

**TOWN OF GREENFIELD
PLANNING BOARD**

September 29, 2015

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:01 p.m. On roll call, the following members are present: Tonya Yasenchak, John Bokus, Nathan Duffney, Michael Gyarmathy, John Streit, Stan Weeks and Robert Roeckle, Alternate. Thomas Siragusa is absent. Charlie Baker, Town Engineer is present.

MINUTES – September 8, 2015

MOTION: B. Duffney

SECOND: J. Bokus

RESOLVED, that the Planning Board waives the reading of and approves the minutes of September 8, 2015, as submitted.

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

Noes: None

Absent: Siragusa

Abstain: Weeks

PLANNING BOARD CASES

AXEL SONDHOF – Site Plan Review

Daniels Road

Dr. Sondhof is present. T. Yasenchak reviews that the applicant has been here before, and was supposed to be before us at the last meeting for an extension for his site plan review approval but was not able to make it due to an emergency due to the nature of his business. A. Sondhof states that he is looking for an additional extension of the previously approved site plan allowing him to finish the project by spring of 2016. He states that he has had an extremely busy season, which he is very grateful for, but it did not allow him to get everything in order. He had to make some changes as far as building materials, and they had to change a few things around as far as the sequence of events for the foundation. Principally nothing has changed. He is still following the approved site plan. Part of the materials have finally arrived and have been delivered to the site so he is getting back on track. T. Yasenchak states that he decided to stay with the original size of the facility. The applicant had come before the Planning Board to consider enlarging the building, but has decided to stay with the original approval. A. Sondhof concurs and states that it would have involved too many changes as far as building materials, etc. T. Yasenchak reads from G. McKenna's notes that, regarding the approval and extension of this project which has now expired, he has no issues.

RESOLUTION – A. Sondhof, Site Plan Review

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board grants an extension to Dr. Axel Sondhof for his site plan review on Daniels Road, TM#152.-1-17.2 as previously approved.

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

Noes: None

Absent: Siragusa

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R. Roeckle asks how long the extension is for. T. Yasenchak states that the applicant needs to be able to get his building permit and start substantial work. She asks if 6 months would be sufficient. A. Sondhof states that he would foresee some weather related issues, so if at all possible he would like to go to June 1st. T. Yasenchak states that this is just for the building permit, he does not have to have it all done. A. Sondhof states that the building permit should be submitted within the next 3 months. T. Yasenchak states that then 6 months would be appropriate. C. Baker questions that this is really an extension or are we reapproving the site plan, as it has expired. T. Yasenchak states that it would have been an extension at the last meeting.

RESOLUTION – A. Sondhof, Site Plan Review

MOTION: B. Duffney

SECOND: J. Bokus

RESOLVED, that the Planning Board grants a re-approval to Dr. Axel Sondhof for his site plan review on Daniels Road, TM#152.-1-17.2 as previously approved so that he may receive his building permit and begin construction within the next 6 months. To the Board's knowledge there has been no change to the SEQRA.

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

7337 Middle Grove LLC – Special Use Permit/Site Plan Review

Middle Grove Road

Mike Ballestero is present. T. Yasenchak states that at the last meeting we had some questions about the process that we are following and there were questions about possible violations and whether or not we could be looking at this project. Since then we have been in contact with our Code Enforcement Official, Gerry McKenna, as well as our Town Counsel and the Town Board. She states that tonight we have received additional information from the applicant which was delivered yesterday. Because the Board has not had the opportunity to review that, we won't be reviewing those items tonight because it is not fair to our Board nor is it fair to the applicant for the Board to be giving him a review based on their initial perception of something before they have a good chance to really look at it. She states that she would like to explain the process by which this Board is going to continue to look at this project. G. McKenna has noted that currently no violation exists on this property, that the use does not instantly cease due to a change in the ownership and that the new owner has the right to apply for any required approval from the appropriate boards. T. Yasenchak states that it is her understanding and also G. McKenna's understanding that the applicant has also applied for a junk yard permit. She reads the definition of a junk yard and states that G. McKenna is looking at this as two-fold – the salvage of that scrap metal from the discarded material that is currently stored and collected on the property would be part of the operation of a junk yard. The applicant would have to continue with the application for a junk yard which is before the Town Board in order to salvage the cars that exist on that property. The Planning Board does not look at junk yards, that is something that the Town Board specifically looks at. The Planning Board can only look at the application that is before them, that was rightly given to the Board by the Code Enforcement Official, for a special use permit. The special use permit being for a large contractor storage yard. In looking at the regulations, in an MDR1 zone a Contractor Storage Yard, Large, is an allowable use with a special use permit. It is allowed by the code when an applicant goes thru the correct process. The application has been made to the Planning Board to review that. She reads the definition and Section 105-127. She states that this Board will be operating within their purview of reviewing a special use permit. G. McKenna has interpreted that the applicant and what they would like to do on this property does comply with his interpretation of a large contractor storage yard. T. Yasenchak states that we have discussed on several occasions what this Board looks at as part of a special use permit application. We do require a site plan and the details are listed within the Zoning Code.

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She states that the applicant has given us some more information, but she does not know if everything is specifically on here that is listed in the code. She provides the applicant with a copy of the requirements. She states that no additional information has been received that we could allow the public to speak on. We opened a public hearing at the last meeting so that the Board could understand the feelings of the neighborhood as well as the applicant understanding the concerns of the neighbors. The Code does state that we shall hold a public hearing after we have received a complete application. T. Yasenchak asks the Board if they feel they need more public comment at this point, she believes that we can continue to have this public hearing adjourned until we receive a complete application. Board concurs. M. Ballestero questions what else is needed to make the application complete. He did provide additional plans yesterday but they do not include the business hours, which the Board had previously asked for and lighting. T. Yasenchak states that lighting would be one of the things that are typically shown on a site plan and that is so that the Board can see the directional characteristics of that lighting to make sure that it is shielded from public view as well as to understand how the site will be illuminated. M. Ballestero states that he would like to make sure that his application is complete. He read the minutes and there are a few questions that the Board has had and he has tried to address those. T. Yasenchak refers back to the list from the code and states that it is stated in Section 105-54, which she has included with the list, what is required to grant a special use permit. One of those things is the operations and the hours. The hours of operation may not necessarily be put on the site plan, but perhaps the applicant writes up a sheet. M. Ballestero states that he wasn't sure but remembered the question and wasn't sure if it was on the list. He will go thru the list. T. Yasenchak states that the Board did also note on several occasions that they were concerned about the sight distance at the driveway and anytime that we look at a site plan that has a new driveway or a new use, we do look at the sight distance. She does not know if it is on the new plans or not. M. Ballestero states it is not. T. Yasenchak states that it would behoove the applicant to work on that and have a surveyor go out and have that documented. M. Ballestero states that the next time he comes before the Board he would like to have a completed set of drawings, so if he can't get a surveyor does he come in and pull himself off the agenda. T. Yasenchak states that he can just ask the secretary. She states that at this point we will not put the applicant back on the agenda until he has additional information to the Board. B. Duffney asks if the applicant was given a permit by the county for a curb cut. M. Ballestero states that they went out and did a sight distance check and did give him a permit. T. Yasenchak states that the difference is that the County did not document it with any kind of instrumentation. Discussion takes place as to how the sight distance is measured. C. Baker states that typically the county will not issue a driveway permit if they question sight distance. M. Ballestero states that sight distance was their major concern and they came out to do a sight distance check. He will check with the County to see if they have documented it. C. Baker states that the applicant can do that and if it is actually measured and documented, that's ok. T. Yasenchak states that we have received comments back from M. Valentine, Saratoga County Planning Board, with concerns about the use of the driveways on the property. S. Weeks states that he is confused. He read the public comment letters and the extensive minutes, but it still is not clear to him how we split this. The first notes from G. McKenna stated that this was going to be a contractor's storage yard, large with an accessory salvage use. That is no longer the terms that we are using. We are just talking about the large contractor yard. He asks if that means that in our process we are not going to be talking about salvaging junk cars. T. Yasenchak explains that because that falls under junk yard, and junk yard reviews do not fall under the Planning Board purview, we cannot be talking about that. Dependent on how the Town Board reviews the junk yard permit, if they want to open a SEQRA on the salvage yard/junk yard, although it has continued to be in operation and the Town Board has been approving permits for that over the last 30-plus years, if they do open SEQRA then we would be doing a joint SEQRA review or coordinated review. In that case, the Planning Board, may, if the Town Board asks us to be lead agent for SEQRA, at that point only would this Board be looking at the junk yard. T. Yasenchak states that it is very confusing, it is hard to explain. For the special use permit we will be looking at SEQRA and if the Town Board wants to open SEQRA we have to look at those together. SEQRA can only be looked at by only one lead agency and we cannot segment the two. S. Weeks asks that we might proceed without the Town Board acting. T. Yasenchak states that we can proceed without the Town Board acting on the junk

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yard portion if the only thing before us at the time is the contractor storage yard. R. Roeckle states that in looking quickly at the plan, he did not see details on the buffer that is required. M. Ballestero states that it is on the plans. T. Yasenchak states that the applicant should let us know when he is ready to be back on the agenda. For the public, they are more than welcome to check with the office to find out if the applicant is on the agenda.

DISCUSSION

T. Yasenchak refers to the letter received from Cornell Cooperative Extension regarding the reforestation at Old Stone Ridge, the common lands. She encourages the Board to read it, however, it should be noted that the applicant for this project has not met the contingencies of the approval. By State law, if they do not meet those contingencies within 180 days then that approval is no longer valid. The applicant has been notified that this termination of the approval is pending. He has not set a bond, he has not had a bond approved by the Town Board, and therefore not met the contingencies. The fact that he has been planting and continuing with the project that has not officially been approved, he is doing so on his own. If it does expire, he will have to come back and ask for it to be re-approved. C. Baker states that this applicant is in the process of trying to get the road dedicated so that the Town will plow it this winter, and he is wondering if it might behoove the Planning Board to send some kind of notification to the Town Board updating this situation. T. Yasenchak states that the Town Board has been made aware as well as the Town Attorney, and it is out of the Planning Board's hands. B. Duffney states that he brought it up to the Town Board and was told it is two different things. T. Yasenchak states that she does not understand but was told it is not the Planning Board's business. She states that as this is still in violation, G. McKenna will still refuse to issue any building permits for this subdivision. That is the only thing that we, as a Planning Board, can continue to hold on to.

Information was dropped off at the office for the Planning Board by Mike Chandler regarding the proposed changes for driveways. B. Duffney explains the drawings but states that he will ask M. Chandler to clarify these drawing a little more. T. Yasenchak states that we talked that this type of curve would almost be impractical. C. Baker states that this will not work for a keyhole driveway. You are looking at 72' wide. T. Yasenchak states that she thought it was supposed to be the outside radius. B. Duffney states that he spoke with D. Cochran about this and we may have to change the code for keyhole lots for the frontage to be wider. T. Yasenchak states that she would be very hesitant to do that because we allow a road with 60' and with this, we could be approving keyhole lots that technically could be a road. The whole point of a keyhole lot being narrow is that no one could subdivide again. She would hesitate to start suggesting that the keyhole lots get too much wider. She would ask if this should be the exterior radius and not the interior. B. Duffney states it comes down to a safety issue with the size of the firetrucks that they have now. He states he will try to get M. Chandler to stop in to a meeting. R. Roeckle states that if it is 30' to the road, emergency vehicles can cross the line to the other lane to pull in. T. Yasenchak states that we don't want to get into just designing levels of safety that go beyond someone's maintaining their driveway properly. This is really only for people who have these long driveways and they should be maintaining it correctly so as not to limit the emergency vehicles. B. Duffney states that it was also suggested that the driveways be straight enough for the emergency vehicles.

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

Respectfully submitted,

Rosamaria Rowland
Secretary