

TOWN OF GREENFIELD

PLANNING BOARD

March 29, 2011

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, and John Bokus, Alternate. Lorna Dupouy is absent. Charlie Baker, Town Engineer, is present.

MINUTES – March 8, 2011

T. Yasenchak states that we have had a question for verification by the applicant. The request for verification had to do with the approval being contingent on the items on the engineering letter being fulfilled. R. Rowland has typed up the minutes and a verbatim transcript of the discussion. T. Yasenchak states that the question is whether or not we said that the items in C. Baker's letter could be addressed before the Planning Board approved the whole project or whether some of those items could be addressed for the building permit. Further review of the minutes does appear that we said that our approval is contingent on C. Baker's letter being met. She asks if anyone has any comments or questions on that or what your recollection is of that discussion. T. Siragusa states that his recollection is according to the minutes; he remembers it the same way. T. Yasenchak states that according to C. Baker's letter, the things that were on the letter are things that we typically do ask applicants to have prior to the Planning Board giving approval. Often we will give approval with contingencies. The first item was the wetlands and the Planning Board wanted those verified. We did at one point tell the applicant that the actual house location, septic and well location, turn around, etc., could be done at the building permit stage. However, in the minutes, according to C. Baker's letter, we do request that the emergency services markers be put on, that is in the minutes as well as C. Baker's letter. The applicant must submit a shared driveway agreement. That is in the letter and is something that we always require. Confirmation about the traffic engineer and the previous approval, T. Yasenchak believes that was already met, that is something that he did provide. Status/confirmation for the wetland fill along the proposed driveway and a SWPPP. The SWPPP is something that could be done at the building permit stage. T. Yasenchak states that unless the Board has any other questions or modifications to the minutes, she asks for a motion to approve the minutes.

RESOLUTION – Minutes of March 8, 2011

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of March 8, 2011.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Yasenchak

Noes: None

Absent: Dupouy

Abstain: Streit

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PLANNING BOARD CASES

CASEY CORNELL – Minor Subdivision

Bump Hill Road

Casey Cornell has requested that this case be postponed to the April 12, 2011 meeting.

ROLLAND HOAG – Site Plan Review

Maple Avenue

Rolland Hoag is present. T. Yasenchak explains that because there is a legal action underway, she does have to take the Board into a short Executive Session to explain the suit that is before the Town and how the Planning Board needs to proceed. This is something that we need to do while the Board is here and not separately. After the Executive Session, she will explain to the public. R. Hoag asks if he can present some additional information. T. Yasenchak states that after the Executive Session he will have the opportunity to address the Board. T. Yasenchak states that Town Councilman Dan Cochran is also here to help explain this to the Board.

Meeting adjourned to Executive Session at 7:07 p.m.

Meeting reopened at 7:22 p.m.

T. Yasenchak explains that an Article 78 has been filed for Rolland Hoag's Site Plan Review project about procedural issues that were followed by the Planning Board in making the decision to approve the application. Due to those issues, we have been advised by Town Counsel to reopen this application to follow the procedures that are in question. One of those procedures is referral to Saratoga County Planning Board for their advisory opinion. We do have a complete application filed with the Town and we are going to file that with the County. T. Yasenchak asks for a motion to do so.

RESOLUTION – County Referral

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board moves to forward the application of Rolland Hoag for a site plan review for property located at 402 Maple Avenue (Route 9), TM#153.17-2-22.2 to the Saratoga County Planning Board for an advisory opinion.

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

Noes: None

Absent: Dupouy

T. Yasenchak states that the Planning Board is typically required to file for an advisory opinion if a project is within 500' of a County property or highway. If a Town does have a Memorandum of Agreement with the County, this typically does not have to happen. We do have such a memorandum, however, Town Counsel has suggested that we forward this to the County for their approval due to the pending legal actions. Another issue that we have at hand is a public hearing. In the Town's zoning code, this is not a required action. The Code states that the Planning Board "may hold" a public hearing. Due to the fact that this had already been a commercial use and the fact that nothing was changing with the site, the Planning Board felt that we did not have to have a public hearing, and again our zoning code states that it is something that "may" happen. Our Town Counsel has mentioned that since we are reopening this application we can at this point make a decision as a Board of whether we feel a public hearing is necessary. The applicant is present and because he is the applicant and we are reopening his case, he has the right to speak at this time or present

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additional information. T. Yasenchak states that anything that the applicant provides the Board tonight will be part of the public record that someone can come and view that the Town Hall. R. Hoag states that he does have a few things and he is hoping that this can all be worked out. He states that he has spoken with a lot of the neighbors, other than the one who would not speak with him. He states that he realizes that there is a new leadership coming into the Elks and he also wants to indicate that on the motion that was filed, there is some incorrect information. He does have some photos that he would like to leave. He states that initially the Elks major issue was parking; he had his first funeral there for Bryan King and he has some photos showing that he did not use any of their parking. Some of the Elk members have indicated that it was not an issue and feel that we can work something out. R. Hoag apologizes to the Board because he didn't get a chance to get over and talk to them prior, which the Board had said would be a good idea, but he was really busy getting the project up and done. By the time he got over to them, a lot of what they said to him was that they did it because they didn't know. T. Yasenchak states that as far as the parking is concerned, the approval was not contingent on the applicant speaking to the Elks about the parking. The Board suggested that he do so because it is known that there are sometimes issues at Elks' events where they have parked at the bank. It was felt that just as a good neighbor the applicant should speak to the Elks, but in no way was the approval based on speaking to the Elks. R. Hoag states that he has spoken to the Elks and states that they are welcome to park there. He made sure for the King funeral to not have people park in the Elks parking lot except for their members. He states that he was able to use the area of the drive thru window and get probably 50 of the family cars inside the parking lot and at the end of the service he had empty parking spaces as people would come and go. T. Yasenchak states that she just wanted to clarify that and that according to the Town Code the applicant has enough parking. R. Hoag states that he has 17 marked spaces and he will paint in additional spaces, which will make at least 30 or so spaces, but he hasn't had time. He took care of a Greenfield Fireman and that is what he wanted to do; he is here for the community. He explains that there are pictures from Bingo night. He states that he has an attorney, and that initially the issues started with concerns about parking and the issue is really with them re-parking. He does not foresee any issues with parking there. T. Yasenchak states that all we are dealing with right now is what our zoning law says the applicant is required for parking and this does meet zoning. R. Hoag states that they did speak with the County and within the county the only time is when you change something or do a curb cut. He also provides a document regarding waste from funeral homes. T. Yasenchak states that it is at the Board's discretion to have or not to have a public hearing and she feels it would be prudent to do so.

RESOLUTION – R. Hoag, Public Hearing

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board moves to set a public hearing for Rolland Hoag for a site plan review for property located at 402 Maple Avenue (Route 9), TM#153.17-2-22.2 for Tuesday, April 12, 2011 at 7:00 p.m.

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

Noes: None

Absent: Dupouy

T. Yasenchak states that a representative from the Town Attorney's office will be here to help the Board make the correct decisions and to discuss SEQRA. It is the Town Attorney's opinion that we followed the correct procedures in this. R. Hoag questions what the forum is for that. He states that he went through the Planning Board and his issue with this now is that he has an approval and has a lot invested in this project. He wonders where it lies in all of this. He knows that the media may be getting involved and he has been stopping them because a lot of the information they have is not correct. He feels that when you are talking about a public hearing, a lot of the issues with this are with procedural things. T. Yasenchak states that one of the procedural issues was whether or not a public hearing should or should not be held. She explains that the Board is obligated to rule on any of their decisions based on the Zoning Code. She cannot comment on how the Board members will vote, we will have the public hearing and hear what the neighbors

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have to say and take that into consideration as well as what the Zoning Law says is allowed as well as how the site is used, etc. She states that this is all the Town Counsel has advised us that we need to do. We will be having the public hearing and the public is welcome to comment at that time. Any information can be viewed at the Town Hall.

DISCUSSION

Dan Cochran is present and states that he wanted to update the Board on where he stands with the changes to the code previously discussed. He states that he will be forwarding a draft to everyone via e-mail. He has spoken with Mark Schachner about the reference to State Law regarding the 5-year rule. M. Schachner states that no State law exists regarding this. He indicates that G. McKenna has written the new language for the mobile home replacements. He asks for input from the Board as soon as possible. D. Cochran states that in dealing with the chickens and other animals, they are going to set up like a hobby farmer. T. Yasenchak questions how that will be defined. D. Cochran states that he is writing a definition and has created a table. T. Siragusa states that he has done some research on this but has not gotten as far as drafting code so he will sift through that accordingly. T. Yasenchak asks about a time line. D. Cochran states that he is hoping to have this completed within the next 4 to 6 weeks. A public hearing will be required to make these changes to the code.

T. Yasenchak states that as far as the Board is concerned, we have an open meeting law. We have to be here to discuss the applications that are in front of us and since there is a legal action pending, we are counseled not to speak with anyone about the application.

Meeting adjourned 7:42 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary