

**TOWN OF GREENFIELD
PLANNING BOARD**

June 28, 2016

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:02 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, John Streit, and Robert Roeckle, Alternate. John Bokus, Thomas Siragusa, and Stan Weeks are absent. Charlie Baker, Town Engineer is present.

MINUTES – June 14, 2016

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board waives the reading of and approves the minutes of June 14, 2016, with minor corrections.

First contingency in the Laing Site Plan Review to read - The Planning Board has waived 2 parking spaces required on site and allowed for 2 parking spaces with shared agreement for the employees on the adjacent property belonging to Compassionate Care Funeral Home

VOTE: Ayes: Duffney, Roeckle, Streit, Yasenchak

Noes: None

Absent: Bokus, Siragusa, Weeks

PLANNING BOARD CASE

SARATOGA ESCAPE – Site Plan Review

Brigham Road – Pavilion

Dan Crawley, park manager, is present for the application, representing Shauna Sheppard. As we have a public hearing scheduled, T. Yasenchak asks if D. Crawley wants to wait until after the other cases as no one else is here for the application at this time.

WILTON PARTNERS, LLC – Lot Line Adjustment

Wilton Road

T. Yasenchak explains that generally she and G. McKenna review lot line adjustments administratively, but because this is a little bit different and actually incorporates a lot over a municipal line and a little bit of a different access to it, she felt that the Planning Board might want to look at it. Michael Toohey, Attorney, introduces himself and Ethan Winter, Principal of Wilton Partners. He explains that that on May 21, 2013 the Remillards hired Randy Charboneau to do some logging on their property. The Remillard property and Wilton Partners property are adjacent to each other with the dividing line being the common boundary line between Greenfield and Wilton. On July 19, 2013 without any permission from Wilton Partners, Charboneau decided he was going to go in and log the Wilton Partners property. This was not a minor mistake; he took out 22 acres of timber, 1479 trees. M. Toohey provides some photos and maps indicating the area that was cut. As a result of this, a lawsuit ensued. Under the Real Property law for the removal of timber, there is a provision for trouble damages, which were claimed in this case, and it was a grotesque stripping of the land that went on. The lawsuit is in the NYS Supreme Court and the parties have come up with a settlement, which is part of what they are here for tonight. The logs are gone, the property

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damaged and the Remillards have no money. M. Toohey explains that the Remillards have 109 acres in Greenfield with 200-plus feet of frontage on the Wilton Road and the Wilton Partners property has well in excess of 100' of frontage on Route 9 in Wilton. What they attempted to do was to come up with a division of land that was acceptable to all parties and that is part of the settlement. He indicates the parcels on the maps. About 56 acres will be conveyed from the Remillards. They understand that they cannot create an illegal parcel of land which is why they are doing the lot line adjustment and combining this parcel with the Wilton Partners property that has frontage on Route 9. T. Yasenchak states that her question, and why she brought it to the Board, is that she was concerned with the actual access to this because she knows that there are extreme topography differences between NYS Route 9 and the parcel above. She felt that it seemed like we were almost creating a landlocked parcel even though technically we are not because of that. She asks if the current Wilton Partners parcel is developed at all, is there a house on it and will they be able to get a driveway through to this larger parcel in the back. M. Toohey explains that Wilton Partners is a conservation group; they are not a development group. He states that one of the other things they did is a 60' easement from the Wilton Road, which is not before the Board but is shown on the maps, because he recognized that at some time someone is going to want to make sure that they have multiple access points for fire, etc. through the remaining properties of Remillard into Wilton Partners property. He provides photos of the road system that already exists on the property and the trail system that comes up off of Route 9, that allows trucks to get to that property. It is an access that works. It is a steep grade, but a grade that can be climbed and it already has happened. E. Winter states that this is the old access for the graphite mine, and was recently used for a search and rescue. All the vehicles were at the top. B. Duffney states that that road used to connect with the Wilton Road at the red barn near the town line. T. Yasenchak questions whether the easement will connect with the new portion of the Wilton Partners parcel. M. Toohey states that it will not, but there is access from the other direction. E. Winter states that they do not want to build any additional roadways and only use what is already there. B. Duffney states that he has worked for the Remillards when they first purchased this property; he had no part of this action. He has done nothing since; he is familiar with the property but has no current contract with the owners. There have been log trucks on this roadway. R. Roeckle questions that the yellow block shows a separate line and separate conveyance and will that be a separate parcel. M. Toohey states that it will not. Part of the parcel is part of the settlement and the remainder will be purchased. B. Duffney asks if this parcel will remain forever wild. E. Winter states that it will be used for forestry and recreation. B. Duffney reiterates that as a logger he does not approve of what was done here. E. Winter states that they intend to manage this intentionally for the future. T. Yasenchak questions the easement's use. M. Toohey indicates that it is for ingress and egress with no limitation and it is very clearly written. He indicates that it is not an exclusive easement and the Remillards will continue to use it. They have no intention at this point to use this as anything but a passage way to the property, he felt that good planning dictated that it be wide enough so that it could be something else in the future. T. Yasenchak questions that anything else needs to be done to that easement. E. Winter states no, it is there. M. Toohey states that he has submitted this information to both the Town of Wilton and Greenfield. The Town of Wilton does not have a process such as this and they were not interested. R. Roeckle questions that we are calling this a lot line adjustment but we are actually subdividing the property in Greenfield and we cannot look at what is happening on the Wilton side. T. Yasenchak states that we are not creating another lot. Further discussion takes place and the Board is comfortable with calling this a lot line as it will be joined to the other parcel in Wilton. T. Yasenchak states that the applicant would have to come back should they wish to subdivide this in the future. She asks for a completed map showing that these will be joined parcels so that it will not appear to be a landlocked parcel. This lot line adjustment is going to be filed by deeds at the County. M. Toohey states that he will provide the completed map to the Board.

RESOLUTION – Wilton Partners, LLC

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Town of Greenfield Planning Board grants lot line adjustment approval to Wilton Partners LLC for property located at 431 Wilton Road, TM#126.-1-114, per the map submitted and contingent upon:

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- **Applicant to provide modified plan survey to the Town adequately depicting this as one lot lying in both towns**

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

SANDRA KILMER – Minor Subdivision

Lake Desolation Road

Dave Barass is present and states that he was here about 2 years ago with this same subdivision of two 6 acre lots and two lot line adjustments. The Board had suggested that the remainder be joined to S. Kilmer's house lot. They eventually did just the lot line adjustment with Jud Kilmer's property, which was approved. The map never got filed. S. Kilmer now wants to proceed. T. Yasenchak states that the lot line adjustment is self-explanatory. She questions the structures and driveways on the subdivided parcels. D. Barass indicates that they are existing driveways. M. Gyarmathy states that it looks good and they are cleaning up a mess. C. Baker states that this looks good. T. Yasenchak states that the Board can waive the public hearing on this project as we have previously reviewed and approved this. Board consensus is to waive the public hearing. Discussion takes place as to how the actions should be depicted on the plat. D. Barass explains that to get the whole project on one sheet of paper would make it too large to file at the County Clerk's office. D. Barass explains that they have worked this out with the County before and when they write out the deed descriptions, they always include a paragraph stating that the intent of the deed is that the parcels are to be joined and merged, noting the book and page of the previous deed. C. Baker states that he likes the idea of changing the label of 'location map' to 'inset map'.

RESOLUTION – Sandra Kilmer, SEQRA

MOTION: R. Roeckle

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision and lot line adjustments of Sandra Kilmer for property located at Lake Desolation Road, TM#149.-2-26.1.

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

RESOLUTION – Sandra Kilmer, Minor Subdivision

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Town of Greenfield Planning Board approves the application of Sandra Kilmer for a minor subdivision and lot line adjustments for property located at Lake Desolation Road, TM#149.-2-26.1, per the map submitted and contingent upon:

- **Plan will be modified to show 'location map' as 'inset map' to adequately show the adjoining parcels on the east side of Lake Desolation Road**
- **Note to be added about the parcel to the east being merged with modified line types**
- **The Board feels that since we have reviewed this in the past, we may waive the public hearing**

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

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SARATOGA ESCAPE – Site Plan Review

Brigham Road – Pavilion

T. Yasenchak explains that as there is a representative present, however we do not have an Authorization of Agent form specifying Dan Crawley and we have advertised the public hearing, so we must open it and then close or adjourn it.

A public hearing is opened at 8:04 p.m. There being no public comments at this time, the public hearing is adjourned to our next meeting.

B. Duffney states that being familiar with the park, where the pavilion is going; he does not believe there should be any issues with the way it has been presented to us. T. Yasenchak states that unfortunately S. Sheppard will have to come back to the next meeting, however, for the pavilion project, it is not necessary to have the engineer present.

DISCUSSION

T. Yasenchak reminds the Board of the Joint Meeting of the land use boards for tomorrow night.

Meeting adjourned 8:07 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary