helpful. G. Dake asks if B. Walbridge is aware that G. McKenna wants him to get a variance. R. Rowland states that the applicant is on the July 7, 2009 ZBA Agenda. G. Dake reads from G. McKenna's notes. T. Yasenchak questions the number of parking spaces. There are currently 10 spaces. G. Dake states that he would assume that G. McKenna took that into consideration and would have thrown that in if he had a concern. T. Yasenchak asks if they are changing anything else at the site or keeping the rest of it the same. B. Walbridge states that it will remain the same. T. Yasenchak states that hockey is a very niche market and she does not believe that they will be having lines of people or a crowded parking lot. She does not see it as being very active as far as disrupting neighbors or anything like that. T. Siragusa asks if the signage will be changing. B. Walbridge states that the new tenant would have to go through any existing signage requirements. M. Ginley states that he has no problems with this, he has played hockey his whole life and Mosher's has been in business for a long time. B. Duffney states that he has no problem, it is bringing another small business into our town. M. Thraikill states that there was a sign issue there a while ago. There were too many signs at one point. He suggests that it get toned down. B. Walbridge states that the space will have to be shared by the existing tenant and the new, so they will have shared signage instead of exclusive signage also. G. Dake states that as this is a site plan review, we have discretion in whether or not to have a public hearing. We are dealing with commercial to commercial, retail to retail; the total size has not changed; the ZBA will be holding a public hearing and it would be prudent for the Planning Board not to act until after the ZBA. C. Baker questions the septic system and that there is a lot going on on this lot. He suggests that the applicant take a look at the septic and document that it is adequate for everything that is going on. He also asks if the building is currently petitioned for two spaces. B. Walbridge states that it is. C. Baker states that he thought that there was something in the new code for that district that this would be subject to verification of septs. He states that he will talk with G. McKenna. G. Dake states that if we need to do that we will get in touch with the applicant post-haste. M. Thraikill asks if there are bathrooms on each side both upstairs and downstairs. B. Walbridge states that apparently when the Zilka's redid it 10-plus years ago they put bathrooms on both sides. He does not know if they did it in anticipation of splitting it up at some point, but there has been one tenant in the space for the 10-plus years. There are two existing bathrooms. C. Baker states that the sketch that is in the file also shows a one-story frame house and a garage with an apartment. He asks if they are all on the same septic system. B. Walbridge states that he thinks that the garage apartment is on a separate system and then the two buildings in the front, the red house and the commercial building, are on one system. That is his understanding. He states that he had the septic pumped about a year ago and that is the only time in the time that he has owned the property.

MARC ROBBIN – Site Plan Review

Plank Road

Michael Bollinger is present representing the application. He states that the Robbins are a nice, couple who would like to retire up here, they have owned the property quite a few years and he feels that they have designed a house that they feel fits the aesthetic requirements. G. Dake reads from G. McKenna's notes that this is for a proposed home of 2044 square feet in the KROD and that this requires a site plan review of all construction over 1200 square feet. Based on the RESCheck, total window area is 18% and our code limits it to no more than 50%. The lot is 8.02 acres. It does require site plan review. The Board reviews the elevation drawings. G. Dake comments that it looks like wood siding. M. Bollinger states that it will have cement board siding with some cultured stone. T. Yasenchak asks if there will be limited exterior lights just outside the doors. M. Bollinger concurs. G. Dake states that his understanding of why, when they wrote this ordinance, was just to prevent the unusual occurrence of when something is going to stand out from the ridge. T. Yasenchak states that it appears to meet all the requirements.

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RESOLUTION – M. Robbin, Site Plan Review

MOTION: M. Thrailkill

SECOND: L. Dupouy

RESOLVED, that the Planning Board waives the public hearing and grants a Site Plan Review to Marc Robbin for property located in the KROD at 364 Plank Road, TM#123.-2-30, to build a single family home.

L. Dupouy states that she missed what T. Yasenchak was saying. T. Yasenchak states that she commented that in looking over the requirements for the KROD – lot size, visibility, the building materials, etc. – she feels that what the applicant is proposing meets all the requirements.

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

Noes: None

GERALD AND RHONDA MAHAY – Special Use Permit

Lake Desolation Road

Gerald and Rhonda Mahay are present. G. Dake states that the Board members all received a copy of the letter from the Jones Ferradino Law Firm, and he states that for him it gave case law, it gave a much clearer explanation and his reading of it is that it is a civil matter to deal with any of the issues of whether the easement allows it or not. It is not this Board's responsibility to determine that. The driveway grade, being a separate issue, is one that the Board is going to have to address. M. Ginley states that this letter from Jones Ferradino is more what he was looking for as compared to the other one. When someone asks him to write a legal opinion about something, it is always fact specific so you always find a case that talks about the facts and gives you the law. He feels that Matt Jones did a good job on that, told the Board what they can do and what they are not supposed to do. He states that he didn't know this and there is so much law out there that unless you research this specific thing you are not going to know all the answers. For M. Jones to outline it succinctly that it is not up to the Planning Board to say whether the easement is valid, M. Ginley thinks that was great. He states that this letter helps a lot. G. Dake asks if everyone feels that this was a clear enough explanation that it is worth the Board's efforts to go forward and put the easement issue behind us. The Board consensus is that it was. G. Dake suggests that we need a completed application so he thinks that the next step is to work on getting that done. He suggests that G. Mahay go through the ordinance for Special Use Permits, which has a fairly clear listing of all the things that are required. The Board will need a complete explanation of all the activities that the applicant wants to have as this is what will ultimately limit the applicant; we will need a map showing where those activities are going to take place; discussion of hours of operation; the map should show parking; we will get into Environmental Assessment Review and the applicant is going to have to fill out that form or have someone fill it out; and as several members have pointed out, at some point we are going to want to get out there and do a site walk. It would probably be beneficial for the Board to have the map with the proposed locations of things and proposed activities before visiting the site. Seeing these things is going to be key. He believes that the applicant has a lot of this, but it has changed a bit since we started last year. The applicant should make sure that what we have for an application is accurate. We are going to need the long form EAF. Every parking area, every driveway, every bathroom - should be mapped out. That does not mean that the Board would not be happy to see some progress pieces. G. Dake questions what fees have been paid because there is going to be a lot of engineering review, so we will need an engineering escrow, etc. G. Dake suggests working with G. McKenna on all the next steps. He states that the Board would be happy to look at a little at a time, but it is going to be an informal review until we deem the application complete. Somewhere along the line, when we have a little more information, we will probably want to go and walk the property with the applicant and try to get a good sense of the lay of the land and understand the driveway location, because there are some grade issues that G. McKenna identified. It does qualify under the keyhole regs, which limits the slope as well as being a commercial piece. G. Dake states that we will not be having a public hearing until after the

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application is deemed complete. The Jacques are welcome to attend the meetings, keep calling, read the minutes, but we are going to hold off on the public hearing until we have a complete application. G. Mahay asks if the Board would review pieces as he gets them together. G. Dake states that he should start with G. McKenna and it would be perfectly appropriate to get on the agenda once in a while. G. Mahay states that he has been working on establishing the mountain bike trails and the parking. T. Yasenchak states that it should be on the map first before the applicant starts clearing, etc. G. Dake states that at some point there is going to be some extensive talk about stormwater management, and now that we have addressed the easement, we never have to hear about the old dug wagon road again. T. Yasenchak questions that this is in the KROD. G. Dake states that it is in the KROD and reads from G. McKenna's notes stating that the driveway is still an issue due to grade with keyhole regulations, emergency access, etc.; special use permit request is for a recreational facility/campgrounds; sanitation requirements would require review. G. Dake reiterates that the applicant should go back and review the application, fill out the long form, update everything so that there is a good, clear picture for the Board, that can stand on its own even without a lot of explanation, because part of the standard is that the file is available to anybody to review, that is part of the public information law, and they should be able to get a clear picture. That is what will cause the Board to deem the application complete, that we have enough information to make a decision and the public has enough information to comment. M. Thrailkill states that there are files that are already available that already have site plans that maybe the applicant can look at to get some ideas on what the Board is looking for. B. Duffney states that one issue that the Board is going to have is that the entrance is quite steep. G. Mahay states that it has to get cut down and he has to negotiate that with the neighbors. He states that they have the right to do that work themselves. He thanks the Board for putting out the effort to get the outside opinion. G. Dake states that he apologizes that it has taken this long to get it.

DISCUSSION

G. Dake refers to the memo regarding training that R. Rowland provided. At the July 28, 2009 Planning Board meeting, Saratoga PLAN is going to be doing a presentation which the Town Board has approved as training. If there are any discrepancies in the training spreadsheet, Board members are asked to contact MaryAnn Johnson.

Discussion takes place regarding the Veterans Memorial plaques now located in the Boardroom.

Discussion takes place regarding having a get together at L. Dupouy's home in August.

Meeting adjourned 7:56 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary