

July 9th, 2015

The regular meeting of the Town Board was held on Thursday, July 9th, 2015 with the following members present: Paul Lunde, Supervisor; Daniel Pemrick, Daniel Cochran and Walter E. Chandler, Councilman. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss and approximately 20 residents.

The Board convened as a Board of Health at 7:15 PM.

Jon Szemansco – 500 Allen Road – Septic Variance - A public hearing opened at 7:15 PM regarding the application of Jon Szemansco for a Variance of Chapter 54, Appendix A310.3 – Separation requirements for replacement septic system. There being no public comments either pro or con, the hearing was closed at 7:16 PM.

Herbert Loeffler - 2 Lanie Drive - Septic Variance - Supervisor Lunde stated that the Board had received an application for a Septic Variance from Herbert Loeffler of 2 Lanie Drive. Board members reviewed the application. Town Clerk to send a copy of the application to the Town Engineer for his review.

RESOLUTION # 88 - Schedule Public Hearing – Septic Variance – 2 Lanie Drive

Motion: Pemrick, C.

Second: Chandler, C.

RESOLVED, That the Town Board hereby accepts the application for Septic Variance submitted by Herbert Loeffler for 2 Lanie Drive (Tax Map # 164.8-1-18) and schedules a public hearing to be held on Thursday, August 13th, 2015 at 7:15 PM.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Unsafe Building- 4119 Route 9N - Supervisor Lunde reviewed the report from the Code Enforcement Officer dated July 9th, 2015. No work has been done to date. The property owners were present. Ms. Huntley stated that when they came before the Board the last time, the Board had agreed to let them get their other building project going since they were storing some of the building materials in that shed. When they went to get the building permit, they could not do so and were told that they had to come back to the Board. Mr. Federiconi stated that the Building Inspector told them that he could not issue a permit because there was a violation on the property. He added that it was his plan to have it all taken care of at the same. Supervisor Lunde stated that it does state in the Town Code that a permit cannot be issued if there is an existing violation. Mr. Federiconi stated that he planned on using the same crew to do the building project to remove the structure. Cochran, C. asked if Mr. Federiconi could take the building down and then come back in and get his permit from the Building Inspector. Cochran, C. agreed that the Code states that if there is a violation on the property that a permit cannot be issued. He suggested that the work crew could take the building down and coordinate that with the Code Enforcement Officer. Mr. Federiconi stated that he was not sure if he was going to take the building down completely or if he was going to try and salvage it. He added that he would like to take the roof off and then see if he could salvage the rest. Chandler, C. suggested that the roof be taken off and the rest of the building made safe then he should be able to get his permit. Pemrick, C. asked what had been done at the property since the last time they were before the Board and if there was anything that Mr. Federiconi could do to make the building safer. Supervisor Lunde felt that in order to get the building materials out of the building that Mr. Federiconi was going to have to remove the roof. Ms. Huntley stated that they would start to take the roof off and then work with the Code Enforcement Officer on getting the permit.

Unsafe Building – 23 Frasier Road – Supervisor Lunde reviewed the letter from the Code Enforcement Officer dated July 9th, 2015. The property owner has started to remove the structure. Board members in agreement to hold on this matter until the next meeting.

July 9th, 2015 continued

Unsafe Building – 61 Plank Road - Supervisor Lunde reviewed the letter from the Code Enforcement Officer dated July 9th, 2015. No work has been completed as of this date. He added that this was the adjoining property of the property that the Town had to take care of last year. He believed that this was one that he thought would have to be turned over to the Highway Supt. to take care of. Chandler, C. suggested that the Town still try and contact the owners to see if this can be taken care of prior to the Highway Department being able to do the work. Pemrick, C. felt the Board should send a letter indicating that if no work has been done to bring the building into compliance by August 13th then the Highway Department will be asked to remove the structure. Town Clerk noted that previous certified letters have been returned back to the Town unclaimed.

RESOLUTION # 89 - Demolition Notice – 61 Plank Road

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be directed to send a letter to the property owner advising that if no action has been taken to bring the property into compliance by August 13th, 2015 that the Town will remove the unsafe structures and debris from the property and all costs incurred by the Town during the demolition will be charged to the Town and County Tax Bill.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Unsafe Building – 491 Allen Road - Supervisor Lunde reviewed the letter from the Code Enforcement Officer dated July 9th, 2015. No work has been completed as of this date. Supervisor Lunde suggested that the Board handle this is the same way as the last property and send a letter to bring into compliance by August 13th. Board members in favor.

RESOLUTION # 90 - Demolition Notice – 491 Allen Road

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be directed to send a letter to the property owner advising that if no action has been taken to bring the property into compliance by August 13th, 2015 that the Town will remove the unsafe structure from the property and all costs incurred by the Town during the demolition will be charged to the Town and County Tax Bill.

VOTE: Lunde, Pemrick, Cochran, Chandler

Noes: None

Septic Variance – 500 Allen Road – Jon Szemansco - Supervisor Lunde stated that the property received a copy of the letter from the Town Engineer at the last meeting. Mr. Szemansco stated that he had his water tested as well as the neighbor, as requested. Both tests came back negative. He also had the stream tested which did come back for bacteria. Supervisor Lunde stated that it was not unusual for the streams to test positive and he felt that the Town Engineer was more concerned about the 2 wells. Chandler, C. felt that Mr. Szemansco had satisfied what the Engineer had suggested. Pemrick, C. clarified that the applicant needed variances for both depth of separation and distances. Supervisor Lunde stated that it was an extremely small lot and the current system had failed. He added that he believed that the Town Engineer had suggested that the wells be tested on an annual basis. Mr. Szemansco stated that the property may be sold. Supervisor Lunde felt that there should be a disclosure in the real estate contract for potential buyers so that they are aware of the situation. Mr. Szemansco was in agreement. Town Counsel Schachner stated that if the testing of the wells was going to be a condition of approval then it should be stated in the deed of transfer. Mr. Szemansco asked how the water testing would be enforced. He felt that it was more of a protection for everyone. Town Counsel Schachner added that it would be the responsibility of the property owner to obtain permission

July 9th, 2015 continued

from the neighbor to test the well and that they may not be always be able to do so. Chandler, C. recommended that the neighbor be notified that the Town Engineer has recommended a yearly testing rather than make it a condition of approval that the applicant may not be able to do.

RESOLUTION # 91 - Grant Septic Variance for 500 Allen Rd – Jon Szemansco

Motion: Pemrick, C.

Seconded: Lunde, Supervisor

RESOLVED, That the Town Board hereby grants the following variances of separation for a replacement septic system for property owned by Jon Szemansco, 500 Allen Road (Tax Map # 124.-2-38) based on the fact that this is a pre-existing non-conforming use which the Town Engineer has reviewed and feels will greatly improve the neighborhood and which cannot be resolved in any other fashion:

- | | | |
|---------------------------------|---------------|---|
| 1) Septic tank to dwelling | Code – 10 ft | Actual existing - 3 ft |
| 2) Septic tank to well | Code – 50 ft | Actual existing - 41 ft |
| 3) Septic tank to stream | Code – 50 ft | Actual existing - 38 ft |
| 4) Distribution box to dwelling | Code – 20 ft | Actual existing – 12' 6" |
| 5) Distribution box to well | Code – 100 ft | Proposed to own well – 41 ft
Proposed to neighbor's well – 70 ft |
| 6) Distribution box to stream | Code – 100 ft | Proposed – 38 ft |
| 7) Seepage pit to well | Code – 150 ft | Actual existing own well – 40 ft
Actual existing neighbors – 67 ft |
| 8) Seepage pit to stream | Code – 100 ft | Actual existing – 37 ft |
| 9) Seepage pit to dwelling | Code – 20 ft | Actual existing – 16 ft |
| 10) Absorption field to well | Code – 100 ft | Proposed to own well – 55 ft
Proposed to neighbor's well – 67 ft |
| 11) Absorption field to stream | Code – 100 ft | Proposed 24 ft |

FURTHER RESOLVED, That the well shall be tested annually, as well as the stream and that the neighbor shall be notified of the opportunity to have their well tested annually.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

The regular meeting was called to order by the Supervisor at 7:42 PM and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Cochran, C., the minutes of 6/11/2015 were approved as submitted by all Board members present.

Notice from New York State Department of Environmental Conservation that they have commenced an enforcement proceeding against Rocky Daniels at 113 Daniels Road.

Anonymous letter questioning a building in the LDR/KROD Zoning District.

Quarterly Report from Wilton Emergency Squad, Inc. for April to June 2015

Michael Kloss – Eagle Scout Project - Michael explained to the Board that he was planning on installing a flag pole with solar lighting at the Greenfield Center Town Park. He explained that the flagpole has been donated. He was still working on the solar lighting and the materials for the sleeve that goes into the ground. Joe Jarvis of the Greenfield Lions Club is working with him to move the pole. Supervisor Lunde asked if Michael had an estimation of the cost of the project. Michael stated that he received some estimates from Saratoga Flag. The foundation sleeve is about \$120; the solar light approximately \$200. and the pulley system, if needed, would be around \$275. Michael added that he would be able to get the flag donated. Board members in agreement to help with the cost of the project. He hopes to have it done by the end of August.

July 9th, 2015 continued

RESOLUTION # 92 - Approve Eagle Scout Project for Michael Kloss

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the Eagle Scout project for Michael Kloss to install a flag pole with solar lighting at the Greenfield Center Town Park, and

FURTHER RESOLVED, that the Town agrees to contribute up to \$600. toward the cost of the project.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Junkyard License Application – 183 Middle Grove Road - Chandler, C. stated that he met with Mr. Ballestero and that he is going to apply for a Contractor Storage Yard. He purchased the property as a salvage yard and would like the salvage yard permit to cover the cars while he owned the property. Chandler, C. added that Mr. Ballestero was going to withdraw the Junkyard License application and go with the Contractor Storage Yard and remove the cars. Supervisor Lunde explained that that would mean that the application would now go before the Planning Board and not the Town Board. Mary Boldish, 151 Middle Grove Road, asked if there was going to be a time limit placed on this. Supervisor Lunde stated that it would be up to the Planning Board. The landowner has expressed concern that he will be given enough time to remove all the vehicles off the property, however that will be a Planning Board decision. Chandler, C. felt that this would be beneficial to the Town if the owner was willing to remove all of the cars. Mary Boldish stated she has always seen fences around junkyards and questioned why one was not required for this one. Supervisor Lunde believed that the Town Code called for fence or vegetation. Ms. Boldish asked if the owner were to have a scrap yard there would he have to put a fence up. Supervisor Lunde stated the Planning Board will be looking at all that. A public hearing will have to be held. Chandler, C. stated that the applicant purchased the property as is and planned on cleaning up the cars and selling them as salvage. He felt that it would be better for the environment and community. He felt that they needed to be protected in some way since they made a large investment in the property. Ms. Boldish asked if the Planning Board would look to change that area from a residential area to commercial. Chandler, C. stated that there would be no change to the Zone. Al Janik, King Road stated that he was concerned regarding the idea of a salvage operation. The Planning Board cannot approve a salvage operation at that location under the guise of a Contractor Storage Yard. A Contractor Storage Yard is just that. It is for the storage of equipment and not for the storage and recycling of materials, which is what the applicant is looking to do. Mr. Janik asked if there was a time frame for the removal of the cars. He did not feel that the applicant should be able to have unlimited time until the price of metal goes up to remove the cars, which is what he indicated at the last Board meeting. Mr. Janik did not believe that the Contractor Storage Yard permitted salvage operation. Chandler, C. felt that the Board should then give him a salvage yard permit just like it has been for years. Mr. Janik felt that he should be given a year to remove the vehicles. Chandler, C. stated that it would hurt him financially and that he was in support of the business. Pemrick, C. stated that if the applicant is going to apply for a Contractor Storage Yard it is no longer a Town Board issue. According to Chandler, C. the applicant has withdrawn the application for Junkyard license. Chandler, C. stated that applicant has applied for a Contractor Storage Yard and he was concerned about applying for a salvage yard permit so that he can take care of the cars. He does not want to be a salvage yard. He would like to clean the cars up. Pemrick, C. stated that no one can grant a salvage yard permit except the Town Board. Chandler, C. stated that the applicant has concerns too. He added that he was not sure that the Town could shut down a salvage yard that has been there for years. Supervisor Lunde stated that a

July 9th, 2015 continued

Junkyard License is only granted for a year at a time. Town Counsel Schachner agreed that the Code was pretty clear that it was a one year approval.

Zoning Board of Appeals - Supervisor Lunde advised that the Board had received one application for the opening on the Zoning Board. Pemrick, C. stated that there was an Alternate Member that could possibly be moved up. He suggested that the Zoning Board Chairman be contacted for his recommendation. All Board members in agreement to continue to advertise and to hold this until the next meeting.

Tax Cap Plan - Supervisor Lunde advised that the Plan had been sent back to him again. He had to revise some of the dates and resubmit the Plan. Supervisor Lunde explained that in order for the residents of the Town to get their refund next year on taxes, the Board had to come up a tax plan to show a 1% savings over the next 3 years.

George Habig, Route 9N - Mr. Habig was concerned about the Old Town Garage. He stated that many years ago he noticed that part of the building had caved in. He called 911 because he did not know at the time if there was power to the building. Nimo came and cut the power. The property owner started to clean it up but never finished. He asked the Board if anything was being done about it. There are holes in the roof and the concrete blocks are all cracked. Supervisor Lunde stated that he was not aware of it, however he would refer the matter to the Code Enforcement Officer.

Dave Evans – Parkside Shared Driveways – Mr. Evans stated that he recently paid \$475 to the Town for review of his project by the Town Engineer. Since he paid for the review of the driveway, he requested the results and determination from the Planning Board, which they denied explaining that the driveway and related conditions might change. Mr. Evans stated that he was appealing this decision to the Town Board for the following reasons: 1) Conditions might change and the driveway approval is ordinarily part of the building permit Certificate of Occupancy, however the building sites average hundreds of feet from the public road. Because of the long distances, as well as several stream crossings, the existing driveway represents a major investment. Therefore, he believed the driveway approval was appropriate at this time before the lots are sold. 2) Before closing on a lot purchase, the buyers need proof of legal access. They need this proof long before obtaining a Certificate of Occupancy. 3) The driveway status should be documented now so it's permanent features will not have to be reviewed again and again each time a vacant lot relying on a driveway is sold or resold. 4) If the Town enacts new driveway restrictions it could possibly make the existing driveway illegal, cutting off all reasonable access unless there is documentation showing prior driveway approval. Mr. Evans asked if the driveway currently complied with Town Code? Supervisor Lunde stated that he spoke with the Code Enforcement Officer and the Town Engineer and explained that what Mr. Evans was asking for is something that the Town does not do. If there is something wrong with the driveway, the Town Engineer informs the applicant in writing and it has to be brought up to Code. The only time an approval is given is when there is a structure put on the property. Even if the Board were to give some sort of documentation that the driveway is to Code at this time, it is not going to protect for the future. Town Counsel Schachner did not feel that this was a Town Board issue at all. The Town Board cannot overrule a Planning Board decision. Mr. Evans asked who he would have to go to for an appeal. Town Counsel Schachner advised that he could not give legal advice. Mr. Evans asked who he would ask for a refund. Supervisor Lunde stated that the only time that the Town Engineer would look at the plans were if changes were made to them. Pemrick, C. suggested that Mr. Evans contact another builder in Town and see how they handle this situation, because it does not appear to be an issue for anyone else. He noted that when the applicant fills out an application for subdivision, the attached fee schedule clearly states that the applicant is responsible for all fees incurred by the Town during the review of his project. This is

July 9th, 2015 continued

a fee and the Town does not return fees. Mr. Evans stated that he paid for something that he did not get.

Saratoga County Youth Service Project Agreement - Supervisor Lunde stated that each year the County agrees to reimburse the Town for a portion of the cost to the Town to operate a youth service project. The past few years it has been \$2,800. This year it has been increased to \$3,000.

RESOLUTION # 93 - Youth Service Project Agreement

Motion: Chandler, C.

Seconded: Cochran, C.

RESOLVED, That the Supervisor be authorized to sign the 2015 Youth Service Project Agreement with Saratoga County in the amount of \$3,000.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

RESOLUTION # 94 - Mulleyville Snowmobile Club Landowner Permission

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Supervisor be authorized to sign the 2015-16 Snowmobile Trail Landowner Permission Agreement with Mulleyville Snowmobile Club.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Highway Supt. Barss stated that there is currently a subdivision going in on a Town road. Currently, on a Town road, if there is a bad spot, frost heaving, etc., they dig it all out. He would like to have the contractor that is working on the subdivision dig out the big rocks, etc. and then they Town will put gravel back in from the Town gravel pit. He cannot make him dig out the rocks, etc. because there is nothing in the Code. However he would like to fix the road so that it does not have to get dug back out again in the near future. It is one of the remaining Town dirt roads. Chandler, C. was in agreement to have the contractor dig it out. Cochran, C. stated that he could add Code language so that has to be done in the future. Highway Supt. Barss stated that he would add this as part of the new Code language that he has been working with the Town Engineer on. They are also going to be changing the thickness of the gravel and pavement. Highway Supt. Barss added that the contractor is paying for the pavement for the entire road.

Highway Supt. Barss stated that going into the Park at Bockes Road he has several piles of staging material. He would like to set up some of the stackable blocks toward the entrances. It will help to keep the material separated and kept from being contaminated. Supervisor Lunde asked if the blocks could be used to keep people out of the lower end of the Park in the off season. Highway Supt. Barss stated they could look into trying to block off, however there still has to be access for the helicopters to land in case of an emergency. That is a landing zone.

RESOLUTION # 95 - Transfer of Funds

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Supervisor be authorized to make the following transfer of funds:

\$ 5,000.00 From CR7110.2 to CR7110.41

5,000.00 From CR7110.2 to CR7180.4

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

July 9th, 2015 continued

RESOLUTION # 96 - 2016 Sales Tax Revenues

Motion: Lunde, Supervisor

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby chooses to receive the Town's share of the 2016 Sales Tax Revenues in the form of Cash.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Monthly reports were submitted by the Town Clerk, Highway Supt., Revolving Loan Fund, Town Supervisor, Dog Control Officer and Parks Department.

RESOLUTION # 97 - General Bills

Motion: Pemrick, C.

Seconded: Lunde, C.

RESOLVED, That General Bills # 349 to # 411 in the amount of \$41,655.91 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

RESOLUTION # 98 - Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 121 to # 151 in the amount of \$240,546.21 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

RESOLUTION # 99 - Park Bills

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That Park Bills # 126 to # 157 in the amount of \$31,562.48 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

On motion of Pemrick, C. and seconded by Chandler, C., the Board adjourned to Executive Session at 8:22 PM to discuss litigation. Clerk was not present for session. No minutes were filed. On motion of Lunde, C. and seconded by Chandler, C., the Board returned to regular session at 8:34 PM.

On motion of Chandler, C. and seconded by Cochran, C., the meeting was adjourned at 8:35 PM.

Town Clerk