

TOWN OF GREENFIELD
PLANNING BOARD

November 26, 2019

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Karla Conway, Charlie Dake, Butch Duffney, Mike Gyarmathy, Robert Roeckle, and Nick Querques. Joe Sabanos, alternate is absent. Mike Waldron, Code Enforcement Officer, and Charlie Baker, Town Engineer, are present.

MINUTES

Minutes- August 27, 2019

November 12, 2019

MOTION: B. Duffney

SECOND: C. Dake

RESOLVED that the Planning Board waives the reading of and approves the minutes of the November 12, 2019 meeting with minor corrections.

VOTE: Ayes: Conway, Dake, Duffney, Gyarmathy, Roeckle, Querques, and Yasenchak

Noes: None

Absent: Sabanos

Abstain: None

OLD BUSINESS

Stewart's Shop's Case #636
TM# 164.1-44

461 Rt. 9N
Site Plan Review

Chuck Marshall and Jim Norton, the director of Stewart's manufacturing plant are present. C. Dake and B. Duffney recuse themselves. C. Marshall states that normally he would defer but there is a small contingent from Leadership Saratoga present tonight. C. Marshall states that he last appeared at the September 29, 2019 meeting and the Board requested the applicant to make plan changes to match line types on the overall Site Plan indicative of what was previous approved and what they are previously proposing. They did that. M. Waldron states that he would like to make a correction, the last time they were in front of the Board was October 29, 2019. The red hatched area on the plan was the proposed and the third hatched area is the reduction in the warehouse space. One of the questions that came up at the last meeting was about air exchange. There is no roof top equipment proposed on that building, but they were concerned about air exchange. There will be intake and exhaust units put on the north and south of the building. T. Yasenchak asks no actual units will be put on the warehouse. C. Marshall states correct, there are two additional units proposed for the

deli cooler addition however those units are proposed on the existing roof which is approximately 10' lower than proposed. Outside of that the truck loading moves interior to the western side of the proposed deli cooler. The trucks are being moved away from the noise receptors. This was outlined in Osterguard Acoustical's letter indicating that roof top units that will be added are effectively blocked by the taller roof (the addition). Outside of that they did not see any major modifications to the Site Plan that would create noise concern. MJ Engineering letter indicates that there is no reduction to the proposed asphalt, therefore no modification is required for the SWPPP. T. Yasenchak states that for the record the Board does have a letter on file dated November 10, 2019 from the acoustical engineer that they are working with about new condensor units. They are 10' below the new roof (that they will still be surrounded). Not only will they be lower they will be surrounded. They will have lower roof from the new addition. She asks if that is the fence detail that is on the plans. C. Marshall states correct. T. Yasenchak states that part of the application submittal was a letter from MJ Engineering regarding the storm water. Did MJ Engineering say that they did not have to do the SWPPP? If they can look into that it would good. She thinks that what they are saying is that because it is less coverage that the storm water volume would be less. C. Marshall states correct. They did various (integrations of disrupt) and phased the overall build out of the project. The bonds are designed for this volume. They don't anticipate modification to the SWPPP. The overall area is a reduction in the proposed asphalt. T. Yasenchak states that MJ Engineering's conclusions were that the storm water report was valid. She reads the last sentence of the letter from MJ Engineering. She thinks that she (the Board) will ask the Town Engineer if the SWPPP should be revised. The SWPPP is a little bit more particular as far as where silt fences will go and where construction is occurring. She feels that it may need to be revised, but just that the storm water management report is still valid. C. Baker states that he agrees with the letter and feels what they are referring to is the actual numbers regarding the pre- development and post-development. He suggests that if the Board does approve this amendment that they get an updated storm water management report and SWPPP. He understands that it will be very minor in detail. There are maps in the report and the SWPPP should correspond with what the Board asks the applicant for. C. Marshall states that he thinks that is appropriate especially as they look at the grading plan. The modification particularly in the northern side of the deli cooler the rerouting will change. He agrees with the modification. With their next submittal he will provide all that. R. Roeckle, N. Querques, M. Gyarmathy, and K. Conway have no questions at this time. T. Yasenchak asks the photometric of the existing and the proposed that was provided (dated 5/30/18) be updated. C. Marshall states that if they look at S14 (the plans) in the general segment, there is a wall with is a new light that was proposed on 5/13/2018. He will have the dates updated to reflect when the photometric was done. It is his understanding that S14 would be modified for this round of development. That fixture is new and placed behind the wall. T. Yasenchak states there seems to be a new light when anyone comes onto Locust Grove Road at the intersection. It seems to shine off the building. It doesn't seem to be a cut off light. C. Marshall states that they had proposed to change all the existing non-cut off lights to cut off lights on the eastern elevation but never did the work. T. Yasenchak states now that it is an LED light it is really bright and she is not sure how it affects the neighbor across the street. T. Yasenchak states that the scale is off. That is minor and can be a quick correction. C. Baker states that the landscaping shows red cedar trees. He checked with a couple of their landscape architects and they suggested that the red cedar trees might not be the best choice for the wet conditions. They might want to look into that. One looks like it is placed over the top of the pipes going out of the basin. C. Marshall states that there are 6. C. Baker states that he is referring strictly to the red cedars. The wet area they said might not be the best choice. The sound enclosures that show the Zipidy fencing. C. Baker suggests that the applicant consider possibly putting something on the plans that shows a sound board on the interior of those enclosures. They are going through the effort to enclose those units and he feels it will only

help. Or talk to their sound engineer regarding that to see if he agrees. He does not feel it will be a major expense. It might go a long way. And an updated storm water report. T. Yasenchak states that the next step will be to set a public hearing. She asks the Board how they feel about this. M. Gyarmathy states that he feels everything should be in order before they set a public hearing. The Board agrees. C. Marshall asks if the Board can speak to the Town Attorney regarding sequencing because the Board did a coordinated review and there is no other element known permitted agency involved with the coordinated review would be issuing a permit. There is no other permitted agency that was involved coordinated review would be issuing a permit. He does not think that he would have to be coordinated for SEQRA. T. Yasenchak states that the Board will have an answer for the applicant at the next meeting. In order to make that decision they would like to see the updated information so that when they make the decision they will have all the information and be referencing that information. The Board's next meeting is December 10, 2019. C. Marshall states that because of the timing he is not sure he will have everything back from MJ Engineering within the 2 weeks. T. Yasenchak states that the Board up meet on the second and the last Tuesday meeting of the month. The next meeting would fall on December 31, 2019 and they won't be meeting on that day. It may be the second Tuesday in January. C. Baker asks the Board what other information the Board is asking for. T. Yasenchak states the updated SWPPP. C. Baker states that his only feeling is the Board has a letter from MJ Engineering which verifies that it is adequate for what they are proposing and they thoroughly reviewed it in the past. He is not as concerned about updating the SWPPP, and the storm water management report needs to be done before final approval but he does not see anything in the content that would prevent moving forward if they chose to. He does not think anything will come out of it. Just updating with dates and things. T. Yasenchak states that she does agree with him. She does not think that they will find anything new. Her perspective is that because there were certain topics that were highly discussed at public hearings before if they had the updated information in the past, they have a public hearing then it removes the questions of when will the updated materials be submitted. T. Yasenchak states when the public is coming to comment they are looking at everything completed and not saying the Board is opening public comment without everything done. The Board agrees. C. Marshall agrees and states that he prefers to wait for the public hearing until he has submitted everything. T. Yasenchak states that C. Marshall would wait to have everything submitted before the Board sets a public hearing. C. Marshall states yes.

OLD BUSINESS & PUBLIC HEARING

Integrated Staffing Corp. Case #635
TM# 153.13-1-28.1

463 Maple Ave.
Site Plan Review

Peter and Dhiane Yezzi and Kevin Hastings are present. K. Hastings states that they made updates to the Site Plan and they showed all the exterior and proposed lighting; the rear buffer and the stockade fence to 8' to run along 10' of the rear setback; the rear setback was off by a few feet. The parking was also adjusted. They showed the existing and proposed signage including a new sign "Do not block the driveway". So that a visitor will not park stand there. At the last meeting there was a comment regarding any damage or required maintenance that may occur to the driveway during construction. The topic of construction staging and access material storage is on the plan. P. Yezzi states that they are working with Malta Development and he reminded them that it is a shared driveway, it can't be blocked and no materials or trucks can be blocking the driveway. They will be putting the dumpster and materials in the front. T. Yasenchak asks if the Board adjourned or closed the public hearing. R. Roeckle states that the

Board closed this public hearing and adjourned the next case. R. Roeckle states that his only concern is the fence. The applicant states 8' stockade but what they show is 6' with lattice on top lifted 2' out of the ground. T. Yasenchak states that the neighbor did ask and the Board did discuss that. She would like to see that as well. The Board agrees with the chairwoman. B. Duffney asks if the dumpster and the building materials will be kept in the front. P. Yezzi states yes. B. Duffney asks C. Baker the way the applicant has it set up for the gravel driveway details if it looks alright to him. C. Baker states yes. T. Yasenchak asks if the proposed entry light is to be a down lights and not a flood light. M. Waldron asks for a construction fence to be around the dumpster so no debris goes on Route 9.

Ressolution- Integrated Staffing, Site Plan Review

MOTION: R. Roeckle

SECOND: B. Duffney

RESOLVED, that the Town of Greenfield Planning Board, at their November 26, 2019 meeting, granted Site Plan Review approval to Integrated Staffing for an addition for property located at 463 Maple Ave., TM# 153.13-1-28.1 contingent upon:

- The proposed stockade fence will be 8' and will continue to the ground
Not to be raised 2'
- The staging and dumpsters shall all occur in the front of the property not in the driveway
- The lighting on the front of the building is noted as a proposed entry light fixtures 2 at 100 watts maximum facing downward, not flood lights
- A construction fence around the dumpster to limit debris

VOTE: Ayes: Conway, Dake, Duffney, Gyarmathy, Roeckle, Yasenchak, and Querques

Noes: None

Abstain: None

Absent: Sabanos

**Provost, C. Case #634
TM# 138.-1-42**

**Grange Road
Minor Subdivision**

Cecil Provost is present. T. Yasenchak states the last time this application was before the Board they asked the applicant to address the driveway issue regarding sight distance. This public hearing was adjourned. C. Provost states that he removed one lot from the minor subdivision. Originally he was making a 4 lot subdivision, he has since changed it to a 3 lot subdivision. T. Yasenchak asks if the driveway was changed on lot 3. C. Provost states yes. He reached out to the neighbor's, he proposed to move the driveway further away from their home and moved the house back further. T. Yasenchak asks if that was noted as far as the sight distance. C. Provost states yes it is way over. T. Yasenchak states that she knows that it worked. C. Baker states the Board asked for a note to be added to the plan about the wetlands. When C. Provost spoke to Chris Ferrell (a neighbor) it was already actually flagged. They noticed when they went out to walk the property. N. Querques states that the Board just asked that the note be added to the plan. B. Duffney states they have different areas in town such as

near quarries. So people are aware. N. Querques states he would like to see a note from DEC when it was delineated along with the date it was delineated. DEC has a record so he could call them to get that. B. Duffney asks how long will the driveway be on lot 3. C. Provost states about 250' T. Yasenchak re-opens the public hearing at 7:39 p.m. Lisa Ferrell states and her husband try to protect, their property the value of their home and their privacy. They did have DEC go out there and delineate the property. Originally they were going to buy the property but for some unforeseen reasons they were unable to. After having DEC out to delineate the property it is protected wetlands. Since they no longer have the ability to protect their home or privacy and investment they are asking the Board to. Their house sits sideways on their lot. Their back yard faces the lot next door. They are concerned with new car lights shining in their house. Chris Ferrell had a respectful conversation with C. Provost. They were looking to create a buffer for their property and they are unable to at this point with a reasonable fashion. They want the Board to understand that. He knows there can be limitations and he is wondering what can be done. Now the leaves are gone they can see right through to the neighbor's property. Noise carries as well. Would they have to put up a stockade fence to create their privacy? They are considering moving. T. Yasenchak closes the public hearing at 7:46 p.m. T. Yasenchak states this is in 2 acre zoning. It is something that anyone would be allowed to subdivide their property within those 2 acres. The Town Zoning Code does not have a requirement for a buffer between residential. There is a buffer between commercial and residential, and industrial and residential. The applicant has shown on his plan already so he is not asking for something different. He already has a limit of clearing. M. Gyarmathy states the applicant is in the densest Zone. They are in Town Center. T. Yasenchak states that it is allowed by zoning. C. Provost states that he reached out to the Ferrell's, he offered to sell them a 50' buffer along their property line or sell them a lot. They did not want to proceed with that. T. Yasenchak states that the applicant noted clearing on the lots and it is noted so that the project as a whole would not exceed 1 acre disturbance. They have many subdivisions where they have had a limit of clearing. R. Roeckle states that the map states clearing limits the Board does not define that anywhere. There is nothing to say after the sale of the property that they couldn't cut any trees down. T. Yasenchak states if on the plan it says clearing limits the Board is approving a plan with clearing limits. C. Provost reiterates that he offered to sell them a buffer. M. Gyarmathy states he does not know if that is acceptable within the Town Center. He thinks the Board should really think about this. He knows on bigger parcels the Board has done this in the past. Town Center is the densest district they have. He does not think the Board needs to do that. The home owners themselves put evergreens up or a fence within Town Center. B. Duffney agrees. He states that they already have their setbacks. The applicant moved the house. It is the densest zone the Town has. C. Baker states that he would like to clarify something. When the Board asks for clearing limits to be shown on the subdivision plan by no means can the Board mandate the owner to limit their clearing. The land owner has the right to clear the entire 2 acres. The reason the Board asks for a limit of clearing is that in order for the Town to approve a subdivision, the Board has to identify whether or not there will be more than an acre disturbance. When those houses are built and that is the trigger for the applicant to have to file an N.O.I. and the SWPPP report in compliance with NYS DEC storm water compliance. If they indicate in their report that they are less than an acre then the Town has done its due diligence as far as storm water is required. The limiting of clearing is not mandatory for the land owner. It is strictly for the subdivision. R. Roeckle states perhaps where it states clearing limits it should say area of disturbance because disturbance is soil. It is the moving of soil. C. Baker states correct and he agrees. T. Yasenchak states that it is part of this Board's job to follow the Town's Comprehensive Plan. She reads verbatim a portion of the Comprehensive Plan. This is a dense area and not in the Board's purview as far as the way the Town has reviewed the master plan. R. Roeckle states that it is designated the densest zone and area of Town. The Town Board designated the area of the Town for zoning purposes for

future development. C. Ferrell questions 1 acre and 2 acres. T. Yasenchak states that is reading from the Comprehensive Plan, 1 acre when they look at the zoning it has to do with the wells and septic. B. Duffney states that we have neither in Town. C. Dake asks at this point they just need to establish that the applicant can build a legal house on the lot. To what degree would the purchaser of lot 3 be bound by this? If the purchaser of lot 3 decides that he/she likes the house or the driveway a different way/spot to what extent is the purchaser bound by this general idea. C. Baker states prior to issuing a building permit a plot plan has to be submitted to the Building Department. The plot plan helps to show the exact location of the house, the exact location of the septic system, the driveway, the well so at that point and time when the building inspector reviews it and they have cleared over an acre they will have to file a Notice of Intent. That is the Town's protection. C. Dake asks in theory can the purchaser of lot 3 decide that he/she wanted to put the driveway in the previous location. C. Baker states not if it does not have adequate site distance. If the Board identifies a particular location for sight distance then that is where the driveway has to go. C. Ferrell asks about clear cutting. T. Yasenchak states the public hearing is over, but that everyone that has property in the Town of Greenfield has the right to cut the trees on their property. If they do disturb more than an acre they will need to go through NYS requirement; for an N.O.I. C. Provost states he is aware of what needs to be done. T. Yasenchak states that the Board has asked for a note about the source and date of the wetland delineation. They asked for a note regarding the noise in that area. The note about the number of lots needs to be updated. A note changed from "clearing limits" to "limit of disturbance". N. Querques asks because the applicant has offered the neighbor the ability to buy the entire lot that could have potentially limited some of the concerns. T. Yasenchak states that is not in the Board's pervue they are not looking at economics. They are just looking at how it meets the Town's zoning code and master plan. N. Querques states he was just looking for clarity. The Board reviews all 3 parts of SEQRA and checks the second box in Part 3. The Board has prepared and reviewed SEQRA and found a negative declaration.

RESOLUTION – Provost C., SEQRA and Minor Subdivision

MOTION: B. Duffney

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 and approves the Minor Subdivision request of Cecil Provost, for property located at 55 Grange Road, TM# 138.-1-42.

MOTION: B. Duffney

SECOND: M. Gyarmathy

Ayes: K. Conway, C. Dake, B. Duffney, M. Gyarmathy, R. Roeckle, T. Yasenchak, and N. Querques

Noes: None

Abstain: None

Absent: J. Sabanos

RESOLVED, that the Planning Board hereby grants a Minor Subdivision to Cecil Provost for property located at 55 Grange Road, Case #634, TM# 138.-1-42, contingent upon receipt of the following:

- Note to be added to the plan with the date and source of the wetland delineation as well as a jurisdiction

- Note to be added regarding the noise in the area
- Note to be added with the correct the number of lots
- Note to be added that the changed from the limits to limit of disturbance
- Authorization of Agent to be signed and notarized

Ayes: K. Conway, C. Dake, B. Duffney, M. Gyarmathy, R. Roeckle, T. Yasenchak, and N. Querques
Noes: None
Abstain: None
Absent: J. Sabanos

DISCUSSION

T. Yasenchak states that they will be canceling the meeting on December 31, 2019 due to the holidays.

Meeting adjourned at 8:19 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
Planning Board Secretary