

**TOWN OF GREENFIELD**  
**PLANNING BOARD**

**September 29, 2020**

**REGULAR MEETING**

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

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**Minutes**

August 25, 2020 Minutes

MOTION: Roeckle

SECOND: Conway

RESOLVED that the Town of Greenfield Planning Board waives the reading of and approves the minutes of the August 25, 2020 meeting, with minor corrections.

**VOTE:** Ayes: Dake, Gyarmathy, Roeckle, Sabanos, Yasenchak and Querques

Noes: None

Absent: Duffney

Abstain: None

September 8, 2020 Minutes

September 8, 2020 minutes will be reviewed at the next meeting.

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**OLD BUSINESS**

Northeast Surgical Case #628  
TM# 153.13-1-34

458 Maple Ave.  
Site Plan Review

T. Yasenchak recuses herself. G. Yasenchak is present. R. Roeckle asks C. Baker if there is an engineer's report. C. Baker states he did not write a report. G.

Yasenchak did submit new information 3 or 4 weeks ago. R. Roeckle states that the Board got it at the last meeting. C. Baker states correct. R. Roeckle states that no one had a chance to review it. He asks C. Baker if he has had a chance to review what was submitted. C. Baker states yes. R. Roeckle asks if there is anything outstanding that he is aware of. C. Baker states the only thing that he asked for was an update on the public water supply. G. Yasenchak states that the update on the water supply is they will be doing an ultra violet system. They will be working with the Department of Health once they get a building permit. Prior to that they are at a standstill. He provides the Board with a narrative:

#### Monthly maintenance

- Ensure paved area is free and clean of debris
- Ensure the paved area is clean of sediment
- Ensure the paved area dewateres between storms
- Monthly and after every storm of >0.50-in.

#### Quarterly maintenance

- Vacuum sweeps 2-4 times per year
- Especially after fall and winter

#### Annual Maintenance

- Winter (Snow) Maintenance
- Paved area should be plowed after every storm
- It is recommended, if possible, to plow with a slightly raised blade to prevent pavement scarring
- Limit salt application
- Salt amount will be site specific and 1<sup>st</sup> year will be trial and error
- Suggest 1<sup>st</sup> year salting be on a "as viewed and needed" basis
- Use non-acetate deicers
- Non-acetated and anti-deicers are available from numerous suppliers such as Cargill
- Sand application should be virtually non-existent
- Sanding will block porous asphalt and require additional vacuuming

G. Yasenchak states never seal coat the asphalt. R. Roeckle asks the Board if they want to schedule the public hearing. The Board agrees to set a public hearing for October 13, 2020. C. Baker states that there is one other thing for the final approval, the Board will need to see some type of a maintenance agreement for the sanitary system. G. Yasenchak asks if it has to be a licensed person or could the person be in training. C. Baker states he will have to look into that. He is not sure if the DEC permit will be good enough. R. Roeckle asks if maintenance of the septic system would require a licensed operator. C. Baker states that because it is an eco-pod system it requires an operator. R. Roeckle states depending on who has an operator's license, they could sub-contract that out. C. Baker states correct. R. Roeckle states same with the public water system. G. Yasenchak provides the SWPPP to the Board.

Aaron Vera, Cohen Cartier, and Kevin Joyce are present. A. Vera states the last time they were in front of the Board there was comments from C. Baker and they have addressed some of those questions. They provided an email from ACOE stating that there are no outstanding wetlands violations on the site and a letter from DEC stating their jurisdiction determination. They have not completed that process that is ongoing. They did provide revised plans which addressed some of the storm water concerns. A letter was specifically added in some gravel fill along the parking areas. They also provided total disturbance, is under an acre. They also provided some modifications to the septic system. They also reached out to DOT regarding the 2 existing curb cuts and DOT sent them an email and they don't need to do anything until they are actually ready to pull a permit. One way signage has been added to the plan. They also revised the plans to show a little bit of a patio. In terms of the DOH permitting system, they have yet to have the well tested. They understand that it will be required in order to pull a septic permit. They had a meeting on site yesterday with DEC. The DOH came out to inspect the site. The soils are not acceptable for any type of system. They will be transitioning to a raised septic system. The raised system will extend the fill further into the wetlands. They met with DEC to confirm that they would accept that buffer disturbance. DEC said that it would be acceptable. They will still have to go through the local DOH. They added a note to the plans discussing the occupancy. It is limited to 75 people. T. Yasenchak asks what did the narrative state about the live music. A. Vera states there are no plans for live outdoor music. There may be some noise coming from the establishment. C. Baker states the septic system will require a SPEEDS permit and the engineers report (the engineer who designs the system). Obviously the Board will need to see copies of all this. A. Vera asks if that is prior to any decision. C. Baker states no, that should not preclude having a public hearing and moving forward. Prior to any decision from the Board, they would need to see them. T. Yasenchak asks if they have any idea what they will be doing with the septic. A. Vera states that they will be proposing a raised system. They will have to bring in fill in order to level out the area. C. Baker states, for example, the previous applicant submitted a letter from DEC that basically said that DEC had reviewed the engineer's submission and that is the same thing the Board would need to see from them. A. Vera states that he was under the impression that they could receive conditional approval. He feels that it is wasting the Board's time if they have to have a fully permitted septic system prior to the Board's approval. T. Yasenchak states that typically the Board does not give conditional approval on something of that nature, because it could change, that is what C. Baker is saying. C. Baker states that it is a requirement from an outside agency. The Board needs that verification. T. Yasenchak states that a public hearing was not scheduled when the applicants were previously here because the Board wanted to see additional information on the plan. R. Roeckle state that the Board had a public hearing and it was adjourned. T. Yasenchak states that since the Board did not close the public hearing the Board would need to re-open the public hearing. R. Roeckle asks if the noise was a note on the plans. A. Vera states no, it is in the narrative. R. Roeckle asks if A. Vera can find it, he wants to make sure it is 75 occupancy maximum. He asks if that include outside seating. A. Vera states yes. T. Yasenchak states that the Board can re-open the public hearing even though the Board is still waiting on DEC's review. A. Vera asks if they would need the Article 24 permit as well. C. Baker states that he would think the Board would want verification that DEC is willing to issue that. A. Vera asks if the Board can confirm that the lay out of the site is not going to change. There is not going to be any further requirements from the Board to add any additional parking. He states that, because once they submit the Article 24, they are locked into their disturbance. T. Yasenchak states that she does not believe that anyone on the Board has asked any additional questions. She states that she does remember talking the outdoor deck, and exactly where it was going and that was put on the plans. It is included in the occupancy. She states just those technical issues that would need to have met. A. Vera states that given this is an existing site there is not

much room to change what is going on. Would the Board entertain a conditional approval knowing that the applicants' understand that if the septic system permit and the wetlands permit are not obtained with the site plan that is in substantial conformance to this they would have to come back in front of this Board for approval? It is completely the applicants' risk to have to extend the process. As long as the applicants have DEC approval there is no further input from the Board. T. Yasenchak states that the Board does not seem to have any additional changes to the site plan. A. Vera states there is no other area on the site that would accommodate the septic system. M. Gyarmathy states that he is having a problem understanding. They proposed a septic system in that area all along now they are saying that it is encroaching on the buffer. A. Vera states that the original septic system did not encroach on the buffer. He states that they did not have the ability to have DOH go out and witness the test pits because they were on lock down due to COVID-19. He described to them the test pits that they had performed and at their suggestion they proposed a raised system. They actually went out there to do the test pits that they witnessed. They decided against a cut and fill system instead of proposing a raised system. He states the fill from the raised system will encroach on the buffer. It requires the SPEEDS part of DEC to ok the approval it and local DOH to ok it for approval. They all seem to be on board with everything. That process could take a few months' time. There is nothing on this plan that will change. In fact, it can't because they have to file the Article 24 with all the disturbance is within the buffer. M. Gyarmathy asks if the size of the leach field is going to change. This is the first time he has told the Board that this is going to encroach on the wetland buffer. A. Vera states the previous design also had some grade within the buffer it is more substantial at this point. M. Gyarmathy states that this Board has not said anything negative about this project at all. He states that it sounds like it is engineering issues that need to be addressed with other agencies. A. Vera states they have permits that are outstanding, correct. T. Yasenchak asks if the applicants have already submitted the permit for the septic. A. Vera states that they are coordinating within the department's prior to official submission, because there are multiple agencies and they want to make sure they are all on the same page before they submit. They don't want to have the wetlands department of DEC disagree with the decision from the septic department of DEC. They need to make sure it is approved by all departments. T. Yasenchak states that it is a tough question. She states that if this was just Site Plan then that would be one thing however to grant conditional approval for a Special Use Permit when the actual condition could prevent the applicant's from even opening. A. Vera states that they wouldn't even be able to pull a building permit. T. Yasenchak agrees. A. Vera states they don't have approval until the conditions are met. He states that it seems to him that the Board is ready to issue their approval. T. Yasenchak states she feels the Board is, but typically they don't issue conditional approval. She states that in the past conditions don't get met or it is a lengthy time before the applicant's get back in front of the Board. N. Querques states that he believes the Board is on board with this project. T. Yasenchak agrees. R. Roeckle asks would the actual permits from the agencies make a difference. T. Yasenchak states she thinks it would. If they were just waiting for actual permits that would be different. A. Vera states unfortunately that is not the case because they are waiting on DOH to get back with the information that they obtained yesterday. R. Roeckle states that he is not saying approvals, but permission of those permits. A. Vera states correct they have not submitted them because they are waiting to hear back from DOH prior to submission. T. Yasenchak states that she does not know if that is something the Board can do. A. Vera states that the Board could even give them a time line for which those conditions to be met, if the Board gave them 3 months or this approval is null and void. T. Yasenchak states the Board's precedent has been not to approve without the permits submitted because it is such a large item. She states she does not know what their approval will do for them without the permits submitted. A. Vera states it would that the plans can't change based on closed public comment, it would allow them after obtaining those permits. R. Roeckle asks if the Board has done SEQRA. T. Yasenchak states that the

Board determined that they don't have to. She states once the Board closes a public hearing the Board needs to make a decision within a certain amount of time. C. Baker asks what the buffer is for DEC and ACOE. A. Vera states he believes ACOE does not have any, DEC does. He states that he does not think they will have any involvement because they are not disturbing any wetlands. T. Yasenchak states that C. Baker has a hesitation about the board giving approval for something that the permit hasn't been submitted. C. Baker asks M. Waldron since this is not a Site Plan approval, it is a Special Use Permit, does the Board need to have sign off approval because it will be required with the building permit. M. Waldron states that it will be required for the building permit. C. Baker states that he understands it will be, but to issue the Special Use Permit. He states if it was Site plan approval he feels the Board would have to have those approvals or at least some acknowledgement from the different agencies. Not necessarily the permit in hand just some kind of acknowledgement. He is not concerned with the water because DOH is not going to issue approval to open the restaurant. A. Vera states that in his coordination with Queensbury DOH, they want to see a complete submission of the kitchen, and the septic as they will all be approved together. C. Baker states that he understands what A. Vera is saying. The owner is fully aware of the issues the Board is looking at. It won't hurt the Town anyway. A. Vera states that he would be hesitant to ask if they hadn't done soil testing. They have done the testing. There is no other place to put the septic system. C. Baker states that if the Board wanted to entertain approval contingent upon securing those permits from DEC and DOH he does not see a problem with it. He is not sure M. Waldron has an opinion on this. Worst case is if they can't get the approval. T. Yasenchak states it is confusing. She reads the Code to the Board. It looks as if the Board could actually give a temporary permit or a contingent approval. She thinks that the Board could grant a temporary approval. R. Roeckle states he does not think the Board should. It is not extendable. C. Baker states that he believes that is what the Board did for Warren's Ice Cream. That went on for years, they came back every year. M. Gyarmathy states that he does not understand why they can't just approve it with the contingencies. T. Yasenchak states that is what the Board is looking at. M. Gyarmathy states he does not feel it has to temporary or permanent, it's just going to be permanent with these contingencies. T. Yasenchak re-opens the public hearing at 7:41 p.m. No one is present for this case. The Board closes the public hearing at 7:42 p.m.

### **Resolution- Greenfield Real Estate Development, LLC- Special Use Permit**

MOTION: Sabanos

SECOND: Roeckle

RESOLVED, that the Town of Greenfield Planning Board, grants approval for a Conditional Special Use Permit for a restaurant to Greenfield Real Estate Development at 3230 Rt. 9N, TM# 125.-1-31, contingent upon:

- The applicant will submit applications and receive permits as required from NYS DEC, NYS DOH, and NYS DOT as well any other local building permit applications that are needed to be submitted
- The disturbance for this site will be under 1 acre

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

Noes: None

Abstain: Duffney

### **OLD BUSINESS & PUBLIC HEARING**

Hilton Tallman Case # 642  
TM# 137.-1-32, 33, &34.1

Minor Subdivision  
555 N. Creek Road

Hilton Tallman is present. T. Yasenchak states this project was adjourned at the last meeting. She re-opens the public hearing at 7:44p.m. No one is present and there is no correspondence for this project. She closes the public hearing at 7:45 p.m. She states SEQRA was done at the last meeting. The Board does not have any additional comments regarding this project.

**RESOLUTION – Hilton Tallman**

MOTION: Gyarmathy

SECOND: Dake

RESOLVED, that the Town of Greenfield Planning Board grants Minor Subdivision approval to Hilton Tallman for property located at 555, 583, and 589 North Greenfield Road, TM#137.-1-32, 137.-1-33, and 137.-1-34.1, per the map submitted:

VOTE: Ayes: Conway, Dake, Gyarmathy, Roeckle, Yasenchak, Querques, and Sabanos  
Noes: None  
Absent: Duffney

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Meeting adjourned at 7:46 p.m. All members in favor.  
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Respectfully submitted by,

Kimberley McMahon  
Planning Board Administrative Assistant

