

TOWN OF GREENFIELD

PLANNING BOARD

September 9, 2014

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: John Bokus, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks, Tonya Yasenchak and Robert Roeckle, Alternate. Charlie Baker, Town Engineer, is present.

MINUTES – August 26, 2014

MOTION: B. Duffney

SECOND: J. Bokus

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 26, 2014, as submitted.

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

Noes: None

Abstain: Gyarmathy, Siragusa

ACTIVE SOLAR DEVELOPMENT – Site Plan Review/Lot Line Adjustment

Kilmer Road

David Rojek and Neil Curwen are present for the application. T. Yasenchak recuses herself. S. Weeks reviews that the Planning Board suggested that the applicant get together with the Code Enforcement Officer and everyone has a copy of the new application for the lot line adjustment. C. Baker has also provided a review letter and S. Weeks provides this to the applicant. S. Weeks explains that the unusual thing about this proposal is that the solar array is located across the street from the residence, so it is on a different lot. The discussion was how that would best be dealt with. The applicant met with G. McKenna who suggested a lot line adjustment and at the same time C. Baker has required more detailed information to go along with the application. C. Baker's letter is still asking for additional information and the basis is Town Code Section 105-52, where we have some very specific things that are required for the information to be provided. C. Baker states that he has asked for additional information the three times that the applicant has been before the Board. What we really need to see is a detailed plan for what they are looking to do in that solar array area. What he would like to see is the actual layout of the panels, any grading work that they are proposing to do in there, the maximum amount of clearing that they are proposing, the utility trench from the panels to the house – basically we need that information in order to be able to determine the amount of environmental impact that this project is going to have. It is required for the SEQRA review, it is required for the Board to evaluate the impact on the neighbors, is it going to be visible, etc. C. Baker states that he has asked for this verbally and what he has attempted to do in the letter form is to more definitively tell the applicant what he is looking for and again refer the applicant to that section, 105-52, in the code which provides more detail as to what is required for an adequate site plan. S. Weeks states that the position of the Board is that if the Town Engineer declares that we need more information, then we cannot proceed to say that the application is complete and we can't proceed with SEQRA. He states that it would be the Board's request that this additional information be provided. S. Weeks states that the applicant needs to understand, and we have said it a couple of different times, because of the fact that this lot is separated and across the road from the residence, that is what pushes this into this type of application. D. Rojek states that he

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understands that and has stated that he has no objection to meeting the requirement. He is just a little bit surprised with this since he and Active Solar have both spoken to G. McKenna asking if there is any other information that they need. After their last meeting they were told specifically that they needed to talk to G. McKenna who indicated on Friday that all the information they needed to make their decision was in his possession. He thinks, respectfully, that there has to be some kind of communication between everyone in order for us to facilitate this. S. Weeks states that the applicant does remember that the last time they were before the Board C. Baker had asked for much more specific detailed information. That is coming from C. Baker and not G. McKenna. D. Rojek states that during that meeting they said that they were confused and who did they need to talk to, and they were told to talk to G. McKenna and that the Board would go by his recommendation. S. Weeks states that that was G. McKenna's recommendation as to how we might split those lots. N. Curwen questions that the additional requirements stated by C. Baker are required when the array is placed on a separate lot. S. Weeks states that it is required because of the site plan review. N. Curwen questions that the site plan review is necessary because of the separate lot. So, if they were to do the lot line change, merge the parcels, this information is no longer necessary. S. Weeks states that he does not believe that is a fact. Because of the road location in the middle of that, it is still desired that it be handled as a site plan review in order to make sure that the road issue and the separation issue is covered. N. Curwen questions C. Baker that he had some concerns about environmental impacts, and asks how much more information is C. Baker going to require. C. Baker refers to #3 in his letter and states that what he is looking for is a definitive plan that shows the maximum amount of clearing that they are doing and that has to include the access road, the utility trench, basically everything that they are planning on disturbing. There is a certain threshold and once you meet that threshold and if you go over it, then you are required to do storm water management. They are required to file a Notice of Intent with DEC and that is the type of information that C. Baker states that he does not have on the stuff that was presented in order for him to determine. N. Curwen questions that the DEC disturbance being referred to is 1 acre. C. Baker states that if the total disturbance is more than 1 acre, they are required to do storm water management as well as file a NOI and a SWPPP as well. B. Duffney states that the 1 acre disturbance is actually a State requirement and not the Town. C. Baker states that the Town of Greenfield adopted the State requirements, so it is Town as well as State. C. Baker refers the applicant to Section 105-52 again. N. Curwen states that to his knowledge there isn't much under Section 105 that isn't already on the map submitted. C. Baker states that he has the map, but the problem is that he doesn't know what the scale is and can't relate that to anything, he can't relate it to the property, etc. N. Curwen states that it is scaled down from a larger size and that the Town of Greenfield has a digital copy at the appropriate scale. C. Baker states that he would like to see a full size drawing at a scale that is something that we can work with.

ZBA REFERRAL

C. & M. Gage and D. & C. Domozych – Interpretation Request

T. Yasenachak reviews that this is an interpretation request of the definition of a small contractor's yard as it relates to property of Jonathan Davis. It is here as a referral. It appears that the owner, J. Davis, is screening soil and the applicant's believe that that is not within the definition. G. McKenna, our Code Enforcement Official and Administrator, has defined it as such and states that screening soil does fit within that definition. Contractor's Storage Yard, Small is a principal permitted use in an LDR in which this particular site is located. T. Yasenachak states that it appears that most of the neighbors feel that they also are not operating within the correct time period. They have Saturday and Sunday hours as well. That also may not actually meet our zoning regulations for operations. B. Duffney states that the Town does not have a noise ordinance. T. Yasenachak states that we do not have a noise ordinance, but we do have construction hours. T. Siragusa asks why this is before the ZBA. T. Yasenachak states that as part of our land use regulations, owners can request an interpretation of the zoning law if they disagree with the interpretation that G. McKenna has given. S. Weeks and B. Duffney state that this is a ZBA issue to take care of. T. Siragusa states that in

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general, this comes up and is going to come up more, he thinks that the lack of clarity in the code is too open to interpretation. He thinks that it would be good if this Board and the Zoning Board as well, if they think so, made some recommendation to the Town Board to look into that a little more. You look at a list of that many unhappy residents, people who are extremely unhappy over a very long period of time and have gotten no recourse from the Town. He read thru the letter and it doesn't appease anybody, it doesn't make anyone happy. There is something not right there, even if it is within code and we determine it, doesn't make it right that there are that many people, unhappy neighbors, who are concerned about traffic, noise and safety, and these are the things we are supposed to be dealing with. As a Town we are not dealing with it. He would like to recommend that the Town use this case and some others, that this gets a closer look from the Town town-wide. He states that there is nothing in there about manufacturing in the interpretation. He does not see it, not processing, not screening, not anything. He agrees that this is a Zoning Board issue to decide, but if you can do manufacturing in a storage yard, then what can't you do? T. Yasenchak states that she agrees with T. Siragusa that there is a fine line between processing that soil, she understands that a contractor who does site work does need soil, but actually processing that soil, to her, is something different. There is a difference between getting the soil, stockpiling it and using it on site, maybe loading it and moving it, but when you are actually processing that on your site, to her that is a little different. She is also very concerned with the noise because obviously it seems to be going on more than just working hours so the neighbors are discouraged and upset about that. She thinks that the code does need to be more specific. She agrees with T. Siragusa that we need to make a referral also to the Town Board that when they are looking at the upcoming zoning amendment that they look at this. She would like to refer to the Zoning Board that they also look at noise and traffic when interpreting this. M. Gyarmathy states that he agrees, he thinks that maybe the definition should be expanded upon and maybe add hours of operation in there so it is clear. He is curious if G. McKenna sent anything to J. Davis regarding hours of operation. Maybe he could have sent something to him and could have nipped this in the bud. He agrees that the Town Board should take a look at the definition. J. Streit states that he agrees with T. Siragusa and M. Gyarmathy that this is a much larger list than we usually get in objecting to things in a neighborhood, and he has to believe that there have to be some valid issues. He does not know if traffic and noise is a Planning issue or a Zoning issue, or both, or if it's for the Town Board's consideration. He thinks that the Town would be best to approach a possible solution to these issues. J. Bokus states that he agrees. There is not a straightforward solution for any of the Boards, it needs a combined effort on all our parts. There is a good point, has G. McKenna spoken to J. Davis about this list of people. J. Streit states that treating/sifting top soil should be an acceptable task, it is a legitimate thing, but whether that is the cause of the noise or the trucks, but that is suitable to see if that is the cause of the vexations and then that could be addressed more with hours of operation, which would be a very simple solution. R. Roeckle states that he does not think that processing something on a site should be considered storage, it is processing. He does not see a need to do it on site. B. Duffney states that there have been issues with this property before this complaint. He states that with the hours of operation a little common courtesy can go a long way. He explains the difference between a trammel and a shaker screen. He also discusses the reverse alarms on trucks. M. Gyarmathy states that J. Davis is not crushing rocks; this can be solved with hours of operation. You have to be able to process that type of material somewhere. T. Yasenchak states that the Planning Board concerns then are the noise and hours of operation, and whether or not this fits within the definition of a Contractor's Storage Yard, Small. The Zoning Board could also look at whether or not this is manufacturing or processing. R. Roeckle states that this is a residential zone and asks if this is a pre-existing operation. T. Yasenchak states it is allowed within that zone. R. Roeckle states that storage is allowed, but are we looking at something else. T. Yasenchak states that as to the definition of Contractor's Storage Yard, G. McKenna has maintained that what the owner is doing is an allowable use because of the acreage. He is looking at the definition and saying that it is to store and maintain construction equipment and other materials. He is more or less saying that that is storing and maintaining, that is his interpretation. R. Roeckle states that we are discussing hours of operation and this is a residential zone, and is this a residential or commercial use. T. Yasenchak states neither - it is a Contractor's Storage Yard. We don't have any noise ordinance, but we do have an ordinance about construction hours. B. Duffney comments on the recent application of B. Bacigalupo and his loading and unloading materials. T. Yasenchak

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states that this is an interpretation request. The process for B. Bacigalupo was that he was asking for a large contractor's storage yard and it was a special use permit. In this case the neighbors feel that the interpretation is wrong. Paul Pileckas asks how many people signed the letter. J. Bokus states 25 people.

LPC PROPERTIES – Minor Subdivision

Greene Road

Paul Pileckas is present. His project is not on the agenda but he did drop off information on Friday. T. Yasenchak states that the Board just received the information tonight and needs time to take a look at it. C. Baker states that he is satisfied with the report from the engineer regarding the sight distance and he has no other engineering issues. T. Yasenchak questions that the letter does not state the posted speed limit. C. Baker states that it does provide a comparison table for stopping site distance, the only thing it does not provide is the posted speed limit and he did drive there today and it is posted at 40 mph. P. Pileckas questions that he would come back to the next meeting. T. Yasenchak concurs and states that the public hearing was adjourned and would be reopened at that time.

GALE & WILLIAM HIKA – Site Plan Review

Lake Desolation Road

Gale Hika is present, but not on the agenda, and states that she did drop off some information and has brought photos of the sign which meets zoning per G. McKenna. She explains to the Board that she will be having surgery on Friday so if she is not able to be here for the next meeting, if someone else can represent her. R. Rowland states that her husband's name is on the application also. G. Hika states that she did discuss with the Department of Ag and DOH, again, the water requirements that C. Baker asked about. She is still getting the same answer that the Department of Ag will make the determination once they decide whether or not she is more processing or more of a restaurant. She has decided that she is just going to go ahead with a chlorination system. She states that G. McKenna determined that her site is retail and determined that the buffer should be 20', which they changed on the plans. She explains that they are planning to use the existing tank for the septic system and add a new D-box and additional leach field. T. Yasenchak explains that since we didn't have this to put on the agenda, the Board has not had a chance to review the items for adequacy and comment. She asks where the sign is going to be located. G. Hika states that it will be on the front of the building. T. Yasenchak asks if there are going to be any sidewalks to the building. G. Hika states that it is all parking lot and in front of the building there will be landscaping. They are using recycled concrete for the parking area. C. Baker states that he still would like to see some type of a written clarification from DOH as far as the water supply. G. Hika states that she told them what C. Baker asked and they stated that they did not have that in writing, they were just telling her their requirements. If they decide that the business is more of a restaurant than processing, then she would be referred to the DOH and the DOH will regulate the water system. C. Baker asks when that determination will be made. G. Hika states that they will come in and inspect the property and based on seating, etc., will decide. That is why she decided to put the chlorination system in or the ultra violet. She really does not want the chlorination in the meats and processing. She indicates that she spoke to Corey Skier from the Department of Ag and she does not remember the name of the person at DOH in Glens Falls. She states that the other problem is that she actually does not have the permit in yet because it is \$400 and did not want to apply if she does not get approval from the Planning Board. She is going to look at this that both DOH and Department of Ag will be involved. S. Weeks asks if they are going to treat their water, does that address C. Baker's concerns. C. Baker states that it may or may not. The problem is that if they do make the applicant go to DOH for a public water supply system, chlorination or UV might not be the end of it. They might have to put in other types of treatment. G. Hika states that she has the specific addendum. C. Baker states that there may be requirements placed on the applicant with regard to monitoring. G. Hika states that she is aware of the

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monitoring requirements and that it is continuous. C. Baker states that that is what his dilemma is. It sounds like we don't know whether or not the applicant is going to have to go that route and what he was looking for and hoping to find some kind of determination from them saying yes she does need or no she does not. His concern from the Town's point of view is that if we approve something and someone gets sick, the first question to the Town would be why did you approve this without the proper DOH approvals. He was hoping to see some type of letter from them, we put it in the file and that takes the Town out of the loop. C. Baker states that he does not know if it is possible for the Board to consider some type of approval with a contingency that once it is up and running, and a determination is made, the applicant must provide that in writing. T. Yasenchak states that she will ask and thinks that it is something that we can approve with the contingency of receiving that approval. That gives the applicant enough to go and make the application. They would know that it is an approved use and then she would be able to get the permit and the approvals from Department of Ag. Then she could come back to the Board and the site plan could be signed. C. Baker states that he is not trying to hold up the applicant. G. Hika states that she understands and wants everyone to be safe, too. C. Baker states that the only other question he has on the septic, and he assumes that G. McKenna will have that question at the time of issuing the building permit for the septic system; he did not see any test pit information on there. He states that is kind of critical in the Town of Greenfield and explains. G. Hika will discuss with her engineer. T. Yasenchak suggests going thru the check list to make sure that everything is on the site plan or has been given to the Board in some type of written form. We either need it in writing or on the plan.

ACTIVE SOLAR – Site Plan Review

Kilmer Road

Frank McCleneghen questions if there was any action on the Lot Line Adjustment application that was submitted. S. Weeks states that the Board would be looking at the whole thing as one package. F. McCleneghen states that they were told that the lot line adjustment could be done administratively. T. Yasenchak explains that that is true in some cases, but that this application is a bit more complicated. C. Baker has also asked for some additional information for the survey. T. Yasenchak explains that she and G. McKenna generally review a lot line adjustment, sometimes from a concept drawing, and then if they are satisfied with it, then the applicant is asked to get a survey, but a survey will ultimately be required in order to file this at the County. R. Roeckle questions if the lot line adjustment is filed and the lot is joined as one parcel, do the solar panels then become an accessory structure to the house and therefore would it need site plan approval. R. Rowland explains that G. McKenna is still requiring a site plan review because they are still going under the road and his concern is that something might go wrong. R. Roeckle states that his question is still whether or not the Board is authorized to do a site plan for an accessory use. T. Yasenchak states that we can have G. McKenna take a look at it, but she believes that it is within his purview to request that. S. Weeks states that he might be partly to blame for not mentioning the items required on a site plan. T. Yasenchak states that we have allowed people to come in with concept plans in the past and that the Board can also waive certain items if they do not pertain to a project.

Meeting adjourned 7:57 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary