

TOWN OF GREENFIELD

PLANNING BOARD

September 10, 2013

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 6:03 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, Andrew McKnight, Thomas Siragusa, John Streit, and Stan Weeks. John Bokus, Alternate, is absent. Charlie Baker, Town Engineer, is present. Mike Hill, representing the Town Attorney's office, is also present.

MINUTES – August 27, 2013

MOTION: B. Duffney

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 27, as submitted.

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak
Noes: None

T. Yasenchak explains that we are starting early tonight in an effort to not have another very late night as the last several meetings have been going extremely late. We are going through a standard meeting and we have a lot of other projects on the agenda.

PLANNING BOARD CASES

SKIDMORE COLLEGE – PUD – Referral

Denton Road

Stephanie Ferradino, Dave Carr and Mike West are present for the application. Modifications of the Part 1 of the SEQRA were made since the last meeting, as per the discussion at that time. Discussion takes place regarding Pg. 9, #8 and the consensus is to check the yes box as clearly a vast majority of it is open space land. T. Siragusa states that it is a tough question, but if you look at the components, he thinks that there is an aggregate altogether; if you look at the open space, the recreational uses. A. McKnight states that he wants to say that he agrees that it is compatible, however, his concerns are all about the solar array being different, the industrial/commercial, whatever it is called, sized solar array. It itself is different from the surrounding area, so that is the piece that stands out as being different. He likes the 112 acres of open land and that fits in very well, nicely with the community, but the zoning difficulty of an industrial-size solar array is what raises questions in his mind. J. Streit states that it is possible to check this yes, that it is compatible. That does not necessarily mean that those who agree with that approve of the project. There are other questions that we must address. There is room for us to review this process; it is not an inherent approval. S. Weeks states that #3 on page 9 has been changed to uses allowed in the MDR2 zone. He feels that we should add wind energy facilities to this as the committee wrote the language in such a way that wind energy facilities were to be allowed in all zones. He states that he spoke to the Code Enforcement officer who stated that it was left off the charts for some reason. The law states it is allowed. T. Yasenchak states

that we should also add residential, single and multi-family homes. T. Yasenchak reads the instructions for review of the Part 2. M. Hill states that as the Board considers the questions, various proposed mitigation September 10, 2013

measures have been offered by the applicant and incorporated into their application and the Board should consider those measures as it reviews the questions. C. Baker suggests checking small to moderate for question #1 regarding phasing, as there is talk of constructing the parking lot at a different time than the solar array and each phase requires site plan approval. M. Hill states that since the Board checked a small to moderate impact for the depth to water table item, he suggests some discussion. T. Yasenchak states that the reasoning would be that on page 3 the applicant has noted that the depth to the water table is plus/minus 2-feet. A. McKnight states that his reasoning would be that the depth is not being changed at all. S. Weeks states that there would not be any activity that would impact the water table. The posts for the solar panels are to be driven into the ground and the fence will have posts. Discussion takes place on Impact on Water as there is a stream on the property. C. Baker states that the construction will be covered under the General Permit in the SWPPP, so there would be specific methodologies as to how they are going to have to approach the construction and it will be monitored and covered under the general permit. D. Carr indicates where the utility lines will be run. Discussions have taken place regarding the temperature of the water and thermal impacts to the Putnam Brook. This is noted as other impacts. D. Carr states that they do not feel that there are any thermal impacts associated with the project as it is shown today, however if the Planning Board has an issue with runoff to the stream, during site plan review, the plan can be modified to direct it away from the stream. S. Weeks states that he thinks it is a potential impact, he is not convinced that the thermal issue is a large impact. Fortunately, the sun doesn't shine when it is raining, most of the time. He thinks that mitigates a lot of the thermal affect. A. McKnight asks why we are not checking a large impact for this question. B. Duffney states that the posts are going to be driven into the ground, it is not going to be dug or graded, so the potential for runoff is less. A. McKnight concurs. M. Hill states that there will also be erosion control measures as a result of the SWPPP. Discussion about herbicides and pesticides takes place. M. West states that they do approximately 2 to 5 treatments per year. T. Siragusa asks if that also includes fertilizers. M. West states that it is also fertilizers. B. Duffney states that regarding impacts to wildlife, the fence was going to be a few inches off the ground to allow smaller wildlife to get underneath. T. Siragusa states that at no time has there been any identification of any threatened or endangered species, so how can we answer that with a yes. M. Hill states that the questions/examples provided for guidance are intended to be conservative in nature and assuming that there may be some impact on threatened or endangered species from the application of a pesticide or herbicide. He thinks that you can check that box as a small to moderate impact and check yes, even if the Board is not of the belief that there are any threatened or endangered species in the area. T. Yasenchak reiterates M. Hill's comments that the Board has not been made aware of any threatened or endangered species on this site. Regarding non-threatened species, B. Duffney states that the occasional deer that would be on this site would just go around the fence. They are pretty adaptable and the smaller wildlife could also go around the fence or under the fence. T. Siragusa states that he does not believe that there is a "substantial" impact. Board concurs. M. Hill states that he thinks that since there has been discussion about a fence, it would be appropriate to check the yes box and then note that the applicant intends to have a fence on the site but that the impact of the fence is not believed to have a substantial impact on the wildlife. M. Gyarmathy questions what would be the difference between this fence and someone putting a fence around their entire property. T. Yasenchak states that there would be no difference. J. Streit states that "substantially" allows for a small impact but not a substantial one, so he would check no. T. Siragusa states that we are being advised to check yes, but the Board is seeming to agree that there isn't but with some caveat. M. Hill states that no Board member has suggested that any affect would be substantial. The discussion has focused on the small to moderate. He understands where the Board is on this and the instructions, which need to be taken in the context of the question. He believes that this could be answered either way. He thinks there has been sufficient discussion on the record as to why the Board believes the answer is no. Board consensus is no. Impact on aesthetic resources – T. Yasenchak states that, for the first example, she believes that this is a potentially large impact. There is only one other piece of property on this road that has solar panels so the project components are obviously different. She thinks that it is substantial

because it is 8 acres. S. Weeks states that that answer is ok as long as we get into the mitigation discussion. Board consensus is that it would be a potentially large impact. T. Siragusa states the applicant is suggesting screening and fencing that would be mitigation to that. M. Hill explains that in considering the potential magnitude of the impact, you would keep in mind what the applicant has proposed in the application
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including any mitigation measures. If the answer is potentially large, then you move on to consider whether there are any other potential mitigation measures not previously identified that might reduce it to a small to moderate. S. Weeks states that the site was moved, trees and a fence have been added. A. McKnight states that he would still say potentially large because on paper and as proposed there are mitigation measures without actually seeing it. It could still be large. The mitigation measures as they have been proposed look like they might have resolved most of the questions, but that may not be true in real life when it really happens. J. Streit states that one of the true objections to the project was the visual impact and he believes that the applicant has, with the trees and the fence, mitigated that to a small and not a potentially large impact. S. Weeks states that the location was also changed and the fence added. A. McKnight states that his question is whether enough trees have been proposed to be planted. We don't know that. T. Yasenchak states that we can ask that that be changed. J. Streit states that we did see the one visual where they put the 10 red maples, or so, and the fence as seen from a distance. B. Duffney states that he had asked about putting in a mix of trees and the response was that they would mix in some evergreens. C. Baker states that there was some discussion about posting a bond for this project and he believes that Skidmore agreed to have a number in there for some additional screening if it was decided in the future that it was necessary. M. Gyarmathy asks how that works as far as maintaining the screening, because we have had applicants come before us in the past where the neighbors have said that the screening has died, etc. C. Baker states that typically the onus is on the owner to maintain it. It is certainly not in anyone's best interest to let their property degrade to a point where it becomes unsightly. He states that, he is not trying to support Skidmore in any way, but if you look at their property, they do a pretty good job of taking care of their properties. He states that you have to have some kind of certainty that the owners would take care of the property. M. Hill states that regarding the bond, if the Planning Board during Site Plan Review imposed a condition for screening, and had a provision in there for additional screening if it became necessary upon further review by the Board, and if the applicant declined to provide the additional screening, would the Town be able to initiate a draw on the bond in order to provide additional plantings there. C. Baker states that typically that is the way that bonds do work. He does not know how this one in particular will pan out because we haven't gotten to that point yet. Typically a letter of credit is posted with the Town or a bond and there are certain monies set aside for certain items. In this case, there would be a line item in there for additional landscaping. If there was a point where we got complaints and we decided there needed to be more landscaping, we would go to Skidmore and say we have these complaints, put more plants in. If they did not, then the Town could go through the process to take a portion of that money and do the plantings using that money. M. Gyarmathy asks how long that bond is in place. C. Baker states that what he is familiar with are road bonds and they last until the Town officially takes dedication of the road and they usually keep that in place for a minimum of one year after the official dedication takes place. The Planning Board has some latitude as to how long that bond stays in place. That is something that could be discussed during site plan review. D. Carr asks if they can make an offer. He suggests a bond for \$25,000 for the length of the project for the landscaping. A. McKnight states that he still feels it would be potentially large, however he does believe that it can be completely mitigated by surrounding it with nothing but trees, a dense planting of trees. T. Siragusa states that his feeling is that it has already been mitigated as part of the plan and that makes it small to moderate. B. Duffney and S. Weeks agree. M. Hill states that the Board should consider some of what is on surrounding properties in discussing this question. The second bullet point specifically addresses the visibility. He states that the first bullet point talks about the components and how they compare to the other surrounding uses. T. Siragusa states that to him, what M. Hill stated almost takes out the word impact. He asks if he should read this question as the components are very different and that makes it number 2 or somewhat different and that makes it number 1. He does not read it that way, he reads it as whether the impact including the mitigated measures already in place on the project make it small or large. M. Hill states

that the words to focus on in the question are “obviously different” and “sharp contrast”. B. Duffney asks what the ‘surrounding area’ is. Is it next door? Is it a ¼ or ½ mile up the road? T. Yasenchak states that is the Board’s judgment. J. Streit states that he thinks it would be anyone who might be impacted whether it were ¼ or ½ mile away. M. Hill refers the Board back to the Part 1 and the question dealing with compatibility, as he believes there is a distance, which may provide the Board with guidance. B. Duffney states that we have a variety in that area – we have Prestwick Chase, many residences, the Stewart’s plant
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and towards Saratoga you have the Home of the Good Shepard, farms, Polo, the other farm around the corner. J. Streit states that we can evaluate this regardless of how big the area is. A visual impact is a visual impact. Discussion takes place about the visibility of the actual array with the proposed fencing and vegetative screening. A. McKnight states that in answer to the second example you could say no, it wouldn’t be visible to the users whereas the first one is just the fact that the project itself is different from the land around it. M. Hill states that you could reasonably say that. The question would be, as to visibility, whether it is visible at all and that may have a bearing on how you judge the magnitude of the impact. He states that he believes that J. Streit is stating that it is significantly screened from view at ground level. T. Yasenchak states that she thinks they are saying that from ground level, for number 2, that the project components would not “eliminate or significantly reduce” the “aesthetic qualities of that resource”. She states that you will still see the fence, so she thinks there is a small to moderate impact. She believes it is substantially different from what is there now. M. Gyarmathy agrees. T. Siragusa states that he can’t disagree. M. Gyarmathy states that then we can check that it can be mitigated. B. Duffney states that no matter what you put there it would be different. T. Yasenchak states it wouldn’t because there are barns there, houses, etc. S. Weeks states that when they ask if you can mitigate the impact, they are not saying you are going to change the looks of the Town, they are saying can you mitigate the impact on the neighborhood, the area, the Town. He would say sure you can and he is ok with a potential large impact, but he is also saying sure we can mitigate that. Further discussion takes place and the Board will leave this question for now. T. Yasenchak states that whatever the Board’s decision is with the PUD going through site plan, does not say that the screening that they have there now will be approved, if it goes to the next level. This is not necessarily approving the screening that is suggested right now. T. Yasenchak asks the secretary to make copies of the Visual EAF addendum for the Board to review in connection with this question and to help to clarify what the question is looking for. She states that this form states it should be filled out by the Lead Agency, but we can ask the applicant to complete it because some of the information needs additional investigation. M. Hill suggests asking the applicant to review and submit information in response to the visual EAF addendum and to submit that prior to the next meeting. The Board moves on with the SEQRA review. T. Yasenchak states, regarding question #13 that this PUD is proposed on private, Skidmore-owned property, it is recreational use but not for public use. Traffic is discussed. T. Yasenchak states that traffic will result, a traffic study has been conducted and mitigation measures requiring special events of more than 100 attendees to come before the Planning Board for a special use permit have been included in the PUD language. Regarding #19, pg. 19, T. Yasenchak states that this is a PUD because a PUD sets the zoning language for this particular property. If it were already in the zoning law, they wouldn’t have to get the PUD. So, in looking at the zoning and the Comprehensive Plan, because that is within the Board’s purview, and this is one of the items when the Planning Board makes their advisory opinion to the Town Board. S. Weeks states that if we allow wind energy facilities, then a solar energy facility, in his mind, is comparable. B. Duffney states that wind energy is an adopted plan or goal for our Town. Small to moderate impact is checked for the proposed action conflicting with the Town’s officially adopted plans or goals. It is felt that this project will set an important precedent for the future and that the impact is mitigated by the restrictions being placed on the project for no future expansion of the solar array. M. Hill states that it might be worth noting that there are apparently other solar generating equipments used on other properties in town, and in fact, on some neighboring properties there are solar panels. The question seems to be the scale at which it is being done on this particular property. He questions that there are other uses of solar on any other properties, such as Stewart’s. This is confirmed. B. Duffney states that Stewart’s solar is on the roof. M. Hill states that to that extent there is solar on other properties in the area, so it is not completely unknown. This particular installation is

going to be the largest one. T. Yasenchak states that it is also taking up land that is not already developed where Stewart's is on the roof. M. Gyarmathy asks if the Board is required to comment on the scale. T. Siragusa states that he thinks that is an important part of what makes it an important precedent. It makes it much more of a precedent than the neighbor putting up half a dozen solar panels. The remaining questions in Part 2 are answered. T. Yasenchak states that we are going to table our discussion on SEQRA until we receive the Appendix B from the applicant in a timely fashion so that the Board can review it prior to the next meeting so that the Board can continue its review and take action when it is appropriate. T. Mina asks if the public hearing will be reopened because there is new information coming from Skidmore. T. Yasenchak September 10, 2013

states that the information is not necessarily new information. T. Mina states that there have been some objectionable statements made that demand clarification from the engineer on their side. T. Yasenchak states that the reason for the public hearing is so that the Board can identify information that will help the Board to do their review. We are receiving information from the public still, and their engineers and attorneys have submitted information that has been distributed to the Board to review in making a determination. It is whether or not that the Board feels that any of the additional information changes anything or is anything new. The Board is not obligated to reopen the public hearing it is whether or not the Board feels that Skidmore has given the Board anything new that will change or affect the way that they make a decision based on the questions that we are answering. She states that she does not think that anything that has been given to us will or has changed any of the questions that have already been answered, except for number 11, which the Board has not answered yet. J. Streit states that we are still in the SEQRA process and there has been no inability of anyone concerned with this project to send us material. We have received many documents, which can be sent in written form and that can be addressed or not addressed at a future hearing depending on the importance that we lend towards the arguments presented to us. T. Yasenchak states that the Board can receive additional information, but we have already gone through many of the questions for SEQRA and we believe that we have enough information from the applicant and the public to answer those questions, except for #11, which we are going to continue to review. M. Hill reiterates that the public hearing is closed and that the Board can, if it wishes, allow the submission of additional materials. Additional materials have been submitted by the representatives of the surrounding property owners. If the Board is going to allow the submission of additional materials he thinks it is incumbent on the Board to review those materials prior to the next meeting and he would suggest that a deadline date be set. As to the visual EAF addendum, what the Board is asking the applicant to do is simply to provide a proposed draft EAF addendum for the Board to review, the information is purely factual, having to do with the distance between certain points that are identified in the visual EAF addendum and the project site. The Board can ask the applicant to make a copy of that visual EAF addendum available to the attorneys representing the neighbors at the same time that they submit it to the Town and if anyone has any comments on that, the Board can direct that those be accepted during that period. T. Yasenchak states that another thing to clarify is that if the Board asks an applicant to provide more information to clarify something, it is not necessarily new information. She does not think that the information we have been receiving is anything different besides we are asking them for clarifications; we are asking for them to define something. We are requesting that and the applicant has been making those changes. In her mind, the applicant is not changing their application. M. Hill states that the Board is seeking clarification and this Board is providing an extraordinary amount of opportunity for public input on the SEQRA process. The Board has obviously received a lot of material from the representatives of the surrounding property owners.

MARK YOUNG – Minor Subdivision

Ormsbee Road

Mark Young is present. He explains that he has a 50-acre lot on Ormsbee Road, would like to add acreage to his existing home lot and subdivide the remainder into three additional lots. Each lot has quite a bit of frontage. A public hearing is opened at 8:45 p.m. Joan R. Rowland and JoAnn Rowland, Ormsbee

Road, state that they are in favor of M. Young's application and understand his reasons for subdividing. There being no further public comments, this public hearing is closed at 8:46 p.m.

RESOLUTION – M. Young, SEQRA

MOTION: J. Streit
SECOND: S. Weeks

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered "no" and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Mark Young for property located at 299 Ormsbee Road, TM#111.-1-21.1 and TM#111.-1-21.2.
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VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak
Noes: None

RESOLUTION – M. Young, Minor Subdivision

MOTION: J. Streit
SECOND: B. Duffney

RESOLVED, that the Planning Board approves the application of Mark Young for a Minor Subdivision for property located at 299 Ormsbee Road, TM# TM#111.-1-21.1 and TM#111.-1-21.2, as per the map submitted.

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak
Noes: None

DERON JORDAN – Minor Subdivision

Ormsbee Road

Suzanne Miller is present for the applicant. She explains that, per the sketch, the applicant would like to do a natural subdivision of the property along Ormsbee Road; a lot line adjustment with his father's existing house lot, giving that lot an additional 18 acres, approximately; and then subdividing the remaining property on the west side of Ormsbee Road into two lots of 9-plus acres each. She states that she has had the wetlands on the property delineated by J. Hayden and will get something in writing from him. R. Rowland explains the Maphost map that G. McKenna provided for tonight's meeting and states that applicants are always told to go to DEC to actually have the property delineated, as it may be different from the Maphost information. T. Yasenchak states that the lots all meet zoning as shown and that we will need to see the delineation before we can make any kind of decision and a buildable area for the homes. B. Duffney states that he does not believe that sight distance is an issue here. M. Hill states that there should be a note on the portion of property for the lot line adjustment that it will be merged with the existing lot.

DAVE EVANS –Minor Subdivision; Lot Line Adjustment

Plank Road

Dave Evans and Suzanne Miller are present. A. McKnight recuses himself. T. Yasenchak states that the applicant has submitted 3 options for his subdivision and lot line adjustment. He was told at the last meeting that the Board did not want to see another keyhole lot created. D. Evans states that he is interested in knowing how the Board feels about his submissions. He states that lot 4 even at its narrowest configuration is similar to lot 2, which was previously approved. S. Miller states that the reason they are asking for the lot line adjustment for lot 5 is that she feels that the buyer would have to approach the Town for variances because there would be no side setbacks for where the house would sit, as opposed to D.

Evans asking for a little bit of a lot line adjustment now prior to the lot being sold. He provides the Board with another sketch showing where the tree line falls on lot 5 and indicates that that is the level area. He states that he had to put the lot line through that area for frontage requirements at the time of the initial subdivision. T. Siragusa questions that lot 3.2's frontage got changed as to where it enters the road. He wonders if there is a sight distance issue there, it is a pretty dangerous curve. D. Evans states that he is not shifting the driveway, he is shifting the frontage. It is not the driveway. T. Yasenchak states that it is a shared driveway but the intent of the frontage is for a driveway. D. Evans states that it is too steep to have a driveway there. T. Yasenchak states that is why he has a steep driveway. M. Gyarmathy states that is why we have the driveway that cuts across lot 1 to lot 2. S. Weeks states that the applicant must have a preference. D. Evans states that the mid-width would probably be the best for lot 5. S. Miller states that the plan that allows lot 5 the most frontage and 5.1 acres, and lot 4 at 8.7 acres. She states that the majority of it is so that lot 5 can have the most buildable area on it's own lot. T. Yasenchak states that is the way that the September 10, 2013

applicant wanted this subdivided. She does not really see it as a unique situation to this particular lot because the Board gave that approval based on the applicant's request. That is something that the Zoning Board looks at when they look at requirements. From the Board's perspective, she does not think that we need to look at something because someone might come to zoning at some point because that was an approved lot at some point that someone would have to buy to build on. When Zoning looks at it, they look at hardships, the reasoning why, but it was created to be a buildable lot the way it was. The merits of whether it is hard to build on or whether someone needs to go through a zoning variance, she does not think that is here or there, because it was approved. T. Yasenchak states that, as proposed, the driveway for proposed lots 3.1 and 3.2 has to have an easement over lot 4 for their driveway access, where before that got changed they would not need to get an easement over anyone's property because it was on their own property. D. Evans states that it is a minor distance and the driveway previously went over part of lot 4. T. Yasenchak states that it was a short distance rather than now the whole entrance of the driveway is on lot 4. She asks if the applicant doesn't feel that that is making a problem down the road. She states that the Board asked before for lot 4 to have its own driveway. D. Evans states that it can have its own driveway; there can be two driveways side-by-side. T. Yasenchak states that there could be 2 driveways side-by-side but one would not be theirs. D. Evans states yes. T. Yasenchak states that you would have three people who are dealing with the clearing and the maintenance of the end of that driveway. D. Evans states that two people would be involved with one driveway and one person with the other driveway. T. Yasenchak states that two people are involved with one driveway but it is on someone else's property. D. Evans states that is the same with a lot of these lots. T. Yasenchak states that some of these have shared driveways but the shared driveway is on one of the two peoples lots, not on a third party's. T. Siragusa states that the applicant states that this is on other lots, what is? Are there other shared driveways with two parties with an easement on a third lot? D. Evans refers to lots 6, 7 and 8. He states that the Town Board preferred that the applicant have a shared driveway for those lots instead of an easement across another lot. That was the solution at that time. T. Yasenchak asks if there isn't a stream crossing for those lots. There is a blue line on the plans. D. Evans states that there is no stream crossing. T. Yasenchak states that was the reasoning so that he did not have to cross the streams. If they each had their own driveways, they would have had to cross the stream, so that is the unique characteristic of having them all share the same driveway. D. Evans states it is more than that; there is also a very steep slope. S. Weeks states that he understands what the applicant is trying to do. He states that it makes sense to have as much buildable area as he can in lot 5. He understands that, it seems to be a sensible approach and the narrative states that the lots used to have to have 350' and now they need 250'. That seems straightforward to S. Weeks. T. Yasenchak asks at what point does it stop. Every time there is a new possible land buyer, the applicant comes in to change it again. At some point we just need to say that this is the way it is subdivided. D. Evans asks if it is a problem because he is the same person. T. Yasenchak states that it is the same property. When you look at the property as a whole, all the lots together, there is an environmental impact on all of those lots. How they are subdivided, where the driveways are, the drainage, everything. When we come in and keep changing things, it changes the overall intent of what the applicant came in for originally. There is a thing called segmentation. You do one little thing over and over again that

makes a bigger impact. D. Evans states that the changes aren't in the land, they aren't in where the locations of the houses are or the driveways, the only changes are the lines on the map. T. Yasenchak states they are, but they are also the easements that are required. S. Miller states that because they have the ability now because the zoning has changed they are able to tweak the lots just a little bit so that they are more desirable to a buyer. The way the frontage was when lot 5 was approved was not great, but it can be much nicer to look at and to build on. B. Duffney asks which of the plans D. Evans prefers. D. Evans states the plan labeled 'mid-width'. B. Duffney asks if the pink 'line' going up the center is the proposed shared driveway for proposed lots 3.1 and 3.2. D. Evans states that it is. B. Duffney asks why he doesn't just have the driveway go straight down thru instead of going off to the side. D. Evans states that he is shifting the lot lines to try to comply with the zoning and the 250' frontage requirement (lot 4). B. Duffney asks that the driveway for lot 4 would come right off Plank Road. S. Miller states that is correct. B. Duffney states that then the entrance would be on it's own property. T. Yasenchak explains that it would be up to this Board to require easement language for the driveway for proposed lots 3.1 and 3.2 to go across lot 4. C. Baker asks if this Board actually granted approvals for lots 3.1 and 3.2. T. Yasenchak states no. B. Duffney states that the September 10, 2013

applicant is defeating the purpose. He is creating two keyhole lots; he is changing the frontage on lot 4 so that is not a keyhole. To make lot 4 a non-keyhole lot he is changing the frontage, shifting the paper driveway towards lot 2, but still bringing a driveway out across lot 4 for proposed lots 3.1 and 3.2. B. Duffney states that he is not comfortable with it. S. Weeks states that we had a discussion before about 3 lots on a shared driveway and he wasn't enthused about that, so he guesses he is happier with 2. J. Streit states that he is totally confused, would rather have one plan submitted and we can discuss the merits of the one instead of juggling 3. M. Gyarmathy agrees with J. Streit. S. Miller asks if there is one plan that the Board absolutely will not consider. T. Yasenchak states that the reason we have keyhole lots and zoning requirements is about density. Sometimes land just can't be built on because there are extreme slopes, etc. Sometimes it just becomes a point of how far does it go. The whole point of road access for a keyhole is that you could have a driveway, not just so that you can technically have frontage. If you end up having a shared driveway because it is easier, that is one thing, but if it doesn't work out then you have the backup to go to your own driveway. Having a piece of property that has frontage just in technicality only but is never going to be used just seems that it is opening it up for more problems and it is almost too dense for this particular type of property. He has the acreage but when you are talking about all the driveways and easements, it seems complicated and T. Yasenchak states that she does not know. The applicant wants to grant an easement for two people and just to get it technically right; he is making it hard to sell lot 4. D. Evans states that T. Yasenchak's objection can be overcome. T. Yasenchak states that she believes that the intent of frontage is for it to be used, not for it to be just in name only. She states that we have allowed this property to be subdivided in ways that have given the applicant leeway to do that, to have extra lots with frontage in name only but it is just seeming to get more excessive. S. Miller asks about proposed lots 3.1 and 3.2, and what the Board doesn't like. T. Yasenchak states that we are not voting on those because we haven't done a revised SEQRA on this because we need to know how all things are going to be done. S. Miller states that she thinks we could eliminate a lot of this if they knew one way or the other. D. Evans states that at one point it was said that these lots could be separated and it was his impression that the Board was generally in approval of proposed lots 3.1 and 3.2, and now we are down to the separate issue of lot 5. T. Yasenchak states that she thinks that at the last meeting the Board was in general favor of proposed lots 3.1 and 3.2, and that the Board wanted to see it on a survey. The Board did not want lot 4 to share the driveway. At that time, she believes, 3.2 had its own access and the driveway was on 3.2. The changes with lot 4 and 5 do affect proposed lots 3.1 and 3.2. J. Streit states that one Town road would solve it all. D. Evans asks if the Town can approve a shared driveway as a public shared driveway. T. Yasenchak states no, it is owned by someone. D. Evans states that it could be the Town. T. Yasenchak states that the Town does not maintain a driveway to someone's private property, that becomes a road. D. Evans asks if it could be a public road using shared driveway standards. C. Baker states no. D. Evans asks about the driveway at the Town Hall and whether that is a public driveway. T. Yasenchak states it is a driveway to a public place, the Town maintains it because it is Town property. Stewart's has a driveway to their commercial property and they

maintain that. The Town does not maintain it. D. Evans states that one of the points that T. Yasenchak made was that she was ok with an individual driveway crossing an individual lot, but not 2 driveways crossing a third lot. He asks about changing the shared driveway so that it is on lot 4 shared with 3.2. T. Yasenchak asks about the driveway for 3.1. D. Evans states along the keyhole strip of lot 3.2. T. Yasenchak states absolutely not. She does not believe that the applicant would be able to sell a lot that the driveway on their own lot isn't theirs and they have to have an easement on someone else's property for their driveway. D. Evans states that he looks at it differently, he sees Plank Road as a shared road going to Route 9N. T. Yasenchak states that the Board is trying to be lenient but does not want excessive easements and shared driveways. D. Evans states that these are all things that have been approved in the past and they are not in the law. T. Yasenchak states that it is within the Board's purview to approve a subdivision if they feel that it is in the benefit of the community. It is within the Board's purview to interpret the code and if they feel that what an applicant is asking is within the Zoning Code. D. Evans states that he is saying that it is because it has been approved before. T. Yasenchak states that everything is unique. How the Boards voted in the past is not necessarily how this Board will vote. D. Evans asks what part of the Town Code the Board is interpreting to come up with their conclusions. T. Yasenchak states that the applicant should look at the list of what is required. M. Gyarmathy states that he thinks that D. Evans and his surveyor should go out and September 10, 2013

walk the property and bring back a reasonable map that the Board can understand. J. Streit asks how long the keyhole portion of proposed lot 3.2 is. D. Evans states that it is roughly about 1200'. J. Streit states that the Planning Board's job is to review, not create. D. Evans asks if he can move forward on subdividing lot 3. T. Yasenchak states that we cannot have a public hearing until we understand what he is doing with the lots. D. Evans asks if pulls his request for lot 5 and only does lot 3 now. T. Yasenchak states that we need to have a complete application.

BRITTANY CHASE – Major Subdivision

Wilton Road

No one is present for the application.

PRESTWICK CHASE – PUD Amendment

Denton Road

Fred McNeary, Jr., and Luigi Palleschi, ABD Engineers, are present. T. Yasenchak states that some of the Board members were able to do the site walk. L. Palleschi explains that at the western part of the property, in the front, they have changed the buildings from 4 three-story buildings to 2 two-story buildings. He explains where they are proposing additional trees to be planted and maintain the 50' buffer. He indicates where they moved the road a little bit and added one of the eight unit structures and 1 four-unit structure, 2-stories. They still have a total of 293 units. T. Yasenchak asks what the applicant is proposing to do about the grade. We are not doing site plan review right now, but for visual impact, the units that are to the southeast, by the pond. That is actually at the highest portion of the property, looking at the topo lines on the plans. F. McNeary explains that there is a large mound in there. It was created when during the initial construction topsoil was removed in other areas. He states that what you see is the roofline of the existing building from the road. T. Yasenchak states she is wondering where the proposed buildings are in relation to that. She does not believe that there is adequate topo on the map for her to see how those buildings will or will not be seen from the road. L. Palleschi states that that will be on the site plan. He thought that was the reason for the site walk, to actually get a visual. T. Yasenchak states that the public record needs to have something that we can point to. The correct topos will be added. A. McKnight states that he sees that the applicant is disturbing wetland M on the east side to build units. He asks if that is necessary. L. Palleschi states that it is. The original PUD had up to an acre of disturbance and this plan proposes 2/10ths of an acre.

A. McKnight states that he understands the disturbance for a road crossing, but to build more units? F. McNeary states that the reason they are now into this wetland area is that in talking with the neighbors and hearing their concern about the building going to 2-story near them, by moving the building and trying to keep the same number of units presently proposed, what they ended up having to do was to reconfigure this area to put the 3 story building there. A. McKnight questions the ramifications of building in the wetlands. F. McNeary states that they have to mitigate. L. Palleschi states that ACOE will agree to a different location and they will have to create at a 2:1 ratio in another location. T. Yasenchak states that they will be asked by ACOE what other areas were proposed so that they would not have to do that. L. Palleschi states that they would compare this to the original PUD, which had the one acre disturbance. C. Baker explains that there is a whole process that the applicant is going to have to go thru if the project gets to the detailed site plan review. They are going to have to file an application with the ACOE for the disturbance and as part of that application they are going to have to show reasoning why they are filling in those wetlands. It is quite an involved process. There will be a thorough review. Storm water questions will also be addressed because there are specific requirements. C. Baker states that he knows that the Board is trying to get answers now for the purpose of SEQRA review, but unfortunately a lot of these answers are not going to come out until we go thru the detailed review. He suggests that the Board bear in mind that what they are looking at now and what they are making a recommendation on to the Town Board, the Board can make a recommendation for 293 units, but the caveat has to be that that is the maximum density and there is a very good possibility that when September 10, 2013

we go thru the detailed site plan review, that number might get knocked down to a number that we don't know. Once we start looking at the detailed engineering there is certainly a possibility that that number of units can be affected. Most likely it is not going to get any higher, but it could very likely be lower. T. Yasenchak states that for the Planning Board to look at the impact of 293 units, that is significantly different than 270 or 250. So some of the details we need to know right off the bat. L. Palleschi states that wouldn't this be a worse case scenario – the 293, the wetland impacts – and then if we go down to 270, things just get better. T. Yasenchak states that if you don't know how many units are going to be there, how can we know what the impact will be. We almost have to say right now, as we go thru the review, what that number will be. M. Hill states that for purposes of SEQRA review and evaluating things at this stage, you can take the number 293 and view that as the maximum possible build-out on the property, and that would have the maximum as far as potential environmental impacts are concerned. To the extent that thru the site plan review process later on, assuming that the modification of the PUD is approved and the process continues forward to site plan review, if the number gets reduced as C. Baker suggested is certainly a distinct possibility, then the reduction in the number of units will have a commensurate reduction in potential environmental impacts. T. Yasenchak asks at what point there is a 100' setback from the wetlands and where there is none. C. Baker explains that there is no required setback from ACOE wetlands. DEC is 100'. He states that again that is an issue that we will deal with during site plan review. T. Yasenchak asks how we address that with SEQRA. C. Baker states that he assumes that the layout right now is taking those buffers and the wetland setbacks into consideration. L. Palleschi states that all the wetlands are ACOE. B. Duffney asks if the applicant has decided anything for the entrance onto Daniels Road. F. McNeary states that he has had limited conversations with Maple Avenue Fire Department. They feel that it is a good idea to have a second entrance for emergency purposes. The issue that he heard in the last meeting and he thanks the Board because he is a resident of Daniels Road, the Planning Board put a recommendation before the Town Board on speed limit. During the site walk we went over there. The applicant meets the distance requirements for the speed. The issue on Daniels right now is that no one does the speed limit. So it is an enforcement issue and possibly some sort of traffic mitigation. As a resident, he would like to see, between Daniels and Locust Grove to at least Braim Road, be treated more as a neighborhood instead of just a thoroughfare and a reduction, maybe even a stop sign, so that it is designated more as a residential area. A. McKnight states that the Board's question was to in some way naturally limit flow through that back entrance. F. McNeary states that he would like to limit flow throughout the project to just his residents. There is a proposed gate on that end of it right now. He explains that it is a key fob and that is the only way you would get in and out. A. McKnight asks if that would be how he would keep the residents from using

that also. F. McNery states that he could do that; he does want to keep it blacktopped. If it is going to be used for emergency purposes, in the spring and fall he does not think you could get a fire truck in there without sinking. It could be a gate system that does not give access to the residents on their key fob. F. McNery states that it is called SOS or squawk. When an emergency vehicle comes up to the gate now, as long as they have an official siren, the mechanism reads the audible sound and the gate goes up. C. Baker states that he thinks this is an important issue. From the planning and engineering standpoint, he has to state that he believes that two entrances to this site are important. We are talking about 300 units all dumping out onto Denton Road, which we had an applicant in here just before this where the public is saying that there are traffic issues there now. Now we are talking about making all these people use Denton Road. The applicant has done an analysis; they have proven that they have sight distance on Daniels Road. He understands the issues, but the applicant meets the criteria for ASHTO. If the Town Board is successful in getting a speed reduction, that would be great, but it is not an easy thing to do. From a planning and engineering standpoint, not only for the residents' use, but for emergency vehicles, for service vehicles, etc., he believes that it is important that this have 2 entrances. B. Duffney states that he spoke with Mike Chandler, Greenfield Fire Department, and what they are going to be looking at is ingress and egress, turning radius, etc.

The public hearing is reopened at 10:10 p.m. Rosemary Jensen, Locust Grove Road, states that she is the co-owner of the Bed and Breakfast. She states that they did meet with F. McNery and he could see from their vantage point and made some changes. She states that they have flown very much under the radar in their years here in Greenfield, which is almost 12 now. They are the only certified green Bed and Breakfast in Saratoga County, they have been given that title by Audubon International, by New York State Environmental Conservation and now they are considered by Trip Advisor as a green leader. They are one of the top 7 Bed and Breakfasts in Saratoga County. She indicates the whole section of land that they operate by themselves without any assistance as a wildlife sanctuary. They mow paths through it so that their guests can walk there. She states that they do about 2000 guest nights a year, so they have a very big impact for such a little place. That is why they are adamant about trying to protect the last little piece of this farm. She understands the changes that F. McNery made based on looking into his own property and seeing what they would see. Her main concern here is that they are just 50' from the property border, it doesn't seem adequate considering the purpose that they use that particular piece for land for. She likes what the applicant has done with the driveways to the closest units being faced away. The main concern is the setback, the rest of it works for them.

Paul Bouchard, Denton Road, states that he would like to enhance his feeling of how important restricting traffic on Denton Road will be. Right now with this development, 293 units of people 55 and over, but one day F. McNery may want to go to Florida and the next person who buys this won't need to change a building, but could come in here and eliminate the 55 and over. All of sudden you would have 2 cars per apartment all coming out onto Denton Road. There needs to be some way to address the issues on Daniels otherwise it will be a real raceway.

Peter Goutos, Denton Road, has a prepared letter of which he would like to speak on some of the highlights. He states that he is not representing the neighborhood, but he thinks that some of his statements will support some of the neighbors' concerns. The screening that has been proposed is consistent with what he spoke to F. McNery about. There is a concern on site lines and it is a shared concern with the Bed and Breakfast and the three residences in that area. He has looked at a better topo representation and the difference ranges from 6 to 10 feet in elevation between the residences. He discusses using natural colors for the buildings and the roofs, inclusive of everything; it helps it to blend in. He states that he has talked about lighting with Prestwick Chase since the inception and there has been an agreement to shut the lights off at 11:00 p.m. and they would like that to continue. F. McNery has discussed putting in a different type of lighting that would downcast and that would be an improvement. He discusses outdoor lighting. P. Goutos states that there is a tremendously important piece of property that is part of this PUD that sits directly behind

his house. It is very similar to the lands on R. Jensen's property. It is naturalized, it gets cut very infrequently and he has asked F. McNery to exclude that from the development of the PUD. Traffic is very important and this development is going to add traffic. They know the type of pressure they are going to be facing from this. He sees the people who drive from Prestwick and are conveyed from Prestwick. It is a pretty low impact traffic development. It is going to increase with the amendment. Denton Road is facing the same pressure as Daniels Road. He states that this is a dragway, and even though there are only 8 houses on a one-mile stretch and they don't have as much of a voice as all of the residents on Daniels, they have the same problems. He would like to ask the Board's consideration, if it is allowable and safe that we continue to have the Daniels Road entrance, that we maintain it as a viable entrance, we pay attention to the fact that it is approvable and we do what the Board did on behalf of Daniels, which was an awesome gesture to start the process of getting some traffic control, reduce the speed limits, some mitigative efforts so that we can start to curb what has turned out to be a real problem for their neighborhood, which is Denton, Daniels, Bloomfield, and Locust Grove Road. He states that he is a degreed biologist and an environmental engineer and will continue to work with F. McNery on ideas. There being no further public comments, this public hearing is adjourned at 10:23 p.m.

T. Yasenchak asks for clarification of some items dealing with the PUD language and points out a couple of errors. She questions that in the uses section they are talking about one or two pool(s). F. McNery explains that it will be one pool and that they would like to be able to have it open at one side, south facing so that in the summer months it would be somewhat outdoors. T. Yasenchak states that this is the time to make changes if he would like to have more than one pool. She asks him to define: recreational facilities; additional parking; other site amenities; emergency medical technicians. F. McNery states that he September 10, 2013

had originally proposed to the Town Board, in keeping with what they have already proposed, they were going to build and dedicate the land for an EMT station. He believes that the Town Board has gone another route with all the studies. He left it on here because he had originally proposed it to the Town Board and he does not know the legal ramifications of leaving it in or removing it. T. Yasenchak states that is something that the applicant needs to get figured out with the Town Board. She asks that they try to indicate where the offices for medical services will be located. F. McNery states that they are presently in the building now under the existing PUD. A. McKnight asks how many of the 21 different uses exist and how many are new. F. McNery states that without looking at the list – the polling place does not exist and the others he would have to look at the list. A. McKnight states that one of the things he would be interested in seeing is what is currently there versus what is proposed. T. Yasenchak states that she would like the services to be defined as to whether they are just for the people living there or if someone from the outside could rent a space for some use. F. McNery states that the services that are in there are the services needed for a senior community. M. Hill asks whether a SWPPP has been prepared. L. Paleschi states that that has not been done at this time. C. Baker states that there are a number of questions that will deal with the SWPPP, and as with the previous applicant, we were able to address a lot of those impacts as small to moderate based on the fact that it was identified. It may be in the applicant's best interest to prepare a draft SWPPP. T. Yasenchak states that when we start going thru the SEQRA we have to be able to say what the Board believes the impact will be and we need something we can judge that off of. She states that she would like to have an idea of the lights that they are going to be using

The meeting is adjourned at 10:39 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary