

TOWN OF GREENFIELD

PLANNING BOARD

August 26, 2014

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: John Bokus, Nathan Duffney, John Streit, Stan Weeks, Tonya Yasenchak and Robert Roeckle, Alternate. Michael Gyarmathy and Thomas Siragusa are absent. Mike Hill, Town Attorney, and Charlie Baker, Town Engineer, are present. Due to the absence of M. Gyarmathy and T. Siragusa, R. Roeckle, Alternate, is filling in as a voting member.

MINUTES – August 12, 2014

MOTION: S. Weeks

SECOND: J. Bokus

RESOLVED, that the Planning Board waives the reading of and approves the minutes of August 12, 2014, with the following clarification:

R. Roeckle states that he would like to clarify that on page 4 in discussing Ballston Mourningkill's project, he believes that he was talking about an elevator in the building, if they were going to be required to have an elevator. The square footage of the second floor may not require it due to the size and he believes that is what the answer was. Handicap parking spaces are going to be required.

VOTE: Ayes: Bokus, Roeckle, Weeks, Yasenchak

Noes: None

Absent: Gyarmathy, Siragusa

Abstain: Duffney, Streit

LPC PROPERTIES – Minor Subdivision

Greene Road

Paul Pileckas is present for the application and states that he is seeking to subdivide an 18.67 acre parcel into 3 building lots of 6 acres each. At the last meeting he was asked to add some information to the survey and that was done in addition to getting a letter regarding the sight distance and a DEC delineation.

A public hearing is opened at 7:05 p.m. Chris Yarsevich, Greene Road, questions the locations of the proposed houses and septic. His well is in the extreme northeast corner of his property near a stream that runs across Greene Road. T. Yasenchak states that the applicant is not required to show the exact location, just a proposed location; however, there are DOH and DEC requirements, as well as the Town of Greenfield's own zoning laws. The applicant will be required to build within the building envelope. He will also have to follow the regulations requiring proper distances from neighboring wells. C. Yarsevich asks if he can review the plans. P. Pileckas points out the proposed locations on the map and states that his property is downhill of C. Yarsevich's property. There being no further public comments, this public hearing is closed at 7:08 p.m.

B. Duffney states that this looks fine and meets zoning. S. Weeks asks what the required sight distance is. C. Baker states that that is not in the letter and is something he would like to see. There is no comparison to what is required. P. Pileckas asks what the speed limit is. C. Baker states that if it is not

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posted, it's 55 mph. B. Duffney states that he believes it is posted at 45 mph. P. Pileckas states that the surveyor told him that they could see up to 450' if he cleared some bushes. C. Baker explains AASHTO. He is not comfortable with the statement, "There are small trees...that could be cleared fairly easily" He states that he would like to see that more definitively stated that it will be cleared and that it will be maintained so that you meet that sight distance. P. Pileckas understands that it is vague and he is willing to move the driveway as necessary. C. Baker states that those are the types of things that the Board likes to see from the professional making the recommendation. S. Weeks states that that is the reason for his question, to get this pinned down before it is subdivided and they find out they should have moved the line. T. Yasenchak states that everything appears to be in order, but before we can continue, we do need to have that letter straightened out. C. Baker states that the plan looks good, the only question he has is the sight distance. B. Duffney asks if lot 3 is the location where a mobile home once stood. P. Pileckas confirms this and reiterates that he will put the driveway where he has to to make the sight distance work. M. Hill suggests that since we are waiting for additional information that the public hearing be tabled and continued at the next meeting. T. Yasenchak explains to the applicant that the Planning Board has the option to reopen a public hearing based on new information.

GALE & WILLIAM HIKA – Site Plan Review
Lake Desolation Road

Gale Hika is present and reviews that she has submitted engineered drawings showing the locations of the septic, the well, where the parking lot is going to be, and parking lot accessibility. They will be using a grease trap in the interior of the building. She has had the septic system inspected by the original installer which was Barnes' Imperial Septic. They have cleaned it, checked all the baffles, the lines. There were three laterals at 100' each, all in great working condition. She has spoken to the Post Office and they are fine with having the restaurant next door. They did inquire about the firewall, which she assured them will be done before the business will open. She explains the buffer and what they are proposing for vegetation. It is being proposed at 15' from the neighbors' property and an additional 15' to her line. T. Yasenchak questions that they will be updating the septic. G. Hika states that the engineer and Imperial Septic stated that it did not need to be updated. They are having the grease interceptor which will be under the sink inside and is maintained and disposed of in a specific container. It is based on the cubic feet of the sink. T. Yasenchak states that according to the site plan, they will still be adding lines and that gets reviewed by the Town Engineer and the Building Department. R. Roeckle asks if the wells on the adjacent property are close to the existing leach lines. G. Hika states that they are not, she states that they are all beyond 100'. R. Roeckle asks if the open porch currently on the building is going to remain. G. Hika states that it is going to remain as an open porch. S. Weeks states that this is pretty straightforward. J. Streit states that if C. Baker is satisfied with the engineering, he is fine. T. Yasenchak asks why they have a 15' buffer, that in granting the variance, the ZBA had requested that the Planning Board pay particular attention to this and in looking at the code she does not see an option for 15'. G. Hika states that she chose that. She is also only required to have 10 parking spaces and will be having 13, and this will help keep the children safe and give them a little leverage space. T. Yasenchak suggests talking to G. McKenna about the buffer and ask him to determine which buffer she should be as this is not really retail and not really commercial. It will be the small café, but also processing. G. Hika states that before it was considered a mixed use. T. Yasenchak states that the Board would also like to see where the sign will be located and what it looks like. G. Hika states that it will be on the building itself. C. Baker states that he is confused about the septic system. The site plan shows what looks like a new septic system being proposed. G. Hika states that they are planning to use the existing system. C. Baker states that then we need a plan that shows where that is located, the separation to existing wells, and some kind of documentation from the engineer that says that it is good for the amount of gallons that they are proposing to put into the system. G. Hika states that they did reduce the seating to 15 to 20 because they would have had to have 2 handicapped bathrooms and there wasn't enough room. It is now going to be more retail than restaurant. She asks if the Board wants clarification on the plans. C. Baker

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states that it should be shown on the plans and with a letter or report that documents that the existing system is sized properly for the proposed use. He states that he had previously asked for some type of letter from DOH regarding the public water supply system. G. Hika explains working with Department of Ag vs. DOH. She has gotten the water tested and will get a letter. T. Yasenchak states that we did get a letter from the County and they stated that there are no significant County Wide or Inter Municipal Impacts.

UMH PROPERTIES – Site Plan Review

Brookview Mobile Home Park (NYS Route 9N)

The applicant has requested a postponement to the next meeting, September 9, 2014.

PRESTWICK CHASE – PUD Amendment & Country Squire Green Space Amendment

Denton Road

Dave Pentkowski, Attorney, is present and states that L. Palleschi will be arriving shortly. D. Pentkowski states that the recent language changes are acceptable to the applicant. M. Hill reviews the changes and clarifications made to the draft PUD language which are based on the previous meetings discussions. T. Yasenchak states that after taking an informal poll of the Board, the Town Attorney was asked to prepare a draft Negative Declaration. M. Hill reviews the revisions that were made to the draft Negative Declaration. There are some blank spots that need to be filled in regarding dates of public hearings and number of meetings, which R. Rowland will research. The Board will ask L. Palleschi the approximate number of feet to the closest adjoining neighbor, and the number of acres in the green space that will not be developed vs. the amount that will be. T. Yasenchak states that the draft resolution for the Country Squire green space appears to be self-explanatory. The Town Attorney did add that the emergency access road would also be used by maintenance vehicles including but not limited to snow plows. The draft recommendation for the PUD amendment has also been reviewed previously and T. Yasenchak discusses the amendments made. As L. Palleschi is now present, T. Yasenchak asks him to confirm some of the information. The closest off-site neighbor is determined to be greater than 700' away. The approximate number of acres that will remain uncleared and undeveloped in the Country Squire green space is 24.5 with approximately 1 acre to be cleared for the emergency access road. The Board discusses and decides not to read the entire draft negative declaration at this time as it has been reviewed, edited and re-reviewed.

RESOLUTION – Prestwick Chase – SEQRA

MOTION: J. Streit

SECOND: S. Weeks

RESOLVED, that the Planning Board, having reviewed and gone thru the process of SEQRA and coordinated review for the Prestwick Chase Planned Unit Development amendment and the amendment to Country Squire Estates subdivision plat, Phase II green space, moves to check box A that this project will not result in any large and important impacts and a Negative Declaration will be prepared, for property located at 100 Saratoga Boulevard, TM# 152.-1-109.1, TM# 152.-1-111 and TM#152.-1-115.

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

Noes: Yasenchak

Absent: Gyarmathy, Siragusa

T. Yasenchak reads the Amendment to the Country Squire Estates subdivision plat, Phase II at this time.

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RESOLUTION – Amendment to Country Squire Estates

MOTION: B. Duffney

SECOND: J. Streit

WHEREAS, in 1991, the Planning Board granted final approval for the Country Squire Estates Subdivision – Phase II cluster development (the "Subdivision") which included an approximately 25-acre portion reserved and designated as open space (the "Green Space"); and

WHEREAS, the Subdivision was subsequently acquired by Fred McNeary [or an entity controlled by Mr. McNeary] and ownership was eventually transferred to Prestwick Chase, Inc., (the "Applicant"); and

WHEREAS, in 1996, the Planning Board amended its approval of the Subdivision to allow the Green Space to be used as a portion of a golf course for the adjacent Prestwick Chase Planned Unit Development (the "PUD") but otherwise to be retained in its natural state with no active management beyond that required for golf course maintenance and no public access except for persons using the golf course; and

WHEREAS, the Applicant also owns the property included in the PUD and has requested an amendment to the PUD legislation which would, among other things, eliminate certain uses originally approved for the existing PUD, including the golf course, and instead allow construction of up to 284 additional senior apartments and other structures (the "PUD Amendment"); and

WHEREAS, as mitigation for potential impacts of the PUD Amendment the Planning Board requested, and the Applicant agreed, that the Country Squire Estates Subdivision Plat – Phase II be amended to rescind approval of the golf course use and require the Green Space to remain undeveloped except for construction of a double-gated emergency access road to enable access to the Prestwick Chase PUD by emergency service providers (the "Subdivision Amendment"); and

WHEREAS, the Subdivision Amendment was included in the Planning Board's SEQRA review of the proposed PUD Amendment and the Public Hearings held in connection with the PUD Amendment; and

WHEREAS, the Planning Board adopted a SEQRA Negative Declaration for the proposed PUD Amendment and proposed Subdivision Amendment;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The proposed Subdivision Amendment is hereby approved and the notation regarding the Green Space on the Country Squire Estates Subdivision Plat – Phase II (the "Subdivision Plat") shall be revised to read as follows:

GREEN SPACE

1. The area shall remain undeveloped and in its natural state except for construction of a road extending from Daniels Road to the Prestwick Chase Planned Unit Development, as shown on the plan entitled "Prestwick Chase PUD Amendment Plan" dated June 13, 2013, with a final revision date of July 22, 2014, which shall be double gated and used only by emergency vehicles and maintenance vehicles including but not limited to snow plows, and/or in the event of an emergency situation when access to the Prestwick Chase Planned Unit Development from Denton Road is blocked or otherwise unusable.
2. The emergency vehicle access road shall be constructed as shown on the above-referenced plan, on file with the Planning Board of the Town of Greenfield, with the minimum extent of clearing required for grading the road and the roadbed being as narrow as possible to adequately accommodate emergency vehicles.
3. No active management is proposed except for activities required to maintain the emergency vehicle access road.
4. This area is not intended for public use or access.

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2. This Resolution is contingent upon final approval of the proposed PUD Amendment by the Greenfield Town Board and shall take effect immediately upon granting of that approval, with the owner to file a revised subdivision map in the Saratoga County Clerk's office. If such approval is not granted, the Subdivision Plat shall remain unchanged.
3. The Town Supervisor, Town Clerk, Town Engineer and Town Counsel are hereby authorized and directed to take such actions as may be required to effectuate the intent of this Resolution

Duly adopted this 26th day of August, 2014, by the following vote:

VOTE: Ayes: Bokus, Duffney, Roeckle, Streit, Weeks, Yasenchak
Noes: None
Absent: Gyarmathy, Siragusa

J. Streit states that while he was absent at the last meeting, he did carefully read the draft resolutions.

RESOLUTION – Prestwick Chase Planned Unit Development Amendment

MOTION: S. Weeks

SECOND: B. Duffney

WHEREAS, pursuant to Section 105-129[C](4) of the Town Zoning Law, the Planning Board received a referral from the Town Board relating to the application of Prestwick Chase, Inc. for amendment of the existing Planned Unit Development District No. 2, Prestwick Chase Planned Unit Development District, Town of Greenfield ("PUD") to eliminate certain uses originally approved for the existing PUD, such as a convalescent care center/nursing care center and golf course, and allow construction of a maximum of 284 additional senior apartments consisting of 2-story and 3-story multi-family buildings, a community building with amenities, associated parking, private roads, utilities, storm water management areas, landscaping, a maintenance building and a 10-bay garage, with various professional and personal services for use by PUD residents and guests only and not available to the public; and

WHEREAS, the proposed project also includes amendment of the approved cluster subdivision depicted on "Country Squire Estates Subdivision Plat – Phase II" to allow a double-gated emergency access road to be constructed within an approximately 25-acre reserved green space area, which will remain otherwise undeveloped, and to rescind the authorization to construct a golf course within this green space, which amendment will only be adopted if the proposed PUD amendment is approved (the proposed PUD amendment and subdivision amendment together constituting the "Project"); and

WHEREAS, the Planning Board was established as Lead Agency for environmental review of the proposed Project under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on July 29, 2014 the Planning Board determined that the application was complete for purposes of its SEQRA review; and

WHEREAS, in response to comments, questions and concerns expressed by the public and the Planning Board, the original submission was supplemented and revised and modifications were made to the proposed Project during the Planning Board's review; and

WHEREAS, on August 26, 2014 the Planning Board adopted a SEQRA Negative Declaration for the Project; and

WHEREAS, on August 26, 2014 the Planning Board determined that the application was complete for purposes of making its recommendation to the Town Board for approval, approval with conditions or modifications or disapproval of the application pursuant to 105-129[C](6); and

WHEREAS, under Section 105-129[C](6)(a) of the Town Zoning Law the recommendation must be accompanied by a report on the application which includes a discussion of the proposal's compliance with certain specific criteria;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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1. The Planning Board makes the following determinations, which shall constitute the report required by Section 105-129 [C](6)(a) of the Zoning Law;

A. The proposal conforms to the Town's comprehensive planning objectives.

The Town's Comprehensive Plan states that the plan for Greenfield is to remain largely rural with large residential parcels. Although the Project represents an increase in the intensity of land use, the area is already developed with the existing PUD. In addition, the Project will include significant vegetated buffers and the totality of the PUD maintains a significant amount of open space. Amendment of the Country Squire Estates Phase II Subdivision Plat to prohibit any development within the green space other than construction of the emergency access road will ensure that this area remains largely undeveloped and continues to contribute to the rural nature of the area. In light of these considerations and the fact that the Project includes a 50-foot wide perimeter buffer around the PUD providing vegetative screening to mitigate the view of the proposed new structures, together with tree plantings to further help screen new buildings from view, the Planning Board determines that it is consistent with the objectives of the Comprehensive Plan.

B. The proposal meets the intent and objectives of a Planned Unit Development as expressed in §105-129A of the Zoning Law.

In Section 105-129A, the Town Board declared its intent to encourage innovations in development and greater flexibility in siting, design and type of structures permitted under certain circumstances in the Town. The proposal meets the intent and objectives of a Planned Unit Development as expressed in §105-129A of the Zoning Law. The Project is innovative and allows greater flexibility in eliminating proposed development that is economically unjustifiable and allowing siting senior apartments within the PUD instead. The location of the proposed buildings will preserve trees, topography and water features to the extent possible and screen the buildings from neighboring uses. Removal of two of the buildings originally proposed for the PUD amendment in the vicinity of the Saratoga Farmstead Bed and Breakfast ("B&B"), which has been recognized as a Certified Green Hospitality Property by Audubon International and the State of New York, and maintenance of a 50' vegetated buffer will eliminate potential impacts to this locally significant property.

C. The proposal complies with the general requirements listed in §105-129B of the Zoning Law.

The total area of the Project is approximately 90 acres, greatly exceeding the 15 acre minimum. As any type of use is permitted within a PUD, the Project's proposed uses comply with this requirement. A PUD may be located in any area of the Town where the proposed development of the site meets the objectives of Section 105-129. As discussed throughout this Resolution and particularly paragraph B above, the Planning Board believes that the Project meets these objectives. The intensity of the proposed land use is appropriate given the amount of open space to remain, the fact that the Project will be adjacent to and a part of the existing PUD and the fact that the new structures will be adequately screened from view.

D. The uses proposed will not be detrimental to the natural characteristics of the site or adjacent land uses.

The Planning Board has conducted a thorough environmental review of the Project under SEQRA and adopted a Negative Declaration indicating that the Project will not have a significant adverse effect on the environment. Impacts on adjacent land uses were considered, particularly in evaluating the potential visual impacts of the Project and the related impacts on neighborhood character. The Applicant proposed 50' vegetative buffers, and planting of additional trees and landscaping around

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proposed buildings, which were reviewed by the Planning Board in making its determination that the screening proposed as part of the Project will adequately mitigate potential impacts to adjacent land uses.

E. Each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase individually.

The Planning Board engaged in extensive discussion of phasing of the Project. The Project is proposed to be constructed in three phases, as shown on the attached Construction Phasing Plan. The Planning Board believes that a phased approach will allow the potential noise, traffic and visual impacts resulting from construction to be reduced to a more acceptable level and to be monitored and controlled. The PUD legislation will incorporate the Construction Phasing Plan and specifies the portions of the Project to be undertaken in each phase and requires each phase of the Project to be shown on a separate site plan, which must be submitted to the Planning Board for review and approval.

F. The proposal is conceptually sound in that it meets local and area-wide needs and the proposed roadways, pedestrian system, land use configuration, open space system, drainage system and scale of elements function singly and cumulatively and conform to accepted design principles.

In general, the Project meets these requirements. The need for senior housing is well recognized both locally and regionally, and the existing PUD has been successful in helping to meet this need. As discussed above, the Project will eliminate proposed development that is economically unjustifiable and allow siting additional senior housing within the PUD instead. The Project is subject to Site Plan Review which will further evaluate these elements on a more detailed level.

G. There are adequate services and utilities available or proposed to accommodate the development.

The demand for services at the Project site will increase as a result of the Project. Both emergency services and fire protection are adequate for the Project. Amendment of the Country Squire Estates Phase II Subdivision Plat to provide for construction of a double-gated access road connecting to Daniels Road for emergency vehicles will enhance the ability of emergency providers to respond to service calls within the PUD and provide a second means of ingress and egress in an emergency if the primary access from Denton Road becomes blocked. Water supply will be from on-site wells which have sufficient capacity. Wastewater disposal will be to the Saratoga County wastewater system, which also has more than adequate capacity. Electric service will be provided by National Grid, which has sufficient capacity to serve the Project.

H. The traffic generated by the proposal will not have an adverse impact on the existing transportation network.

The Project is currently accessed only from Denton Road, and the proposal originally included a new access onto Daniels Road. However, the Project has been revised to limit use of the second access, to and from Daniels Road, to emergency responders. The applicant's 2013 traffic study indicated that a majority of the traffic would enter and exit off of Denton Road and only a very small portion would enter and exit onto Daniels Road. In addition, the 1996 traffic study conducted for the original Prestwick Chase PUD project concluded that access from Denton Road was sufficient to serve a level of traffic similar to the level anticipated from the current proposed Project. An update to the applicant's 2013 traffic study concluded that, even without traffic access to and from Daniels Road, the Project will result in minimal changes in traffic operation and affirmed the conclusions stated in

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the applicant's 2013 traffic study that adequate levels of service will be maintained on the network of surrounding roads. The proposed roadway connection to Daniels Road will be double gated and restricted to use only by emergency vehicles.

Based on these conclusions, the Planning Board has determined that there will not be a substantial adverse change in the capacity of the road network to adequately handle projected traffic levels resulting from the Project.

2. The proposal is in compliance with Chapter 49, Environmental Quality Review, of the Town Code. The Environmental Commission detailed its concerns with the Project and offered five suggestions which would need to be addressed before it could recommend approval of the Project to the Town Board. The Commission's suggestions included (a) changing the location of building #27 to avoid building on wetland, (b) creating a plan for channeling storm water into the surrounding ground to maintain the ecosystem, (c) maximizing biodiversity when replanting the construction zone by planting native species and minimizing the use of chemical additives, (d) informing neighbors and monitoring effects of blasting on nearby water wells and (e) adopting a plan to recycle well water back into the ground instead of disposing of it in the County sewer system. The Planning Board discussed all of these suggestions in detail. The Applicant would face significant practical issues in attempting to re-engineer the project to avoid the wetland area with building #27. The area is less than 1/10TH of an acre and does not constitute a regulated wetland. The Planning Board considered this issue in determining to issue a Negative Declaration under its SEQRA review and concluded that changing the location of building #27 would not be warranted. The suggestion to recycle well water back into the ground would require the applicant to design and construct an on-site wastewater treatment system. In light of the applicant's significant investment in public sewer infrastructure, it would not be reasonable to require construction of an on-site treatment system. With regard to the Environmental Commission's other suggestions, the Planning Board is satisfied that measures to be taken by the applicant will address them to the extent practicable.
3. The Planning Board hereby recommends approval of the proposed legislation to amend Planned Unit Development District No. 2, Prestwick Chase Planned Unit Development District, Town of Greenfield, in accordance with the plans submitted to the Planning Board.

The Resolution was duly adopted by the following roll call vote:

VOTE: Ayes: Bokus, Duffney, Roeckle, Streit, Weeks,
Noes: Yasenchak
Absent: Gyarmathy, Siragusa

JOHN WITT – Site Plan Revision

Old Stone Ridge

John Witt is present. T. Yasenchak states that at the last meeting the applicant had presented additional information for landscaping and tree planting. At that time, the Board felt that they needed additional help with the review and felt that they could not sufficiently review the project, they needed some professional help. The Board requested that J. Witt contact Cornell Cooperative Extension and have them review the most recent plan that he had submitted to us. During this process we did recognize, as a Board, that the Cornell Cooperative Extension was reviewing this as a favor to and at the request of the Planning Board, and the Board had stated that the applicant could present that information from them when it was received. We have e-mails dating back to August 12th stating that even if they did not meet the one week submittal date that that was ok with the Board. The Board had stated that and T. Yasenchak believes that

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e-mails were forwarded to the applicant and as well as neighbors. T. Yasenchak states that the applicant submitted additional information on the 20th, that was received first thing in the morning because of when they received the information, made copies and then got it to the Town. The Town allowed that to be dropped off first thing in the morning. J. Carbonaro states that he was ok with what T. Yasenchak said up to the last point. If it was a matter of CCE commenting back on information that the neighbors had already seen, but if there is additional information being proposed by J. Witt they have not seen it. They didn't even realize that this was on the agenda until today and that agenda is still not posted on line. T. Yasenchak states that the Town law does not require that the agendas are posted on-line, the Town law requires that we post here; it has been posted and was posted. J. Carbonaro states that T. Yasenchak stated on May 13th to J. Witt that when the neighbors complained that they had not seen information until 6 hours before the meeting, T. Yasenchak admonished him not to do that again and to make sure that that information was available to everybody 1 week in advance of any future Planning Board meeting. They were ok with that up until this time and have seen absolutely nothing until this very moment. T. Yasenchak states that the applicant presented copies of the recommendation from CCE. That was brought in on the 20th and was public record. J. Carbonaro reiterates what the applicant was told on May 13th. T. Yasenchak states that that was a recommendation, it was not an obligation. This is the applicant, we have an ongoing application process, and we suggested that the applicant present information to the neighbors. The Planning Board is the reviewing agent. The information is always public record and it was here first thing on Wednesday morning. The information that the applicant presented was one small letter of remediation but it is the summary of CCE, which is what the Board asked the applicant to provide. We will have the applicant discuss this information. T. Yasenchak states that in her opinion, and we can discuss it as a Board, but she believes that because the applicant was waiting to receive this from Cornell Cooperative Extension, at the Board's request, the difference between submitting something first thing on Wednesday morning vs. the very end of the day on Tuesday is sufficient for this Board. We do not have anything in our code that requires that when we ask for something it be given to us a week ahead of time, it is something that we expect the applicant to do. J. Witt thanks the neighbors, the Planning Board and Blue Neils from Cooperative Extension for their time to resolve the ambiguity in the current Phase 1 and 2 of the cluster Old Stone Ridge subdivision. Middle Grove LLC, the company that owns the property, has spent a great amount of time and energy working with the Planning Board when they received their original approval for the cluster subdivision at Old Stone Ridge. He reviews some of the history involved with the project. He states that he would like to ask the Planning Board for a positive vote, if they are comfortable with the modifications that they propose tonight. He reads from the Code, "To enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands,"; "The overall development shall be oriented in such a way as to maximize the preservation of environmental, cultural or recreational resource(s) present at the site."; "The area dedicated for open space purposes, including playgrounds and parks, shall be in an amount, location, quality and shape as is desirable for accessibility to all developed properties and open space preservation, as determined by the Planning Board."; "Where possible, all land not contained within the lots, road right-of-way or designated preserve land shall be contiguous and of such size and shape as to be usable for recreation and/or open space."; "The ownership of land dedicated for park, recreation or open space use shall be determined by the property owner or applicant. The person or entity having the right of ownership shall be responsible for its proper maintenance and continued upkeep. "; "Reservation of open space land. As a condition of final plat...pursuant to the open space requirements of this chapter and the Town Subdivision Regulations."; and "As outlined by...and shall not be platted for building lots." He states that that is kind of why the ambiguity happened. He does not think that their final plan, Phase 1 had the line on top of the hill and Phase 2 had no line for clearing and grading. He thinks that this plan goes back to the cluster requirements and cleans up this issue. He states that his attorney could not be here tonight but gave him some legal points to note. "The CCE report fundamentally misinterprets the Town's cluster development law. The law does not require that open space must remain forever wild as the CCE claims on page 1 of its report. The law specifically allows recreational uses, scenic views, among other uses. The HOA declaration gave Witt the right to clear for scenic views, the right to log. The declaration

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was reviewed and approved by the Planning Board. Those rights are consistent with the cluster development law. The HOA declaration was referred to in every deed from Witt to homeowners; they were on notice of Witt's rights. Their position is that the clearing and grading line on the map, and is not on the phase 2 map, was intended to be an approximate line, not set in stone. They have generally stayed within that, what they thought was an appropriate location of that line. As evidence of that, erosion, which was a concern of the Board, has not been an issue. In fairness, it is time for the Board to state the reasons it believes that it has the legal authority to require Witt to do any remediation. Not saying that they won't do it, but they have proposed and will do that. They do not think that it is fair for the Board to require them to do more." J. Witt reviews the plan and the revisions that the Board had requested. T. Yasenchak states that the plan shows that the trail is off the property. J. Witt states that this is an old town road which is cleared and he had the LA Group walk the trail. They could move it but it is an old town ROW, they could move it back onto the property. T. Yasenchak states that regardless of the condition of the road, it should be on J. Witt's property because it was part of the original site plan and subdivision review. T. Yasenchak asks if the trees to be 'transplanted' for the Reforestation Zone are to be transplanted from his own property or something he will be getting elsewhere. J. Witt states that they will be from the property or other properties or they will be buying. He has discussed purchasing from B. Neils. The Managed Scenic Buffer was revised to state that no more than 60% of the trees could be cut over a 10 year period. T. Yasenchak questions that in the Reforestation Zone it states, "Trees to remain at 10" DBH" and does that mean that anything more than that would be cut, or just that they could be. It seems that it looks like once they got bigger than that you could cut. J. Witt states that the objective here is to create a buffer. The trees would not be cut until they blocked the view. He states that the people are going to want a buffer; the HOA is going to want a buffer, so it does not behoove them to cut the trees unless they block the view. T. Yasenchak states that what had been discussed was that a tree would not be cut until it got to that height. Rather than 'trees to remain', it just seems that once it gets there you can cut all the trees that are more than 10". She states that it seems unclear. J. Witt states that there is no clearing that should need to be done in this area for many, many years because it has been done. The goal is to let it reforest up. At 10" to 12" or larger, that is when it could be blocking the view. It does not mean that they will cut every tree that is larger than that. That just gives them the ability to do that. S. Weeks asks what 'homeowners of adjacent lots' means and who decides that they don't like a tree in a certain location. J. Witt states that they can only cut on their own property or in the HOA area directly adjacent. S. Weeks asks who decides what is going to be cut in that area. T. Yasenchak states that the Board is just trying to make sure that this does not happen again. She thought that the last time the applicant was before the Board there was something about there being review by the HOA. Discussion takes place regarding the HOA being the reviewing body. J. Witt states that he would be happy to have the HOA accept and approve prior to any cutting. B. Duffney reviews that J. Witt has stated that he would use transplanted trees and that the CCE report, page 3, suggests that transplanted trees should not be used. J. Witt states that he has had good luck transplanting their own trees and would be happy to show the Board a site where it is working. J. Bokus points out that the paragraph B. Duffney referred to states that transplants of seedling size should not be used. J. Streit states that his concept of the whole reason we are here is that the line exists between the houses on the hill just above the cliff and the Reforestation Zone was originally a no cut zone. He does not feel comfortable about some of what is being discussed regarding cutting and he thinks that what we are talking about is leaving it up to the people who have the houses right at the brink of the cliff to decide what trees stay and which go. He states that the Reforestation Zone (1) has no deciduous trees in it and he is concerned that one hundred 24" trees wouldn't be adequate, that isn't very many trees. He thinks that before we can discuss any plan we have to have the input of the people who live in this area and the CCE. T. Yasenchak states that we are having J. Witt present his plan first and then we will have CCE explain their review of that. J. Streit states that the area of the Managed Scenic Buffer was supposed to be a no cut zone and now we are letting people cut whatever they want to. J. Witt states that it was never supposed to be a no cut zone. J. Streit states that he looked at the plan and the two engineers signed it. S. Weeks states that it states 'the limit of', which is fairly specific to him. T. Yasenchak states that what we have decided at previous meetings is that we are obviously of different opinions of what that meant and that is why we are here. We are going forward from this point to try to find an amenable resolution that the Planning Board is

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happy, the homeowners are happy and that the applicant can work with. We are not going to argue about the line or the intention, how do we go forward from here. She states that the applicant knows how most of the Board feels about that line. J. Witt states that he brought the engineer, Frank Palumbo who came on his own to say that that line was basically around the edge and they could not clear. J. Streit states that is what was said, but not what was signed. J. Witt reiterates that was Phase 1, but Phase 2 did not have any line. He reiterates that the intent of the project was to clear for views and he understands what is being said, he understands the interpretation of that line, but he is saying that they have done a lot to get up here, a lot of work to get up to the ridge to get view lots, that is what they did it for. J. Streit states that when it was named Old Stone Ridge, the applicant knew that it was a stone ridge and to have to blast was self-imposed. J. Witt states that the whole thing was self-imposed. He states they bought it knowing that they had to do that. J. Witt states that he is happy to change language and have the HOA approve before any cutting is done on any HOA land. J. Witt goes on to explain his plan. J. Streit asks if the trees can be cut in the year one of the 10 year periods described. J. Witt states that right now it is pretty much cut. J. Streit states that the plan states that 60% of the trees can be cut in a 10 year period, so if you cut them all in the first year, and then don't cut any for 9 years, that would be the limit of the way this is worded. J. Witt states that there wouldn't be any more. T. Yasenchak states that she believes the question is that it states "not more than 60% in excess of 12-inches", what if there are ones that are left, can they continue to cut those? She states that there doesn't seem to be any limit of that, no limit of anything smaller. J. Witt describes the area where there will be no more cutting, just replanting. The 12" or larger are the trees that give the look we are going for in that buffer area, so that is why they came up with that proposal. T. Yasenchak states at the last meeting the Board asked for there to be some integration of the neighbors, obviously we were concerned about the impact that the clearing had on J. Szpak's property, he is an adjacent homeowner but not in the HOA. The Board had asked the applicant to address that as well as the Benton property to the south and to implement a plan that these neighbors would be notified by the HOA of any cutting that would be taking place. In some cases these properties would have more of a vested interest than some people in the HOA. J. Witt discusses that he does not anticipate any further cutting in those areas which would be subject to the no more than 60% rule. T. Yasenchak states that the Board, in looking at SEQRA, has to anticipate what it will be years from now. J. Witt states that he believes that years from now it will be just the way it is now and he will have no control over it. Over half of the property is no cut. He didn't see that as an impact. T. Yasenchak states J. Szpak has had a great impact now, but in 10 years if the HOA decides to continue to clear? J. Witt states that the intent is to have a buffer and no clear cut behind J. Szpak, and if the HOA has control, he thinks that gives it pretty good teeth and this is the guideline. He states that when he bought the property the whole hillside was a lot of blow down, meaning about 20% of the trees were blown down. They had a hard time walking the ridge because of the trees that were blown down. He feels that over time, 10 years from now, it is going to look better than it did 20 years ago. Blue Neils, Cornell Cooperative Extension, states that the discussion here highlights a few things that they were trying to get across in the recommendation - there has to be some sort of clear cut objectives and well defined areas of concern, and how those areas are to be treated, regardless of how we got here. What objective or objectives are we trying to meet? We have to settle in on where the HOA lands exist, get those delineated in the field and then you can begin to draw up more specific areas of concern. When you say 'reforestation', to people like L. Gailor and himself, that has a very specific definition and meaning. Scientifically that means something specific to them, which is basically reclaiming the existing forest prior to its being cut down. What is being proposed here is a mix of those things but it is still kind of unclear where exactly everybody wants to land. B. Neils states that at the end of his recommendation he stated that there is good opportunity to get us someplace, but we have to settle on some objectives first. What is the extent of the area of concern, because that then defines, from a scientific standpoint, where we can begin to start doing some field work to develop a plan that basically recreates a forest and gets it on its way after a period of time, reverting back to what it once was. That is what we also need to be clear on as an objective. Is that what we are trying to accomplish? T. Yasenchak states that then what B. Neils is saying is that maybe what the Planning Board has asked was too vague, the Board did not give him proper parameters. B. Neils concurs. T. Yasenchak asks B. Neils to comment on some other recommendations that the CCE made as far as the planting schedule. B. Neils states that they feel that in

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trying to develop a plan that would be successful, long term, don't try to get anything done this year. Right now we are about 50 days from the end of the growing season, about October 15. Trying to get things established in this time frame is very compressed and not likely to be highly successful. Any plantings that would be done, with more well defined parameters or objectives – in other words, is this going to be a single action by J. Witt and Middle Grove LLC to be kind of like fire and forget technology or is this something that the Planning Board is going to make J. Witt 'own' and manage until he has sold off the last lot and the keys are turned over to the HOA? All these things in terms of timing make a big difference, but the best first recommendation they can make as far as getting plans installed, would be to wait until the next growing season – Spring 2015. B. Neils states that it seems that the Board is not that close to an agreement where they are going to green light J. Witt and let him go to work to satisfy what the Board wants to see. T. Yasenchak states that as the Board has looked at the plan as it has been progressing, it has been getting closer, but we are still not sure as far as density or the number of stems or trees in a certain area, we don't know what that looks like. When we worked with Skidmore and their plantings for their buffers, they showed us where the trees were and we were able to say, in that area if we felt comfortable with it or that it looked appropriate. It had a little more specificity to it than having a line and not really knowing what the area is. For example, the planting area in red, the Board does not know what the area of that space is and T. Yasenchak thinks that is why the Board has been kind of vague because we don't really know. That is why we asked Cornell what they think of the plan. J. Streit states that there is a dispute as to whether the applicant could cut down the hill or not. He states that obviously J. Witt cannot put back and restore what was there, everyone agrees on that, but some reasonable plan to put some trees there of the right types, deciduous mixed with coniferous. He does not feel that 100 plants are going to do anything. He states that he would like to see a plan that shows particularly where trees are going to be planted, what kind of trees, roughly how many, what is the spacing. He states that he does like the striped green area and would like to see that over the whole Managed Scenic Buffer. B. Duffney reiterates the reasons for asking CCE's unbiased opinion. He states that the area will regenerate, but short term, the reason he asked what CCE thought was basically because of their unbiased opinion. B. Neils explains that if he were a forester and was asked to reforest an area he would define the area that was deforested; determine the species composition, what kind of trees were there in the first place and what their density was or distribution; then measure the basal area which he could get if he has the stumps. From that point, he would then recommend a planting schedule of sufficient density so that given 30% attrition, year to year, you would eventually, after 10 years of establishment, wind up at a place where you would have enough stems per acre for these trees to mature. Once you get that you can overlay a dot grid and get the dots on the map that show where the trees are and designate which of those dots are what species. He states that is what the word reforestation means to them. This is a very specific process and has a very specific concept. Based on what was proposed by J. Witt, they think it is a good start because there are lines on the map and you are beginning to narrow down the conversation, but it is not quite there yet. His recommendation is to define the area and then define the terms of reforestation. It will regenerate on its own, but in the meantime you have no real control over species such as invasive species, etc., so you are not actively managing it. R. Roeckle states that he is looking at the Managed Scenic Buffer as a way to prevent this from happening in the future. However, his concern, and he expressed this at the last meeting, is that the two reforestation zones or the replanting area are just listed as that, there is nothing in this documentation that says once they are up and growing, they are going to become Managed Scenic Buffer. It was indicated that that is what they were going to be, but there is nothing here to say that. Specifically, according to Section 413 of the HOA, any notes on subdivision plats are what the HOA is subject to. If this becomes part of a note on the plat, we need to have all the information to continue moving forward with this. Nothing here says that these areas will become Managed Scenic Buffer in the future. Perhaps it needs to be better delineated that those are within the Managed Scenic Buffer and this is what is going to happen now. Then we need to determine how they are going to be taken care of. B. Neils asks with regards to the future of the common lands, are they going to be turned over to the HOA once J. Witt's interest in the project is done? J. Witt states that the HOA states that he can cut what he wants, but if this gets passed, he can't because the HOA has to follow this and this would supersede the HOA documents. J. Witt states that the HOA will take this over once it is established and up and running, and he will go away.

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That is why they are trying to do this so that once he is out of it, a homeowner will know exactly what he can do to maintain his views, we know exactly what is there for the buffer, etc. S. Weeks states that he finds it way to vague. He sees the limit of "Not more than 60%....over a 10 year period" and to him that means that you can cut everything smaller than that. He really thinks that if you go back to the very first time that this came up, we asked the developer to please get together with the neighbors, please communicate with the neighbors, please see what kind of agreement you can come up with and clearly that is lacking and isn't happening like the Board anticipated. Lacking that, that puts the Board in a position of being very uneasy about the fact that it was asked from the very beginning, because if the neighbors are not happy, eventually J. Witt is not going to be happy. S. Weeks thinks this is an important part of the process. J. Witt states that he disagrees, he worked with the neighbors, they flagged the area, he has been sending them copies of all the maps prior to the meetings. S. Weeks states that he did not send them this information. J. Witt states that he did send them this map. T. Yasenchak states that he has talked with the neighbors and they said that they want certain areas replanted, but then we need to go that step further, what the Board does not know is what does it look like in the area to have trees planted 25' on center. There are no dimensions on this. She states that there is a scale, but we should not have to be the ones scaling it off. She states that we need a piece of paper that can go in the folder that we can then say that it has been met. Having been out there and looking at the paint spots with the neighbors is wonderful, but for the Board, the record and the site plan, if the site plan doesn't show that, the dots can be anywhere. C. Baker states that one thing he is questioning is who is going to be responsible for enforcing this in the future? How do you know what 60% is if you don't have something as a base to go by? Discussion takes place that if someone does cut more, then does the HOA come to G. McKenna to say that someone is non-compliant with the site plan, but G. McKenna won't know what that 60% is. J. Witt states that he does not believe that we want G. McKenna managing this, the HOA would work it out between themselves. T. Yasenchak reiterates that we need some quantification. J. Streit states that up until a few minutes ago he couldn't see a way out of this morass, but CCE has presented us with very logical and scientific methods of approach that gives us a pathway to a solution to this problem. What the Board would like to see is what B. Neils outlined and if nothing can be done until the Spring, there is plenty of time to come up with a solution, a plan that we can all look at, we can all understand and we can all see if it conforms to what we envision. Knowing we cannot put back the original trees, what gives us the best chance to recreate that over a reasonable period of time? T. Yasenchak states that we need something that is quantified; however, it is the Planning Board's purview and job to be reviewing that. J. Streit states that he is not suggesting that those three parties make the plan and that's it. They can make the plan and present it to the Board for approval. T. Yasenchak states that we have asked J. Witt to work with the neighbors and he still should be, but it is not fair to have a requirement that he have them design with him. He should design and have their input. B. Duffney states that it seems that what J. Witt wants to do is not enough for the neighbors, but what the neighbors want is too much for J. Witt. He says we should put it in the hands of professionals; they would have the handle on it for what is best for the property. T. Yasenchak states that B. Neils is asking what target he is shooting for. Which direction are we asking him to go, what is the limit? S. Weeks states that he does think that J. Witt has made some real progress in laying out the different zones, he just does not think that they are well defined enough and the Board does not understand enough what is going to happen in those zones. It needs to be more specific. B. Duffney states that he did drive in and saw the stakes, it's a good start. J. Witt states that he could propose something, he would be happy to work with CCE in those planting areas, go spray paint it and pay his surveyor to go in and mark where they are putting trees and then we will have it on a map, but that is going to take more money and time. He is going to lose a whole building season; he is still plowing the road, paying the taxes, etc. J. Streit states that the Board is not happy that the applicant has to put up with these hardships, the Board is also not happy that the trees were cut passed what we thought was the no cut line. T. Yasenchak states that she does not think that we are looking for the surveyor to mark everything. Something to scale that is more quantified, something we can put in the file. B. Neils states that the last page of the letter has his personal recommendation. He reviews his comments. He states that from a technical standpoint, concentrating a lot of conifers in this area doesn't really jive too well with what used to exist there. He has an idea of what that area should look like in terms of the replanting. B. Neils states that on that recommendation there is a quid

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pro quo because what J. Witt is looking for is relief so that he can continue his project and what the Planning Board wants is absolute assurance that the area is going to be restored. T. Yasenchak concurs. J. Witt states no, absolutely not. The concept of this subdivision was not to have a forested area; it was to have a view area there. It was not to be a reforestation area. He indicates the area of the buffer on the plans. He indicates the original house and where it was cleared, and that the concept was to have all those lots cleared like that for the views. T. Yasenchak states, again, that is where the Board does not agree. B. Neils states that is the objective that they need. J. Witt states that is the issue. He states that he understands that the Board may want reforestation, but he is the owner, he is the developer and it says right in there in the cluster provision that that was his right and that is what was approved in his HOA documents saying that they could clear for views. It was never supposed to be reforestation so this is a compromise. He states that he is proposing buffers and that is why he is proposing more pines than deciduous trees. T. Yasenchak states that we obviously have a difference of opinion and she does not know how it is going to be resolved. She states that the SWPPP showed that forested, we have to come to some conclusion that there will be reforestation of some manner to some degree in that area. J. Witt states that his question is why does it have to be reforested. J. Streit states because there was a plan that was signed that said no cut beyond this point, very clearly. J. Witt states that was phase 1 and phase 2 had nothing. He states that it is subjective and he is the one who has put up his money to buy the property, put in the road to have view lots and this is America. T. Yasenchak states that it was for selective clearing and we are getting back to the same argument, it wasn't for cutting it all down. We are trying to find a middle ground. J. Witt states that he understands that he cut more trees than the Board is comfortable with, but by the same token, he is willing to replant the buffers. T. Yasenchak states that we are trying to find a middle ground, put it on paper and have something that people can reference. C. Baker states that Phase 2 did not include the ridge lots. S. Weeks states that J. Witt's living is using drawings. If he has a subcontractor who does something and it does not meet the drawing, what do you say? Fix it. We know what was on the drawing, we all saw it and we all read it the same way. S. Weeks states that he does not think that we should spend much more time talking about it because to the Board it is absolutely clear what it meant. J. Witt asks why it was not on Phase 2. T. Yasenchak states that Phase 2 was not dealing with all those other lots; it was only the phase 2 lots. J. Witt states that he will work with the neighbors and B. Neils and spray paint what they think the phasing is and where things could go. He will put stakes and write names on them for what will be planted there next spring. T. Yasenchak states that we need to see that on a plan. M. Hill states that he was going to ask if what the Board really needs to see is a detailed landscaping plan showing the types of trees, the sizes, etc. C. Baker states that another thing that is important is a cost estimate to go along with that plan. From what he is hearing, nothing is going to be done until next spring and the Board has a decision to make here as to whether to allow the applicant to keep building houses or he doesn't build until the spring. One way to do that is to force the applicant to put up a bond to cover the cost of whatever this plan is that would allow him to proceed. Short of that, and you can read G. McKenna's notes as well, there is no way to have a guarantee that this work will be accomplished. J. Streit states that if the applicant brings back something that B. Neils has looked at as well as the neighbors, the Board can proceed and get this resolved. T. Yasenchak reiterates that we need something specific, what are the dimensions, what does it look like, etc. The Board has to give the applicant a specific target. B. Duffney asks the applicant at what point on the hill he feels comfortable starting the plantings. J. Witt states that there is flagging that goes up the hill and that is the area he is proposing the larger trees with smaller trees in between. He indicates the area where they would do the pines because that was more for buffer than bringing it back to its natural state. He indicates that J. Szpak agreed to pines because it would provide a quicker buffer. B. Duffney states that he would be comfortable with what CCE has to say. R. Roeckle states that B. Neils was looking for a benchmark of where we are looking to go. Is it possible to determine how much we would like to see reforested in 5 years as a benchmark? Are we looking at in 5 years we want 10 to 15' Maples in the area? What is it going to take to get something like that or some approximation of something like that? R. Roeckle states that it is not going to happen overnight. He is looking at what was proposed – 6' trees mixed with smaller trees. If you could provide the buffer with 10 to 15' trees over a 5 year period, Maples grow faster than others, and provide some form of visual buffer for eye level. Eventually it is going to become a managed buffer area which would allow for selective cutting for views, if

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we approve it. He would like to see something that when it is leafed out you can't see thru, somewhere in the neighborhood of 10' tall in 5 years. L. Gailor states that the reason why it was mixed hardwoods that were recommended is that in looking at the soils maps, they recommend what species will grow well in those soils. B. Neils states that they would recommend the best possible mix of species to reach the height levels. R. Roeckle states that to him it does not matter what gets planted, just that when we are done in 5 years it is about 10' tall and you can't see thru it. J. Streit states that the area we want to see addressed is the area that was cut. If we can have a plan for that area with Cornell's input that has a chance in 15 to 20 years to be a reasonable start to what was there, that is a plan that we can look at and discuss. J. Bokus states that he agrees with J. Streit. We know what was cut, that is the area that needs to be fixed and let's fix it with the professionals input - a map with dots and a key indicating what types of trees are represented and the rough size. T. Yasenchak reiterates the ideas given. She states that we asked CCE to come in as a reviewing agent, not the designer. B. Neils states that he understands and wants to help expedite the process. T. Yasenchak also states that we are looking at the HOA land; we are not trying to tell people that they cannot cut on their own property. T. Yasenchak asks M. Hill what he would suggest as to how we look at the management. M. Hill states that there is a filed HOA document, it seems like the end result of this process will be the filing of a new plan and the most important thing is that there be consistency between the document and the plan. He thinks that the applicant is proposing to have his consultants develop some proposed amending language to the HOA document that would govern the management of these areas and the tree cutting in the future. They will want to present that language to the Board and the Board would take the opportunity to make sure that whatever is proposed is consistent with what is presented on the plan. J. Witt states that the only issue he has with that is that to change the HOA at this point, they have to get every homeowner to approve it. He states that the plan overrides the HOA, so his thought is to just put it on the plan. M. Hill states that the applicant's attorney should be in contact with the Town Attorney as to how they would approach this. T. Yasenchak states that J. Witt should also talk with Cornell about more of their ideas about a management plan as well as the maintenance of the planting so that the Board has an idea of how that is being planted and maintained until they actually take root and survive. As C. Baker suggested, a bond of some sort to go along with the continuation of the subdivision. T. Yasenchak suggests getting the information to the Board as soon as possible and suggests working with the neighbors as much as possible. She states that because we adjourned the public hearing, we always will have discussion on it. We do not re-notify unless we close a public hearing. All the information is available for review at the Town Hall.

DISCUSSION

S. Weeks states that there is apparently a glare issue with the solar panels at Skidmore. They are addressing that. We need to be aware of that as we discuss other solar projects. J. Streit states that he has driven by there and has not observed a glare problem. He believes that the trees in time should mitigate what is there. T. Yasenchak states that we can only go by the technical data and make an informed decision from that.

J. Carbonaro asks if there is going to be an open forum for the Witt project. T. Yasenchak states that we did not come to any decision. J. Streit states that anyone can present in writing whatever their concerns are and that can be distributed to the Board. J. Carbonaro states that usually the Board has always allowed a public forum. T. Yasenchak states that we did not reopen a public hearing on this because we still don't have information that we are acting on. J. Carbonaro states that he thinks he has some useful information for the Board. He states that the Board was presented with some incorrect facts and the Board is operating on those facts. T. Yasenchak states that she thinks it was very obvious that the information that had been presented was not sufficient for the Board to take any action on. T. Yasenchak states that the Board has given J. Witt their area of concerns.

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Meeting adjourned 10:18 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary