

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**July 30, 2013**

**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, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit, and Stan Weeks. Andrew McKnight and John Bokus, Alternate, are absent. Charlie Baker, Town Engineer, is present. Mike Hill, representing the Town Attorney's office, is also present.

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**MINUTES – July 9, 2013**

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board waives the reading of and approves the minutes of July 9, 2013, as submitted.

VOTE: Ayes: Duffney, Gyarmathy, Siragusa, Streit, Weeks, Yasenchak

Noes: None

Abstain: Gyarmathy

Absent: McKnight

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**PLANNING BOARD CASES**

**WILLIAM DENNISON – Special Use Permit**

Brigham Road

Will Dennison is present. B. Duffney recuses himself. T. Yasenchak states that she has done work with W. Dennison in his capacity as project manager for Harvey Zirofsky, but does not feel that that relationship would hinder her dealings with this project in any way. She states that the applicant has received area variances from the Zoning Board of Appeals with contingencies. W. Dennison explains that he would like to do a dog day care; he wants to have a nice place with no more than 10 dogs. T. Yasenchak questions that there is an existing structure for housing the dogs. W. Dennison states that there is a 30 x 35-foot barn and he is converting part of the interior into 10 "stalls" for the dogs. He usually has had horses and still has a track on which he exercised the horses. There will be a field on the east side of the property, which will be fenced for the dogs to run. The barn is insulated and sound proof, and there would be no dogs out in the evening. He states that he does not want to listen to barking dogs and does not think that his neighbors should have to. T. Yasenchak asks if people will be dropping off their dogs. W. Dennison states that he would like to pick them up, it would be a private service, there would be an application, etc. He would like to have steady customers. T. Yasenchak states that his application states hours of operation would be 8:00 a.m. to 6:00 p.m., so there would not be any overnights. W. Dennison states that he would be willing to do some overnights. There will be someone in the barn at night with the dogs if any were to spend the night. M. Gyarmathy asks about exterior lighting around the fenced area. W. Dennison states that no one will be out there at night, the dogs will not be out there they will be in the barn, but there is a light on the entrance of the barn. M. Gyarmathy states that the applicant stated that for the most part he is going to be picking up the dogs. W. Dennison concurs. T. Siragusa asks if the applicant has talked to his neighbors. W. Dennison states that his son is the closest neighbor and he did provide a letter in support to the ZBA. T. Siragusa asks

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about waste. W. Dennison states that he is going to have a dumpster and the waste would be removed. C. Baker suggests a better site plan including buffers, topo, distance to neighboring residences, protection for the pond; noise can be a big issue. The applicant has stated his intent to have a nice place, but issues can arise. There have been other issues with dogs in the past in Town. (A. McKnight arrives at 7:15 p.m.) W. Dennison states that this has already been a farm. T. Yasenchak states that the applicant has had horses on this property and is switching to dogs. She reads from the information required for this application. A public hearing is required and is scheduled for August 13, 2013 at 7:00 p.m. J. Streit states that our Town Engineer has brought up some very good points. In view of the fact that this is an existing farm with horses and the degree that the applicant is proposing to have dogs, J. Streit does not feel that it is that significant of a difference and he is satisfied with the information presented. Board is in agreement. T. Yasenchak states that the Board is not requesting any additional information while typically they would ask for a more detailed site plan, however, since this has been and is a working farm and the applicant is more or less downgrading to a smaller animal, nothing is changing and the Board does not feel the need for a more detailed site plan. M. Hill asks if the applicant has provided a short SEQRA form. T. Yasenchak states that it has been submitted.

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**BALLSTON MOURNINGKILL ASSOCIATES LLC – Site Plan Review**  
NYS Route 9 (Maple Avenue)

No one is present for this application.

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**DAVE EVANS – Subdivision Amendment**  
Plank Road

Dave Evans is present and states that the Board had asked him for documentation regarding the difference in cost between the overhead and underground utilities. T. Yasenchak explains that the applicant is requesting a waiver from the requirement for underground utilities. D. Evans states that he has had a great deal of difficulty getting that information. He has spoken to his engineer who stated that he has the same problems with National Grid in getting prices and cooperation. D. Evans states that he has called 3 times; e-mailed 6 times, called the Public Service Commission 4 times, who referred him to an executive at National Grid who has not come up with anything yet. He states that he was able to find enough information to say that there is a \$101,000 difference. He states that he is not in a position to complete his application because he spoke to G. McKenna who thought it would be a good idea at this time to advance his application for a subdivision of one of those lots so that he would not have to come back at another time to ask for an additional waiver for the new lot. He wanted to submit his application tonight for that subdivision plus a lot line adjustment. He states that what he is looking for at this time is to find out if his submission of the \$101,000 and his method for documenting that is going to be sufficient. He has the figures for underground lines from the Public Service Commission tariff. His assumption is that the Board would agree that overhead is less expensive than underground. He states that he had a problem with his printer so he does not have copies. T. Yasenchak states that we cannot make that determination right now because we are just getting the information. D. Evans states that he is not looking for an answer, he is looking for whether this approach would be satisfactory. T. Yasenchak states that we would have to take time to actually look at the approach that the applicant took. D. Evans states that he will e-mail the application tonight with additional information for the subdivision, the lot line adjustment and the shared driveway. He states that it is already a driveway shared by 2 lots and this would make it 3 lots. T. Yasenchak states that the applicant should put everything together for the Board to review. Discussion takes place regarding the copy he has with him and T. Yasenchak asks if the applicant will be making any changes to the information. D. Evans states that he has a tendency to keep changing things. T. Yasenchak returns the information to the applicant.

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**CASEY CORNELL – Major Subdivision**  
Humes Road

C. Cornell has asked to postpone.

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**SKIDMORE COLLEGE – PUD – Referral**  
Denton Road

Stephanie Ferradino is present with Mike Parillo, Greg Boyer and Mike Ingersoll from the LA Group. T. Yasenchak explains that we have not begun the SEQRA review process yet because we have been asking the applicant for further defined information so that we can make an informed decision. S. Ferradino states that they have made two submissions since the last meeting. All of those submission documents were explained in detail at the last meeting. The items of note are a letter that was sent from Skidmore College to Saratoga Polo following a discussion that they had after the meeting. One of the principals from Saratoga Polo was actually here at the last meeting, he heard and understood the comments. After a discussion, a letter was generated which restricted Saratoga Polo to the horse related uses that were in the lease agreement that has been in effect for years. They will be using the site for the polo practices, occasionally for a game if the other field is unable to be used and horse related activities. The PUD language has seen some revisions in response to requests for clarification about the terms, primarily, of use. They have worked hard to come up with the uses and more defined terms in order to provide the Board with a better idea of how they will be utilizing this site. The other item that has occurred in the interim is that they have begun discussions in response to the Planning Board's request regarding a pilot program with the Town of Greenfield. They have had those discussions with the Town Supervisor. T. Yasenchak states that she does not believe that the Board asked for that. S. Ferradino states that S. Weeks had asked the question. She states that we were talking about the wind turbines and how the Town had had discussions about a PILOT program. T. Yasenchak states that it was a comment, but not necessarily a request by the Planning Board. S. Ferradino states that T. Yasenchak is absolutely correct on that clarification. She states that they have begun some discussions, looked at what other municipalities have done for similar type projects and they have had discussions, initially, with the Town about a PILOT program. Initially they anticipate that the item that the Town is interested in would be a recreational pavilion at the town's park at Brookhaven with some subsequent PILOT payments on an annual basis for a 20-year period following that initial investment in a pavilion for the local park. They are anticipating that they are going to need to put some language into the PUD which requires the parties to execute a development agreement and that is typical to what other towns have done. The development agreement would allow the Town Board at the time to make determinations on an annual basis what they will use the funds for. Initially what the Town has said to them that they would be interested in would be contributions to the recreational facilities; beautification projects through out the town; contributions towards scholarships for Greenfield residents at the college and there is also some discussion that there may be a reciprocal arrangement between Skidmore College and other colleges; consultations regarding the business operations of the Town including review and analysis of the Town's computer systems; and coordination with the Town and students on civic projects. Those are the things that have been earmarked as aspirational language for what the annual payments and the initial payment would be utilized for. She anticipates that the Town Board, as their composition changes, will have different goals and there will be some flexibility to accept those goals. S. Ferradino states that they have also received two positive referral votes on the project from the County Planning Board. They have stated that there are no inter-municipal or countywide issues. The Environmental Commission has also issued a recommendation and recommended that the project be approved. One of the suggestions that they made was that the applicant incorporates some kind of different ground cover into the project in order to avoid a monoculture. They have since talked to the solar company and they are absolutely amenable to planting some native species in order to maximize the biodiversity there. She states that this is their 4<sup>th</sup> meeting before the Board. Following the comments that they hear tonight, they would request that the Board consider closing the public hearing as they believe that there has been more than ample opportunity for the public to comment, they have heard

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many questions and have done their best to seek answers for the public. They would also ask that the Board deem the application complete and if appropriate that a motion be made on SEQRA and proceed through the long form. T. Yasenchak asks if the Board has any questions on the information that has been presented. T. Siragusa asks how you avoid a monoculture in an area that needs to be mowed. S. Ferradino states that what they were told is that if you have one kind of undergrowth that it doesn't encourage the biodiversity that they would like to see, which means they want to see multiple species planted in that 8 acres in order to continue the health of the soil, etc. T. Yasenchak states that as far as the visual assessment that was provided, all of the information that was noted was all referencing the closest array. She asks what about the farthest array point because the property does have an elevation that goes up towards the back. M. Ingersoll, explains, using the photos previously presented, that even though there is a change in elevation, there is minimal pitch to the property. He explains on the photos that these are the true perspective. T. Yasenchak states that the applicant had been asked about alternative sites and why this particular site was chosen. This information was provided. The Code Enforcement officer has observed an issue and T. Yasenchak is not sure if he discussed it with S. Ferradino. S. Ferradino states that he did not discuss it with her but she was advised by the College that the issue had been resolved. T. Yasenchak asks if they can comment on it. G. McKenna received a complaint on 7/9/13 that a large number of trucks were entering Daniels Road from Skidmore stables. T. Yasenchak states that this has nothing to do with Denton Road, but it does have to do with the way the sites are being used and the reasoning why a site has or has not been considered. T. Yasenchak reads from G. McKenna's note that upon inspection, a concrete recycling project or mining operation was found and some photos have been provided that showed large machinery being used behind the stables. S. Ferradino states that it is her understanding that G. McKenna met with Mike Hall the day that he received that complaint and that whatever was being done on site had been discontinued and the contractor had been told that he could not continue that use. T. Yasenchak states that she thinks that the reason the Code Enforcement officer brought that up is questioning the reasoning behind why not using this area behind Daniels Road as an alternative. M. Parillo states that he evaluated the site and in looking at the physical nature of the site, they did a simple layout of what the array would look like. He states that the array would gradually go from the back of the stables, up the grade and back into the woods. What would be required of that site would be that in front of the array, immediately behind the stables, there would be a significant amount of soil that would need to be removed and as you move back towards the back of the array and up the slope, there are a significant number of trees that would need to be removed as well. They feel that the amount of trees that would need to be removed and the potential storm water impact that removing those trees would have would have a significant environmental impact. He states that he walked the site this morning again and the ground is very hard and removing that number of trees from that slope is going to create significant storm water issues. That is why they felt that that site was not appropriate. T. Yasenchak states that in regard to the modified PUD language, in talking about polo and polo related activities, she asks if the applicant can explain what equine events are. She is asking because of the intensity of use. Because this is a PUD, we are not just looking at the solar array; we are looking at the intensity of use and the possible impacts on the neighborhood, not just the solar. When you are talking about equine events, what would that mean, how often, how large? S. Ferradino states that they are anticipating that the polo site would continue to be used for only equine related events. They have polo practices at the field, most of the time. Because the impact of polo on the turf is so strong, they need a place to play separate and apart from where they play their games in order to have practice matches. They are intending to continue that use which has been established for years. Occasionally the main field has damage to it, which is dangerous to the horses. When that situation occurs, they would need to come back to the site where the practice fields are and possibly use those practice fields for the matches. That hasn't happened very much in the past. Those fields are not ideal; they don't have the facilities that the real playing field has – bathrooms, clubhouse, etc. They do not have any incentive to be using the practice fields unless there are unsafe conditions or there is something wrong with the turf at the regular field. The "equine events" is simply their tracking of the lease language. The lease relates to the uses that are allowed in the MDR 2 site which fall under the umbrella of recreational facilities. The Town Code definition of recreational facilities is very broad and under those terms the lease was entered into some 15 or so years ago. They are limited in that they have a lease agreement and to modify the equine events portion of it would be a breach of contract that preexists today's

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date. She states that they have spoken with Polo and they absolutely understand the concerns, because they were here and they were listening to them. They don't have any intent to do anything at the site other than the practices and the games. They understand that they can't do other significantly impactful things that they have been doing in the past. T. Yasenchak states that regarding the equine events, and they do have a lease, but that can be interpreted in a lot of ways. They could have a horse show that could bring in 200 horses, 400 people, etc. She asks M. Hill how we can define that so that we are not open ended. S. Ferradino states they could do it either in the definitions or some other portion of the legislation, they could be restricted to the size of an event. The other thing they could do is have equine events be subject to some type of town review thru some permitting process. M. Hill states that that sounds like a workable approach that sounds consistent with the discussion at the last meeting about revising the PUD legislation to have future potential uses undergo a site plan review or special use permit, and it sounds like this suggestion with regard to equine events is consistent with that. He does not know if the latest version of the proposed PUD incorporates that. S. Ferradino states that one of the issues she is thinking of is that if it is a one-time event, a site plan or special use permit might not exactly fit. M. Hill states that given the Board's comments, it seem that having Skidmore come to the Planning Board would be the appropriate venue. He understands what she is saying about site plan or special use review usually denoting a different type of application with more permanence, rather than a single event. He still thinks that characterizing it as a special use permit review would probably be the appropriate way to do it. B. Duffney states that the Town currently has mass gathering permits for events where there would be over 100 people attending. S. Ferradino states that if that is already in place, then perhaps that is the vehicle that they use. She states that they will incorporate whatever the town wants. T. Yasenchak states that because this is a PUD and they are writing their own language, their own zoning for this space, the Board is looking at how it impacts the neighborhood in the future, we need some way of deciding what that is. Not knowing the intensity of the use, for T. Yasenchak, makes it a little muddy. She does not know how to evaluate the intensity of the use and the impact to the neighborhood if she does not know the size of those events or for the recreational field events, they were given a limited number per month, but she still does not know of what size, of what character. She states that we have in the past requested of PUD applicants to give specifics regarding the number of people at certain events, no more than X number of days. That is something quantitative. S. Ferradino states that if they were required to come to the Town every time there was a tournament over the size of X then in effect the Town could be limiting it in the future without having to have a crystal ball today. T. Yasenchak states that still, by incorporating this into the PUD language, she needs something to evaluate the impact on the neighborhood. T. Yasenchak states that this has been happening already. S. Ferradino states that it seems to her that if the Town law already has something in place that says you cannot have over 100 people without getting the permit, then the size would be 100 people. T. Yasenchak states that she would need to look at the requirements for the mass gathering permit. B. Duffney asks if there are any regular times that the fields are being used that someone could average it out. S. Ferradino states that there is no historical data, only what she provided at the last meeting. She reiterates that in the first two months of the school session the ball fields are being used with one to two events; Polo doesn't use the fields at all during Skidmore's school year; ball picks up again when the fields are cleared from snow or they use the fields at the main campus because they are astro turf and can be plowed; then the students leave mid May; Polo picks up the end of June, all of July and all of August. Then some community groups might use the fields, which is consistent with the Town of Greenfield Comprehensive Plan, which encourages more recreational use within the Town boundaries. T. Yasenchak states that the Board is not denying that, just asking for what the intensity of that use will be. She states that she thinks that it is a wonderful community benefit but we don't know if those fields will be used for tournaments every single weekend. S. Ferradino states that the Board knows what the use is for the College and for Polo. For community groups they have 5 days per month that they could be using. No one is using the fields November thru March because they are covered in snow. So for 5 or so months there won't be any use; for the remaining 7 you have 5 days each month that the 120 acres could be utilized for community groups. If it is going to be over 100 people, then they would have to come to the Town to get the permit. S. Ferradino states that she will get a copy of the mass gathering permit information. T. Yasenchak asks M. Hill if the Town Attorney's office can look into that as far as what the Town says as to a Mass Gathering permit. She is concerned that it may just be that you can have this permit, that still does not tell her the

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intensity and how it would impact the neighborhood. She explains that the reason she is harping on this is because in the PUD legislation review it says that when you are looking at the general requirements for review, you are to look at intensity of use. J. Streit questions that T. Yasenchak is not questioning the numbers of people when Polo uses the fields and we are not talking about the number of people for Skidmore activities. We are talking about the community activities, but if there are town people using it for town activities, and if there is already an ordinance that anything over 100 people can be achieved by going to the Town, then that would take care of that problem. T. Yasenchak states that is what we don't know. J. Streit suggests writing that into the definition, if it is a town use the appropriate thing is to go to the Town Board under the mass gathering permit. M. Hill states that is up to the Board. From reviewing the last meeting minutes, his general sense is that there are other users, it seems as though there were some questions or concerns about related impacts on parking, etc. He thinks that where T. Yasenchak is coming from is saying that for purposes of the Board doing the SEQRA evaluation and then proceeding to some kind of decision, that it would be helpful for the Board to have information about these other types of events, what they are likely to be in the future, the proposed frequency and duration of them and to the extent possible, how many people might reasonably be anticipated to attend them so that the Board can factor that information into the SEQRA decision making and recommendation on the PUD legislation. M. Ingersoll states that most municipalities have an annual renewable permit for outdoor use and intensities. They would be willing to add an annual, renewable permit for outside users of over 100 people that would be subject to a public hearing on an annual basis. D. Rodecker states that they have addressed the issue of Polo using the fields inappropriately. The practices are under 100 people. He states that they really have no intention of expanding and that is why they are struggling with the numbers. M. Ingersoll states that it would be a condition in the PUD that in perhaps March of each year Skidmore would have to come to the Town for a permit for the year then the Town would know the dates, what is going to occur, etc. M. Hill reviews what M. Ingersoll has proposed and the triggers for what events would require coming back to the Town. S. Ferradino states that regardless of the number of attendees, they would still limit the use to the 5 days per month. T. Siragusa comments that then there would be no cumulative rollover of the number of days. He asks about the recent Lacrosse tournament and where it took place. S. Ferradino states that it took place at the polo property but they were parking on the Skidmore property, which the College has addressed. Polo knows very clearly that they cannot use the Skidmore site for parking. B. Duffney states, to clarify for everyone, if there are a dozen students from the college who want to go over and play baseball one afternoon, that is not counted as one of the 5 days. T. Yasenchak reiterates that there are uses in each zone that require special use permits and maybe that is something that can be written into the PUD legislation for a special use permit for the yearly permit. She states that because there was additional information that was provided by the applicant, the public hearing is reopened at 8:28 p.m. Fred McNeary, Jr., Prestwick Chase and Daniels Road, states that he has used the mass gathering permits in the past and does not believe that this is going to work. Using S. Ferradino's own words, she mentioned that Polo, besides having practices at these two fields, also has games when their fields become in disrepair. At the time of games there are more than 100 people there. The Town's application for a mass gathering permit has to be 60 days prior to the event. In an emergency situation, it doesn't work. In the PUD language there is a paragraph stating that for "financing...areas may be owned and/or operated by different business entities...may be subdivided..." He states that there has been no discussion of this and that a subdivision has to go through zoning. He states that he is presently working through a PUD and has a PUD, they had to subdivide for financing purposes and had to go to Planning, Zoning, back to Planning and then to the Town Board. He states that the applicant is circumventing that process by writing into the local law. F. McNeary states that the traffic has been discussed previously; he refers back to the video that he had previously presented to the Board and asks the Board to please look at traffic on Denton Road – there is a traffic issue at the intersection of Bloomfield and Denton Roads. He questions in the SEQRA, #24, page 7 where it asks if the project involves local, State, or Federal funding and it is answered yes and he reads from the response where it states 'on the College Campus property'. He states that this is off campus, it is still owned by Skidmore but not on the campus. Another submittal from Dynamic Energy also refers to the College's "campus". He questions whether New York Sun is even aware of this, if anyone on this Board has seen the language where this grant was given and whether it can actually even be placed on this property. Regarding the paragraph on page 3 of the PUD

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language, it also states 'different business entities'. He states that business is not recreation. He states that Skidmore has defended that this whole project is recreation; it is now saying 'business entities'. He would ask that the Board look at it as a commercial use and take once again into consideration all the environmental impacts. He states that his project will be before the Board after this, he has been before the Board since 1997, he was one of the first PUD's in the Town. The large PUD's that have an impact on the community that are totally different than what is in character of the community, the Town has asked for an EIS. He states that he has provided one, Polo has provided one and he asks why if you are going to put recreational, really business, in their language, and possibly industrial, why the Board is not asking for an EIS of this applicant. Tom Mina, Denton Road, states that he wrote a letter to the Board on July 17, 2013 about why he thinks this whole thing is comical. He states that the Town Attorney and S. Ferradino are talking about permits, etc., as if it is approved already. He provides a copy of comments and reviews them. There have been 4 changes to PUD language and he does not know if that is normal for this type of thing. He states that every time we come up with some information, Skidmore changes their PUD to accommodate it or to accommodate some question from the Board. The thing that was glaring to him was the paragraph that F. McNeary just mentioned. It is there submittal and their language; this is an all-encompassing paragraph unless he does not understand the law or how this is done. He reads the paragraph; states that this is so huge in this process and feels this is very deceptive. We were told in the beginning that this was to be an 8-acre PUD. At first he states that he could probably have lived with that. They changed it from one location because they were worried about wetlands. Now they have come up with the estimate that it costs \$250,000 to make that change. He states that is absolute nonsense. He is in the construction business and knows that is total fabrication. He was still willing to work with them and talk to them about maybe trying to make it work as long as they took out other language about concessions stands, ball fields. They changed the road from next to him and put it on the other side, they redlined those things and then added two paragraphs that basically said that they could do whatever the legislation or the existing legislation permits. He states that they tried to circumvent his trying to work with them on the language. He finds that offensive. Now the most recent has the road back next to him. He thinks that may be considered vindictive. On the latest plan, the inverter structure is not shown anywhere. He states that they have mentioned that this is used to attract students. Skidmore has over 6000 applications for new students, they take about 650. If they are using this to attract students, that might be overstating it. He wonders if the prospective students that they want to attract would relate if they understand that this solar field is a sale of a commodity to a power authority and Skidmore receives compensation based on energy credits, or that Skidmore's own impetus is a grant from NYSERDA. They wouldn't do this without the grant, they have admitted it. The northeast is the absolute worst place to do this. He wonders how those students would feel if they understood that 90% of these panels are made in China, are made with cadmium and that when they crack or become inefficient they leak into the soil. He wonders if Skidmore went out of their way to put this solar array somewhere else, rather than on their campus where the students can see it everyday and understand it. Regarding moving this behind Van Lennep, he is in the construction business, he knows what that would cost and what work would need to be done. He states that it would cost about \$72,000. They could have done that from the beginning. They have probably spent that much so far on Couch White and the engineers. He states that in 2006, when they had proposed the lights and the fields, Gary Dake, and he verified this with G. Dake last week, that the reason he voted against it was traffic. This is not just about solar. The language is talking about more fields, more parking, and more events. They were practicing polo tonight; there are baseball teams there tonight. He never complains about the radios there every night. He feels that a lot of the information has been disingenuous; he knows that they want to get their project through, but he thinks it behooves the Town of Greenfield and the Board to really take every effort to explore every type of situation. Solar energy is a sustainable energy program to stop using fossil fuel yet Skidmore is avoiding, by inference and reference, they are trying to avoid an EIS. The environment is totally aligned with what they are trying to do. If they were interested with this green facility, they would have come to the Board early on and said that they wanted to do an EIS and do it right. Skidmore is under a timeline because of the grant and he does not think that the Town of Greenfield should be under that timeline. If the Board believes that this is just about solar that is one thing, but it is not about solar. They have incorporated many other uses in here. If the Board approves it, ok, but he thinks they should explore every avenue along the SEQRA process. Bob Hyndman,

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Denton Road, states that he agrees with the previous comments. He states that the one thing that has not been brought up tonight, which he found very interesting and engaging at the last meeting, was the discussion over whether solar was recreational, commercial or light industrial. He does not believe it is recreational, he believes it is industrial. He states that there is a two-page letter from Couch White going over the definitions of commercial, light industrial, Black's Law Dictionary and findings from NY courts. He really does not care what they have decided elsewhere. Greenfield has coming to its doors now a commercial application that, as far as he is concerned, is an industrial application going into an area that has always been thought of as a residential area and an area that would provide revenue in the future to the community based upon its desirable location. This does nothing to enhance that and is detrimental to that so he does not see a benefit to the community. He is surprised, he thinks pleased, that there is a discussion about a PILOT. He does not like the fact that it is being discussed in terms of barter, just show him the money. If they want to build the pavilion, be a good neighbor, the Town does not have to give them something first. Regarding the definitions of the commercial and industrial use, he thinks the Town needs to step back, maybe the applicant is right that zoning does not reflect solar so this is how we best fit it in. That does not mean that the Town shouldn't research what is going on and how it should be presented to the community for future development. He states that his neighbor put up 5 solar panels and it is about 5 feet from the property line. One of the key things for approving it was that B. Hyndman couldn't see it from his house. This is different, it is not residential, this is something they are selling and not being used for any type of on-site use. It is being sold to the power company for carbon credits. He reiterates that he thinks that the community should take a step back, like with the wind mills, and he suggests before we go through and create a new law, that we as a community really research this and have public discussions as a community about where these should go and not just leave it to the half-dozen private property owners on Denton Road to take a hit for the 6000 or 7000 people of Greenfield. Dan Tuczinski, attorney, provides a copy of a letter regarding the proposal which he provides to the Board and states that they have also brought in an engineer to look at the environmental issues, which really haven't been addressed from their prospective. He states that the difficulty with analyzing a project like this is that there is a tremendous rush on the part of Skidmore to push this project through. He states that there are a multitude of questions about the nature of this proposal, how extensive it is, where is the parking going to be, what is going to happen in the future, etc. He states that the Town of Greenfield Zoning Law, Section 105-22-D, that is the basic principal behind the zoning. The basic premise is that for every lot you are entitled to have one use unless otherwise provided. Nowhere in the code, in any provision, is there any authority for solar farms. Absent another provision, they couldn't be here. The section they are trying to rely on is the Planned Unit Development, Section 105-129-C-2. That section talks specifically about building sites and common properties, similar to what is going on with the Prestwick Chase development, it is residential, they are putting together some units, common areas, etc. Clearly that is the intention in the code. That section does not talk about what is essentially commercial/industrial projects. He appreciates S. Ferradino's advocacy, but the definitions and interpretations of what is commercial and industrial apply to uniform commercial code, other sections of law – not here. If you go back to the original Town Board meeting on May 9<sup>th</sup>, a couple of the Board members raised the question that this is going to be a light industrial project, it is going to have to be referred to the Planning Board and one of the questions they asked was to what extent is it going to impact the neighborhood. He states that if you look at that section of the law, before the Town Board makes a referral they have to accumulate a lot of information on what the impacts are, whether it is compatible in the community. He states that he FOIL'ed all the materials that Skidmore has presented. There is nothing in compliance with the Town referral requirements for the Town Board before they referred it to the Planning Board. He states that there are a number of gaps in this application. With all due respect to counsel and Skidmore, this application is not nearly ready to be closed and decided on SEQRA grounds. He states that one of the issues is that Skidmore talks about a grant, a lease with polo – what does the grant say? Where is this project supposed to be built? Why does it have to be here? What is the relationship with Polo? How much use is going on? We basically have a PUD partly on top of another PUD. There are apparently easement issues, cumulative impact issues, none of that has been listed or set forth in anything that is submitted by Skidmore, those are open issues. He states that what is troubling to the neighbors is this, we don't know if this really is a commercial project or if it is really for Skidmore. In the May 9<sup>th</sup> meeting it was represented by Rob Fraser that this project was for



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Skidmore. We now know that Skidmore is only going to use a little bit of this, that there is going to be money made by this project. What has people concerned is the language of this PUD. What has made this so hard for the public to comment on is that this has been a moving target. The use that is proposed for this district, how it is going to relate, what is going to be permitted has been shifting and changing. This is not what was proposed before the Town Board before it got referred to the Planning Board. It has been modified and amended. You take the basic premiss that the code typically says that you are allowed one use on one lot, we have a 120-acre lot, and we have all these uses, which are proposed. That is not in keeping with the Town of Greenfield's premiss on land use. This is also very significant in that it does permit and it does contemplate 'structures owned and operated by different businesses and entities'. That is known as commercial development in a residential area. There is no definition of what owners, operators or entities will be here. It contemplates subdivisions of these parcels in the future with no details being given to the Planning Board. What is the intensity of use? That is supposed to be identified in the Town Board's original documents before they refer it to the Planning Board. He states that this legislation would open up the floodgates to whatever Skidmore wants to do in the future. That is not the way the Town's PUD legislation is designed. He states that one of the questions that has been asked is why has Skidmore, because it has a campus and owns a multitude of properties, decided to cite this project here amidst people's homes, amidst a development that has been invested in by F. McNeary, in an area that is the gateway to Greenfield, which is truly prime, residential, agricultural land. He states that the story has changed a couple of times. He believes that there has not been an adequate answer given to that question. Originally on May 9<sup>th</sup> the answer was that there were good southern exposures, there doesn't have to be a lot of clearing. In the June meeting the answer was that they can't just hook up to the grid from another location, it has to be an existing site, the public service commission requires certain things, etc. At the June meeting D. Tuczinski states that he commented to the Board that that did not sound correct to him, he did not believe that was accurate and that it could be put in other places. Now we have an undated document looking at other sites but they can't consider the main campus, Daniels or other sites, with a small footnote that a subsequent ruling by the Public Service Commission seems to have changed the requirement for a meter to be located on the project site. He states that is huge, that means it doesn't have to be here next to people's homes in this area of the community, but that there are other alternatives. One reason given is economic impacts. He asks what the economic impact is to the neighbors who have invested in their properties relying on the Town of Greenfield's zoning law to be residential and not have a commercial structure put next to them – 7000 solar panels plus 4 or 5 ball fields plus who knows what else. There is no information on why these are not economically viable options, why can't it be located elsewhere, what other properties does Skidmore have that are less objectionable. He understands that there is a composting project. Typically these solar panels are put on landfills that are not prime development property. This is prime area within the Town. There are a lot of impacts, which have not been analyzed and a lot of information, which has not been provided. He asks the Board to consider, why we are talking about permits for activities in the future when there is a basic threshold question – does this belong in a PUD. He respectfully submits that the answer is no. He does not think that anyone truly understands the magnitude of this solar complex, which is the size of 8 football fields. This is an enormous complex, which under any reasonable definition is commercial/industrial, that is being put right in the middle of a residential area where people have invested their hard earned money to live. There are a plethora of questions that have not been answered. This is nowhere near ready for a determination. There is a concept in SEQRA known as segmentation, which is when a developer states that they are going to put a project on a piece of property without telling you what he is going to do in the future, but that he is going to do something in the future and then they come and add things. The Courts have said that is considered segmentation. He thinks this process is way ahead of itself. He respectfully asks the Board to take the time to look at this information carefully before making any decisions. People's property rights and the right of the Town of Greenfield to develop properties in this area for legitimate tax revenues are at stake. Mark Millspaugh, Sterling Environmental, states that he was retained by Dan Tuczinski to look at the application materials he obtained. It doesn't appear that the breath of the application materials that are submitted would be anywhere near complete for a project of this nature. It is lacking in storm water details. At some point the Town's storm water specialist, as an MS4 community, has to sign off on the storm water design and the details just are not there. A letter was distributed from M. Millspaugh dated today.

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Regarding the Environmental Assessment form, he states that the acreages and things that are quantified in the EAF, he can't make things fit, the math doesn't work. He states that we have heard from the applicant tonight that there are other elements of the project yet to come that are not in here and are not quantified, like the future parking, etc. The application presents itself that the site does not represent an archaeological concern, yet the application materials show that there is a known archaeological site a short distance away. Showing that the known site is a short distance away is not proof that this site doesn't have archaeological sensitivities. There are known wetlands on the site and the applicant has delineated some of those. There are drainage ways through the site and they connect these wetland areas. The interconnected wetlands may result in the intervening areas also being subject to jurisdiction by the ACOE. He states that this site, before all the future uses are known, can be laid out on the property and decisions made about whether or not wetland permits are required, really requires a jurisdictional determination from the Corp of Engineers. He states that it is standard for projects of this nature. Part B of the EAF mentions that the 119-acre site will have a total disturbed area of 8.47 acres and that 65 acres will remain undeveloped. That math does not work. The EAF mentions that there are 37 parking spaces that exist on the site right now. He has looked at the Town code and the requirements for laying out parking lots and he cannot count up 37 spaces and still maintain fire lanes and the other things that are requisite under the Town Code. He states that the applicant has stated tonight that more parking is needed and comments that there is currently on street parking occurring on Denton. Obviously parking and traffic are at issue here. Knowing where we are at now and where we are going over time with parking is an important thing that should be laid out in the application materials. Parking also involves storm water and gravel parking lots are considered impervious surfaces. The EAF states that disturbed areas will be reclaimed as meadow, well they are not. The disturb areas are going to be roads and a solar farm. Portions of the site are known to flood and he believes that photographs to that effect have been submitted. It is important to know the regulatory agencies that have jurisdiction over mapping of flood plains and where exactly on this property those exist, if they exist at all. The list of approvals is incomplete. There is no mention of ACOE; no mention of the need for a jurisdictional determination, that is an absolute requirement; there is no recognition of the construction activity general permit that is needed from the DEC; there is no recognition of the MS4 signoff by this Town. There is mention of a site plan for the solar facility but the applicant has stated that there are other elements of this project. He can find no map that states where the polo fields are, here's the solar, here's the baseball fields. There is nothing in the record as to what parts of the site are going to be used for agriculture. The site plan should be detailed. The areas should be clearly delineated so that the Planning Board, the public, the Town consultant – can look and see that all the required elements fit within this site now and in the future. M. Millspaugh suspects, but there were no calculations in the file, that some form of a storm water basin is going to be needed. The solar field is over next to where the slope drops down to the Putnam Brook so that leaves little or no room outside the 100' setback from the brook and the edge of the solar field to fit in storm water management facilities, if they should be needed. He states that it is not just this Board that decides that, there is the MS4 signoff responsibility, but then there is also DEC oversight. Someone could come along and say that a storm water basin is required. The sight has to be engineered in a way so that those things fit. M. Millspaugh states that there is mention in Part C that the project, as envisioned and under the proposed PUD, would be consistent with local land use plans that have been adopted by the Town and County. He states that he cannot find anything in the Town's or the County's Comprehensive Plan that envisions solar farms in a setting such as this. There is mention that the property currently causes traffic problems on Denton Road. Regarding the draft PUD legislation, he states that he does not understand how a commercial operation can be placed on a tax-exempt property and the property continues to be tax exempt. He states that a college has a tax exempt status because it is a not for profit entity, but here you are going to have a for profit business operating on a tax-exempt property. Open space was removed from the list of allowable uses and then there was other language that open space will actually be allowed to have development. He states that usually open space means open space and it is preserved in a PUD to maintain open space. It is not something that is set aside for future development. A performance bond - he thinks it is very important that the Town have the appropriate financial surety so that if the project is abandoned, goes bankrupt, etc., the Town is not left with 8 acres of solar panels. It is not enough to just have the language in the PUD that it will be removed. The wetlands that have been mapped to date, he has no reason to question the work but none of the supporting

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documentation was part of the file materials. The criteria used, how the flags were placed, whether or not there was interaction with the Corp and the DEC and then that should all lead to the Town requiring a JD so that the Town knows for certain that the ACOE agrees with the delineations and that the uses that are proposed all fit outside the regulated wetlands. There is one stream crossing of sorts where the extended road ties to the existing road. There is a proposal to have 4 side-by-side culverts. There is no size represented, but obviously that is a flow channel between mapped wetland areas. M. Millspaugh states that the drawings fall way short of meeting the Town's standard for site plan drawings. The specific identity of uses is missing, how things fit together, etc. There is silt fencing shown with ground disturbance on both sides, extensive disturbance on the down hill side. That obviously is inappropriate placement of silt fencing. The entire solar array is going to be placed in an area that has a grass mix. There is no representation as to whether it is shade tolerant or how it is going to stand up to the rainwater that is going to continue to fall off these panels. He states that the panels are like a 6' long roof 700 to 800' long. That water is going to come off the lower edge, land on the ground and the whole thing is on a slope of 1% or more. If we have weather like we had in June where the ground is already saturated, with the gross square footage of solar panels that are represented, 1" of rainfall on those panels amounts to 80,000 gallons of water that is going to head to the Putnam Brook and it is going to go over the bank at areas that are not specified on the drawings. The storm water erosion and sediment control plan does not present the construction sequence, how are they going to deliver the materials, where are the temporary roads going to be, how are they going to be removed and the site restored. An issue that he recognizes may not have a basis in law anywhere, you have a routine, persistent use of this property for different uses. At what point does the Planning Board require on-site sanitary facilities. Even for something like a baseball game, if it is just the players, some officials and a handful of fans you might have 35-50 people on the site for three hours. Where do they go to the bathroom? Couple that with the polo facilities, the special events – you can't just keep hauling port-a-johns in for individual one-day events. At some point this persistent, reoccurring use should warrant restroom facilities like you would have at a town park. John Jayco, Denton Road, states that he has lived here for going on 30 years; he and his wife actually pre-date Skidmore acquiring this property. It was an old cornfield and he cleaned it up for them; plowed it, hayed it for many years. They have had a good relationship with Skidmore. They do have a problem with the solar panels. He states that he personally knows two solar facilities, one in Green Mountain where he grew up. There is one on the town line between Adams and North Adams. The unique thing about both facilities is that they are on property that really isn't used for anything else and they don't impact the surrounding community at all. The one on the town line is on an old dump and it faces the Pfizer quarry. He states that Skidmore putting these on this property is going to impact property values. He provides a photo he took of B. Hyndman's neighbor's solar panels at around 6:00 p.m. The sun glared off of them so bad that you could not look in that direction and these are 5 panels. He asks the Board to envision 8 acres of these panels. The applicant has stated that there is no glare, but at a certain angle there is a very big reflection for 20 minutes a day. If you are standing close to it, you don't see it. Because of the elevation of his house, he is going to be impacted as much if not more than anyone else. Also, his wife is part owner of the property across the road in Saratoga Springs, which is going to look directly into these solar panels. He states that his contention is that this is not the place for solar panels – it is a residential, agricultural community. They have had horse farms there forever. He does not believe that this is the right use of this property. Skidmore has a great big campus, how many solar panels do they have on campus? He does not feel that this is the place for this. He begs the Board to look into this and not allow this use of the property. Tom Mina states that when Skidmore wanted to put the lights on this property they insisted to the Town that they had no other place to put these lighted fields. When they were denied the lights, they found a place on campus. He states that they are taking this position that they cannot find another place. There are 400 acres in Greenfield, not counting the 120 on Denton, there are so many other places to put this and it is all a matter of economics. They can put it behind Van Lennep and it will bother no one. He had said, two meetings ago, that he would help them to do that; he would help defray the cost. Now he is a little annoyed and won't do that, but they can put this somewhere else without having all these people upset and suffer severe economic impact. T. Yashchak states that we do have additional information that was given to us as far as comments and concerns. She asks C. Baker if he feels that he has enough information to do the review. She asks for any comments as far as that is concerned that may require the

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applicant to bring the Board additional information. C. Baker states that he is satisfied with the information that has been submitted. T. Yasenchak asks M. Hill, as far as the process goes, if it is the Board's decision to continue to hold the public hearing open or close it. M. Hill states that ultimately it is the Board's determination as to when to close the public hearing. He states that the Board has received a lot of information tonight and may find that the applicant's counsel wants to comment in response to comments that were made here tonight, and there may be additional documents that they wish to submit. Some of the submissions question the accuracy of the SEQRA form and this is an important question that the Board has to deal with. S. Ferradino states that some of the information was inapplicable or inaccurate. As to the paragraph that was referred to, she states that they are entitled to subdivide the property now, as are the neighbors. Everyone has to go through the same process with the Town. Nothing here is changing that; it is just stating a right that they already have. They can strike that if the Town wants. This language is taken directly from an existing PUD in Town, which they were given by the Town in order to model their own. It was copied word for word. She explains that if they needed to subdivide it to get a mortgage on a parcel, they would come to the Town for approvals. T. Mina questions that it states 'owned and/or operated by different business entities' and asks how they justify that comment. S. Ferradino states that if that is the question, she is envisioning Saratoga Polo, who leases the property, is able to get a bank to loan them money. She guesses that is where business entities comes in. She reiterates that this is taken from an existing PUD. If Skidmore had to create an LLC to own something for financing purposes, they would come to the Town and file a subdivision application. She is not sure why it matters who the owner is and if this needs to be changed, they will. She states that she has been doing PUD's for years and rewritten Saratoga Hospital's PUD about 7 times in her career. There is always a back and forth with the town. She once sat with Lawrence Benton, Chairman of the County Planning Board at the time, literally sat with a computer and drafted the document together. That is the intent, there should be collaboration between applicants and towns and that is exactly what is happening. The public saying that they are changing it, yes, they are being responsive to the things that are said at the meetings. She apologizes that some people have not participated at all the meetings and wishes they had because if they were present, they would have understood the chronology and the sequence of some of the changes and why they were made. They were made in response to the Board's comments and the public comments. T. Yasenchak states that the applicant has been making the changes as the Board has asked. She asks M. Hill that the applicant is stating that they are not going to just subdivide as they will; they are stating that if they wanted to subdivide, it would be pursuant to any approval. M. Hill concurs. T. Yasenchak states that in talking about a PUD, the Town is defining zoning language for the land. This is not a special use permit for the applicant. It goes with the land. In granting a PUD, it is not saying that Skidmore will own it forever. These are the uses that are being proposed to stay with the land and those uses stay with the land unless someone comes in to modify it, as we have other applicants coming before us to modify their PUD's. She states that if the attorneys could define it a little more as people seem to be worried about the 'business entity' aspect of it. S. Ferradino states that right now Saratoga Polo is operating on this site, they are not Skidmore College. Saratoga Polo is a business entity operating on this site. She states that they will change it any way necessary because she is not seeing the issue. M. Hill states that the example that S. Ferradino offered earlier about obtaining financing and that Skidmore might create an LLC or some other kind of entity, that would be covered by this paragraph, that would be allowable. To take out the word 'business' and make it just an 'entity' broadens it and allows for a community group or someone who might approach Skidmore about doing something with the property. T. Yasenchak states that if Skidmore sells the property tomorrow, the PUD stands. M. Hill states that is absolutely correct, it applies to the land. T. Yasenchak states that regarding the definition of 'campus', that would be any property owned by Skidmore or the contiguous property. M. Parillo states that this specific site has been approved in connection with the grant and construction on this site. So campus would be all inclusive of all the Skidmore properties. He can get the Board a letter to that effect. He states that they are very specific, even down to the point of interconnection, meaning the exact meter that you need to interconnect to the system. A. McKnight asks about the ACOE signoff that this is outside of their jurisdiction. M. Ingersoll states that there is no impact to ACOE. A. McKnight states that then because it is not even close to what is already delineated on a map, there jurisdiction is negated? M. Ingersoll states that they do not do a determination unless a project impacts the wetlands. C. Baker states that he agrees with M.

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Ingersoll. If there are no impacts proposed within the ACOE wetlands, a permit is not required. A. McKnight states that in talking about the specific details about the construction, about getting the panels onto the site and dealing with the damage to the fields, etc., he asks if that is appropriate to require. C. Baker states that it is in the SWPPP document that was provided. D. Tuczinski states that he did not get a SWPPP in the FOIL'ed materials. R. Rowland states that she does not have a copy of a SWPPP in the file. C. Baker states that one was submitted for his review. D. Tuczinski requests a copy and the opportunity to comment on it. A. McKnight states that he does not remember in the conversations that we have had about the panels running off all into one spot and that is going to tend to create a channel there. He is interested in if that is dealt with in the SWPPP as well. M. Ingersoll states that it is his understanding that that is addressed and as this project goes through site plan review, it will be further reviewed. T. Yasenchak states that we need to get a copy of the SWPPP for the public record. C. Baker states that is correct. He states that, and he is going to ask M. Hill to reiterate this, his understanding is that this Board right now is to make a referral to the Town Board as to whether to approve the PUD. Then at that point in time, a detailed site plan will address the issues of the actual SWPPP and any of the details related to the construction of the actual panels themselves. M. Hill states that is definitely true and given the fact that a SWPPP has been submitted, the Board should get a copy and get it into the record. As noted a FOIL request has been made. T. Yasenchak states that we do have a review letter from C. Baker. C. Baker states that it does not specifically address the SWPPP. He states that it referred to the performance bond and a couple other issues. A. McKnight asks that the Planning Board's roll is just to determine whether or not the application is complete. T. Yasenchak explains that we are here to give an advisory opinion to the Town Board about the PUD. They have made the Planning Board lead agency for the SEQRA and in order for the Board to review that, we have to ask to see certain information so that we can make an informed decision. She reviews the process. If a positive declaration is declared, then the applicant has additional information to bring back. T. Siragusa states that traffic is a really important issue. S. Ferradino states that their analysis of the impacts of traffic was that the impacts that were complained of by the neighbors related more to congestion of the roadways than to actual traffic counts. The issues were related to parking on the roadways because the parking on site was not sufficient for the uses occurring at the site. They are going to try to address that by creating more parking. They have committed to doubling that by the next season. She states that 15 to 20 cars coming to accompany the polo or baseball practice, is that a significant traffic impact on Denton Road? She would argue that the residential community that has multiple homes, is a much more impactful use than an occasional field use when the teams are using the fields. T. Siragusa asks if that is her opinion or an engineered study. S. Ferradino states that is her opinion. The Board may want a traffic impact study and typically you are looking at trip generation. Peak hours are discussed. T. Siragusa states that he thinks it is a legitimate concern. M. Ingersoll states that if they were able to utilize the Saratoga Polo PUD and the Prestwick Chase traffic study to come up with a peak flow. T. Yasenchak states that how they would obtain the information to bring the Board a traffic study, because it has been asked for it in the past, would be up to the applicant. M. Ingersoll describes how a traffic study would be done. M. Hill states that since we are discussing traffic, the Board is going to have an applicant before them later this evening, who has an adjacent, contiguous PUD and is proposing to add 300 units to that use. He states that it seems as though, logically speaking, that there would be a potential impact on traffic from that. The Planning Board is going to be in the process of evaluating two applications that are in the same area, utilizing the same main feed road and evaluating traffic impacts. From the standpoint of State law requirements for SEQRA, this Board is going to have to consider the totality of the potential traffic impacts under the proposed PUD from Skidmore with the different uses that can occur under that and the recently foreseeable uses under that PUD and also the reasonably foreseeable traffic impacts from the Prestwick Chase proposed PUD. He states that there are potential cumulative effects. M. Gyarmathy asks at what time it is appropriate to evaluate these traffic situations. M. Hill states that the Board is likely going to have a discussion with Prestwick Chase on their proposal and what the impact 300 units is likely to be with regard to traffic. The Board may be requiring a traffic study from them. He states that it sounds like Skidmore is proposing to submit a traffic study and it may be if these applicants can work together that perhaps they could cooperate on one traffic study. If not if the Board has two traffic studies they may want to engage a specialized engineer to review both traffic studies that are submitted. T. Yasenchak states that the Board has asked on several occasions, she thinks that we have a difference of

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opinion on whether or not a traffic study is required. S. Weeks states that he goes back to what was done a few years ago regarding wind energy facilities. It is too bad we didn't have the same thing done already for solar. He reads from the wind energy code stating that it would be allowed in all areas of the Town subject to the requirements of this section. In his opinion the visual impact of wind turbines is substantially more than solar. He states that they did not discuss whether a wind turbine was commercial, industrial, etc. It is just a wind facility and he would think the same thing about solar. He would like the applicant to comment on the comments that this application is not complete. S. Ferradino states that she is not seeing it. SEQRA does not require a public hearing; the Board has chosen to have a public hearing. They have not pushed that it be closed. Every time that the community or the Board has asked for something, they are giving stacks of information. They are being responsive to that. She does not think that there is any specific area that anyone can point to that they have totally ignored. They know they have to give it to the Board. They just asked for a traffic study, she heard that. T. Yasenachak states that that is not something that we have just thrown in there. It has been asked for at several meetings. S. Ferradino states that she thought that they had put that issue to bed at the last meeting when they talked about it being related to the congestion and the responsiveness that they put into the PUD about the parking. She misunderstood that and the team misunderstood that, but they honestly thought that issue was resolved. S. Weeks states that he is not clear that when the Board says that the application is complete, we don't do SEQRA until we do that. M. Hill states that the Board wants to make sure that when they are doing SEQRA that you have all the reasonably necessary information regarding potential environmental impacts that would allow the Board to make a well-founded SEQRA decision. The application is deemed complete before going through the SEQRA process. S. Weeks questions that the Planning Board is told that within 35 days of saying an application is complete they need to get a recommendation to the Town Board. If we come up with a positive SEQRA declaration, what do we do then? M. Hill states that there would have to be a suspension of that 35-day requirement. The Board would work with the applicant and come to a mutual agreement of how the process would proceed from there. J. Streit states that we did discuss traffic and Skidmore's project having a lot of different activities, the only thing that is different is the solar array and how that would impact traffic. He states that the other issues have been ongoing for some time. The array has been represented that it may generate 1 car a day to go inspect the site. S. Ferradino states 4 times a year. J. Streit states that even at 1 car a day to inspect, the attorney's points are very well made, we have to constantly think about traffic situations and with the next project that is coming up, which might possibly have a very significant impacts, but this issue is how much additional traffic will the solar panels issue raise. He believes it is almost negligible, once the construction phase is complete. M. Hill states that he does understand J. Streit's point, but that the Board should keep in mind that what they are reviewing and making a recommendation on is the PUD, not just the solar panel aspect of the proposed PUD but also the proposed recreational uses aspect of the PUD. If there is the likelihood of any change to the presently existing recreational uses, if there is any anticipation that those recreational uses in the future would be expanded, either in terms of additional facilities or additional intensity of use, etc., that could have potential impacts on the traffic in the area. For that reason it would be legitimate on the part of this Board to ask for a cumulative traffic study of this applicant and Prestwick Chase so that the Board knows the overall traffic impacts. J. Streit states that what he was talking about was the increment of traffic based on the history of the traffic of all Skidmore activities on that land and the increment of the addition of the solar array. B. Duffney asks if anyone from Skidmore has kept records on traffic for all the ball games and activities. S. Ferradino states that there are no statistics. T. Yasenachak asks the Board if they feel that a traffic study is something that would be required and it is something that is listed within the regulations. That is one of the items that we have to acknowledge and comment on when making a referral to the Town Board. She states that we have asked for the traffic study before. She asks if the Board would like that and if so, should it be inclusive of the other projects on the street so that it would be cumulative to the effects of the other projects under review. The Board concurs. S. Weeks states that in theory that sounds ok to him, in reality he is a little confused as to how we are going to do that in a timely manner. He can see how the applicant would do a traffic study on their impacts but has some difficulty in how you lump those two together. M. Gyarmathy states that the situation is there right now, whether it is Skidmore directly or who they are leasing to, we need to look at it. A. McKnight states that the applicant stated that they have resolved the question within the lease, about the misuse of the property and the related

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traffic. So the only question is the traffic going forward based on the PUD language. The traffic study would be for the correct use based on the PUD. T. Yasenchak states as well as how it impacts other uses on that road, other projects. M. Hill states that it sounds like the applicant's consultants are going to be looking at the other uses and factoring those other impacts in addition to their own. We don't know how Prestwick Chase will approach that, but the Board may find that with traffic studies coming from different engineers that they come to differing conclusions. The Board may want to get an independent traffic engineer to review the reports. C. Baker states that the Board should not forget about Polo. They are not active before us right now but they may be coming back in the future. The Board may want to consider the Town hiring a consultant to study that whole corridor and include all three of those projects, asking each of those applicants to possibly contribute to the cost of the study. These are three significantly large projects contributing to the traffic on that road. He states that if you are going to request a traffic study of one, you realistically should request a traffic study of all of them. S. Ferradino states that if Polo does not have a pending application, you have no way to make that happen. M. Hill states that C. Baker's points are very valid. The traffic from Polo would need to be considered by both of these applicants in doing a comprehensive traffic study. There is information in the Planning Board's prior records from Polo's prior appearances about what the assumptions are there in terms of trip generation, etc. The traffic consultants for these two applicants could make use of that information. J. Streit states that he thinks that C. Baker's suggestion is the only rational way to go. To have an independent traffic engineer do a study involving all three projects otherwise you are going to have two or three engineers hired by their client who they are going to represent and represent their client's interests. Having a hopefully independent study would be far superior than fragmentizing it. T. Yasenchak states that we ask the applicants to get a traffic study and they have to look at the cumulative impacts of all the projects and uses on that road. How they come up with those numbers and whether they work in conjunction with anyone else is up to them. Then we can hire a consultant to review and compare to make sure that they are consistent. M. Hill states that is one approach but to J. Streit's point, if the applicants that are before this Board right now collaborate and agree that they will pay the cost of an independent engineer retained by the Town to conduct a study that would apply to both projects, then you could go at it that way. It would be reasonable for this Board to retain their own independent expert to review the studies that are submitted by the applicants. S. Weeks asks if the Town Engineer can do that. C. Baker states no. S. Ferradino states that they have been directed to get a traffic study, and they will do that. Whether they will be able to work with F. McNearly or not, they will evaluate that. T. Yasenchak asks if there is any additional information that the Board would like from the applicant. She asks what is the difference between why the residential solar panels were reflective and why the applicant's expert states that these aren't. Are they made from different material? M. Parillo states that they could be different materials. Not knowing anything about that array, the orientation, etc., it would be very difficult to comment on. S. Ferradino asks if different solar panels have different reflective qualities. M. Parillo states that they do, they very well could and without knowing the components that make up them up, the direction to the sun, the degree at which they are tilted, etc. T. Yasenchak states that she is asking if he can give us something about that. M. Parillo states that it could be the clamps, it could be the clamps that hold the panel to the racking system, it could be a component of the racking system, it could be the angle or tilt of the solar panel. J. Streit states that it could also be the mitigating factor of a fence or no fence. M. Parillo states that it could be a fence, the trees, the height - many unknown factors. He states that the applicant is going to take steps to avoid and/or mitigate. There is nothing to mitigate, but they are taking steps to mitigate anyway. B. Duffney states that the comment was made about leaking cadmium. M. Parillo states that cadmium telluride, CDTE, is a different type of technology so it is comparing apples to not even oranges. He states that it is a thin film technology it is from a different manufacturer who is known to have that particular attribute. Their modules do not have that material. B. Duffney asks if it is like oil. M. Parillo states that it is highly toxic ingredient. It is not in their modules, it is a completely different technology. T. Siragusa asks if there is, above 0 %, is there any cadmium telluride or any other heavy metals present in this technology. M. Parillo states that there is copper wiring. M. Gyarmathy asks if they can provide an MSDS sheet. M. Parillo states that they will. He states that there is wiring but it is all encased. T. Yasenchak states that we will adjourn the public hearing at 10:25 p.m. pending the additional information.

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**PRESTWICK CHASE – PUD Amendment**  
Denton Road

Fred McNeary, Jr., Dave Pentowski, Attorney, and Luigi Palleschi, ABD Engineers, are present. He states that he has already done the traffic study, so the comments or concerns about having an independent and paying that – he has already paid. He would also like to mention that with the previous project that was here, the moving target that has been going on, and working with the neighbors, this constant moving target, it would be impossible at this point for him to go back and try to figure out what kind of trip counts they would be generating because they don't even have an idea of what they are generating yet. He reiterates that he does have a traffic study and he has it with him this evening. He states that Prestwick Chase was originally the main building, a clubhouse with a 9-hole golf course, 120-bed nursing home and 50 more cottages. They have gotten rid of the golf course, as they do not want to be in competition with the Town. They cannot get a certificate of need for the 120-bed nursing home anymore. What they have gone to is 300 more units as senior housing. L. Palleschi states 293. F. McNeary states that it was 300 and went down to 293 because they had a site distance issue at the Daniels Road entrance and had to move the road slightly to get that sight distance. He believes they have met the requirements. F. McNeary states that the whole idea with Prestwick Chase is keeping with the nature of the project that is already there and keeping with the neighborhood. It is residential; they do have services such as visiting physicians, dining, housekeeping, maintenance, and the usual amenities for a senior community. That is what they are going to continue. The community itself lends itself to senior housing. What they have done is extended the road from Denton to Daniels, but it also forms a loop in the center. The reason they did that is because they don't want their seniors, the ones who are really energetic, walking out on Denton Road. Since Denton has been paved, the speed has picked up. Stewart's is doing great up the road, their shifts getting in and out, etc. They have created what they consider a racetrack, not for running but for people to walk and stay within the community. This will be gated because they do not want this road to become the new cut-thru from Daniels to Denton. It is to keep the traffic out and the honest people. If someone wants to get in, it is not high security – that is not the purpose. He states that they did do the full-blown EIS, which contains the traffic study, the archaeological, and anything else that was requested. He would like to move forward. Much like the previous applicant with a grant for which they have to meet requirements, right now interest rates are cheap and that will drive the cost of what they will be able to put these units in for and ultimately what they can offer these units to their residents. He states that time is somewhat of the essence to Prestwick also. T. Yasechak states that she would like a copy of the original PUD site plan with all of the phases so that the Board can see the original PUD and where all the buildings were going to be. She would like to see the impact, where the proposed units are vs. where the buildings were supposed to be. The location of the buildings, the density of the buildings does impact the neighborhood and that is something that should be reviewed. She asks if the new units are 1 bedroom? F. McNeary states that they are a mix of 1, 2 and 2 with a study or some of the residents might consider it a third bedroom. As far as the people who live here, T. Yasechak asks if they still allow, and are expecting to allow in the new PUD, people under 55 to living with a person/spouse who is 55. She states that she understands if it is a spouse, but if it is a student, a minor, etc., that would be a different impact when looking at traffic, etc. There is a difference in an older retired couple and people who may be 55 who realistically now days could have two teenage kids. What is the policy? F. McNeary states that he really hasn't made a policy on the rest of it yet. He states that in the original PUD it was 55 and older, and if one were 55 and another under 55. In 14 years that they have been open they might have had 2 people who were under 55. The average age has been about 83 years old. T. Yasechak states that impacts traffic, too. He states that he has people who are over 100 years old who are higher functioning than some of his 70 year olds. As far as traffic and cars right now, he has less than 50 cars in the parking lot with 168 units that are presently occupied. 5 or 6 of them usually have dead batteries or flat tires, and one has moss growing on the grill. They use his transportation. They do have a small shuttle bus, 14 people, that they do shuttle people around with. One of the amenities to Prestwick Chase compared to many of the other senior communities around here is that they have individual transportation. A driver who starts at 8:30 and goes to 4:30, who will bring a resident, one-on-one to scheduled appointments. They can usually get 3 to 4 people in the car. He believes it fits up to 6. It is different than a shuttle bus taking them to a central



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location, dropping them in a central location and then they have to walk. Prestwick takes residents door-to-door. T. Siragusa states that F. McNearly had stated that his marketing was towards younger adults, which would change that model. F. McNearly states that they are always shooting for the younger crowd. He states that they have people who come in who are 60, 65, 70, even 80 and they say it is a nice place and someday they want to live there. T. Yasenchak asks how many cars are associated with the cottages. F. McNearly states that there are 12 units in 6 buildings. Originally they were laid out for a garage and a half – one car and a golf cart. They do all have cars, but they want the cars and yet they are afraid to drive. It is peace of mind that they have the car and can still drive it if they need or want to, but they end up using the Prestwick transportation. S. Weeks states that F. McNearly mentioned people walking on the road, he questions that they have walking trails. F. McNearly states that they do have trails right now, they are not paved, they don't have stone. The residents made them themselves and even made trail marker signs. He tries to discourage it. They want people walking on the main road, because if someone falls on one of those trails, they are not going to be seen right away. Right now there are eyes on someone all the time. They thought about putting walking paths in, but they would rather have them on the road. The speed limit is 15 mph, no one pays attention to it, but that is the speed limit. T. Yasenchak states that we were not really prepared to discuss this tonight, we were three weeks ago and the applicant asked to be removed from the agenda. F. McNearly states that he did not want to get involved in what was going on before us, it sounds like he is getting involved anyways. He does understand the Board's concern and it is his too, traffic, absolutely. T. Yasenchak questions that he has a traffic study, does he have copies that he is going to give the Board. F. McNearly states that he had the full EIS, he can leave it or have copies made and drop it off. C. Baker states that the applicant keeps referring to the EIS. The applicant really does not have an EIS; he has an Environmental long form. They are two separate things. Although, C. Baker states that the applicant may have done an EIS for the first phase. F. McNearly states that there is a traffic study, environmental. L. Palleschi states that the original PUD consisted of almost 90 acres and included the golf course, the 120-bed nursing home, cottages, etc. The environmental study was done back when the 90-acre PUD was presented originally. They are asking to amend the original line back to the boundaries of the property line and he states that 90% of what they are proposing is already within that existing PUD. He indicates a portion and maybe one unit, and states that those are why they are asking for the amendment to include the entire boundary of this project. A. McKnight asks what that boundary was for. F. McNearly states that they bought the property in separate parcels. M. Gyarmathy asks if the EIS is acceptable now or is it too old. C. Baker states that what he has with his application package is the long environmental assessment form. His question is how do we know that there is an existing EIS and it would have to be updated. L. Palleschi states that when that EIS was done for this existing and what they are proposing, the intent is 99.9% the same. You can review that existing EIS and see that what they are proposing is not going to change that EIS. As far as the traffic it is based on a 148 trips at peak hours and when they looked at it as part of the long form that they submitted for the proposed project, they are up to 163. There is a slight increase, which is insignificant so they feel that a full EIS for what they are proposing is not needed. T. Yasenchak states we are looking at the amended PUD and how the proposed uses and site plan effect the environment, the neighbors, the characteristics of the neighborhood and the traffic, etc. We are looking to give the Town Board an advisory opinion. We are also lead agency on SEQRA. In order to make an informed decision, there are lists in our zoning book of the information that we should be getting for a complete application. The EIS is not on that unless we have a positive declaration when we go through the long form. As this stands now, it may or may not be valid for the proposed use. However, it does not include the proposed uses so it would have to be amended. F. McNearly states that he did an EIS. T. Yasenchak states that was 14 years ago. C. Baker states it was a different project. F. McNearly states that it was a different project, but the thing that tripped it originally was the archaeological part of it and their being within a mile of some historic or pre-historic site, and he believes that was the petrified sea gardens. For some reason there is a ridge that runs from Prestwick right through and it is supposedly a continuation. His question is if they want that updated or do they just want the long form. T. Yasenchak states that the process would be to go through the long form and then make a decision based on the new information. M. Gyarmathy states that we will probably want a new traffic study now. T. Yasenchak states that if the traffic study they are noting is 14 years old, then we most probably will need to see an updated traffic study. F. McNearly states that to update the traffic study does not seem to be a big

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issue. He has heard the traffic studies being tied in together, what happens if he gets his done in a week and the other applicant is a month behind? S. Weeks states that is his question, how do you put this thing together? M. Gyarmathy states that F. McNearly's traffic study is not valid to us today. F. McNearly states that his question is what happens if he can get his updated in a week, or vice versa for Skidmore, and the other applicant is dragging their feet. T. Siragusa states that this is a challenge; the Board cannot close its ears and eyes and say this is not happening. How do we address the residents of Denton Road and say this is how these projects are going to affect traffic on the road that you live on? He doesn't know the answer, but we have to do it. That is why possibly working together or some kind of collaboration will make those two ends meet in the middle. F. McNearly states that it was also mentioned to get one with Polo involved. C. Baker states not necessarily Polo involved, but their information has to be included in the report. It is a valid project, it is on the record, it is coming some day. If we don't take those impacts into consideration right now – this is our shot. F. McNearly states that he understands and agrees, but he is asking that the Board give some thought to how we can work this in case somebody is a little more aggressive than the other applicant. M. Hill states that this is not something that municipalities often have to face, but it does happen. In that circumstance the recommendation would be for this Board to get an independent consultant to advise this Board with respect to traffic issues and the traffic studies. If one applicant is moving faster, get that information to the Board's traffic consultant and ask if they can render any kind of an advisory opinion, so that you are in a position to make a SEQRA determination on that applicant's project so that you possibly would not have to wait for the other applicant who is behind. A. McKnight states that he thinks it would be in F. McNearly's best interest to have all of the information considered for the safety of his residents. So if he could collaborate with Skidmore it is in his interest as well. F. McNearly states that he has been working on this for a number of years, and it is a coincidence that they are presenting applications at the same time. One thing he would like to impress on the Board is that other than having to tweak that road and lose a couple of buildings, this isn't that moving target that was before you. This is what they are trying to do. He thinks they are pretty stable on their proposal, the Board may request changes but he hopes it is not going to get changed. The big issue he has is the changes being made in this other project, makes it difficult for Prestwick to do their portion of it. L. Palleschi states that what we are talking about here is a senior project. Typically on traffic and seniors, they are not out on the roads when everyone else is during peak hours. They want to be on the road when that peak volume has decreased. T. Yasenachak states that she does not know that that is in ASHTO standards. Unless they can point to something that gives that allowance, the Board has to look at the standards. C. Baker states that the applicant has mentioned other possibilities – doctor's offices, etc. There are going to be trips associated with those doctors coming to the site every day and leaving. There will be ambulance response. All that stuff is all cumulative and needs to be considered. F. McNearly states that the physician's offices were also part of the original. He explains that they are taking their building where they currently have physicians, physical therapists, etc. and putting them in other locations. He explains the issues with losing professionals. He wants to keep them in the community because that will cut down on the transportation needs. J. Streit asks if F. McNearly has shown this to the Fire Department. F. McNearly states that he has not officially but they are aware of it. J. Streit states that it would be beneficial to the Planning Board to have a letter from the fire department with their concerns, suggestions, etc. J. Streit asks C. Baker about reviewing this. C. Baker states that this is the same process that we are going through with Skidmore. The Board is to make a referral to the Town Board that they like the concept or not, then the Town Board will go ahead to either approve the PUD or not. It will then come back to the Planning Board for detailed site plan review. At this point he has not done a detailed review. The only thing he looked at was the sight distance issue on Daniels Road because we were all concerned about that and wanted to make sure it was a viable second entrance. They have demonstrated that it is. That is pretty much the extent that he has looked at from an engineering standpoint. F. McNearly states that when he was told that there might be a sight distance issue, he went to the highway department and talked to W. Barss. W. Barss agreed that there is vegetation that has grown up along the road that they should have been maintaining and will take care of it. He also went to the neighbors. He has heard that he needs the traffic study and will take care of that. He asks what else he needs so that he can get it. T. Yasenachak states that we cannot give that succinct a list tonight, but if the applicant can get the original site plan including what the phases were going to be and where the buildings were going to be as far as impact. She asks how many units

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they have now. F. McNery states that they have 168 in the main building and 12 cottages. T. Yasenchak states that then there are 180 units. Is that all the build out that was supposed to have happened? Besides the nursing home, F. McNery states that they were supposed to have the clubhouse. All together they were supposed to have 351 units. T. Yasenchak states that now they have 180 units and they are adding 293 units for a total of 473 units. That is 122 units over the total number from when they originally did their EIS. She states that that is significant. F. McNery asks if the Board would like, and he is not sure if he still has it, but there were calculations of how many rounds were going to be played a year on the golf course. T. Yasenchak states that she does not think so. F. McNery states that that was included in the traffic study. L. Palleschi states that they are proposing a 50' buffer all the way around the proposed PUD. C. Baker states that he was going to suggest the visual impact associated with this application compared to what it was before. It does look like some of those units are very close to the one property line, particularly the Jayco and Mina properties. F. McNery states that it is 100' away and it is heavily treed. T. Yasenchak states that we have to hold the applicant to the same standards as other applicants even if it is a modification. She feels that the additional 122 units is very different than a golf course, visually. People who thought that they were going to have a golf course; it could have a definite impact on the community different than a golf course. F. McNery states that if fairness, he would like to ask, since the Board has done site walks before, he would like the Board to visit Prestwick so that he can explain to them the internal workings and what they are trying to accomplish. It is a totally different lifestyle than most people think of when it comes to senior housing or apartment living. He would like the Board to see how it is actually a living, breathing community inside the larger community. C. Baker states that if he remembers correctly, some of the proposed buildings are 3 story. F. McNery states that they cannot be over 35', he has talked to G. McKenna. There is going to be an elevator and G. McKenna looked it up in the code, the shaft for the elevator will be over 35' but that is acceptable. They are going to try to hide that shaft with some sort of a cupola. C. Baker states that the reason he pointed out the three story buildings, again, is that there is the potential for visual impact there, even possibly from Route 9N. F. McNery states that he understands. A. McKnight asks how tall the existing main building is. F. McNery states that it is 35'. T. Yasenchak states that the lighting is something that needs to be discussed. F. McNery states that he did discuss the lights previously. T. Yasenchak states that the Board has the ability to ask for it because if it is going to cause a visual impact. F. McNery states that he has the old Victorian lighting at Prestwick right now and after listening to a lighting engineer, they are horrible. They don't throw any light on the ground, it all goes up. He would be looking for down lighting. M. Hill states that because there was an environmental impact statement on this original PUD, more than likely after reviewing any changes, the Planning Board would ask for the preparation of a supplemental EIS. Previously there would have been a findings statement that would have been produced at the end of the process. This Board would then produce a supplemental findings statement based on those changes. T. Yasenchak states that if we review the long form and find it to be a negative declaration, or could we come up with a negative declaration because there already was a positive. M. Hill states that is correct. The Board could find that the changes being proposed will have less of an impact than previously proposed. L. Palleschi states that the wetlands have been updated and that was transmitted to C. Baker for review. They are going to provide the updated traffic; they can provide a visual analysis for the three story buildings; archaeological has been done. A lot of the items that would be part of the EIS have already been done. He asks that instead of doing the full supplement, why can't they just give the Board what they have done so far. T. Yasenchak states that there is a certain supplemental process. M. Hill states that the first thing for the Board to do is compare and contrast between what was originally approved and what is being proposed now. Go through the long form and make sure that the Board has identified whatever additional information is needed, and then take that information and put it into the form of a supplemental EIS. The Board goes through the review process on that and at the end of that process come up with a findings statement to amend the original findings statement.

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**ZBA REFERRAL**

**Ballston Mourningkill** – The applicant is requesting an area variance. T. Yasenchak states that she does not believe that the applicant has the correct buffer and may need a variance from that, which she mentioned at the last meeting and asked the applicant to talk to the Zoning Board about. This does appear to be very dense especially with private water and septic system for all these uses on this property. S. Weeks states that something else would need to be done on parking. That will be covered by site plan review.

**Michelle Lewis** – T. Yasenchak recuses herself as one of the notified neighbors. The applicant is seeking an area variance for acreage for an in-law apartment to be constructed in an existing unfinished storage area at the back of the garage. B. Duffney states that there will be no changes to the exterior. No Planning Board issues.

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The meeting is adjourned at 11:27 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary