

TOWN OF GREENFIELD

PLANNING BOARD

February 25, 2014

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:03 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, Andrew McKnight, John Streit, Stan Weeks and John Bokus, Alternate. Thomas Siragusa is absent. Charlie Baker, Town Engineer and Mike Hill, Town Attorney, are present.

MINUTES – February 11, 2014

MOTION: B. Duffney

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of February 11, 2014, as submitted.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, McKnight, Streit, Yasenchak

Noes: None

Abstain: Weeks

Absent: Siragusa

RONALD MOREHOUSE – Minor Subdivision

NYS Route 9N and Canty Road

Ronald Morehouse, David Barass and Gary Robinson are present. D. Barass reviews that the applicant would like to subdivide his property into 4 lots. There is one existing mobile home which will remain; two lots have driveways onto Canty Road and the other two share a curb cut onto NYS Route 9N. The applicant did excavation work on the site, primarily to establish sight distance. There was a traffic study done to prove that the driveway locations are safe and acceptable. The banks are going to be sloped back to make them look better.

Public hearing is opened at 7:04 p.m. Shelly Murphy, Canty Road, states that change is difficult and that the initial stages of this project with relation to Canty Road in particular have profoundly altered the rural, rustic and pristine nature of the area. Her son's home has lost any sense of privacy or country ambiance. The trees, the greenery, the landscape have been uprooted, removing any kind of visual and sound proof screening from Route 9N. She asks how the presence of the existing brook's flowing water is being protected and respected in siting the homes. She states that there has been massive flooding in the past at the site of that stream. On at least one occasion the entire road has been washed out. There has been flooding caused by beaver dams in this area in the past few years and she is anxious to know how that is going to be addressed. She asks if there has been some sort of assessment on the potential impact to existing wells in the area in order to accommodate multiple homes. Has there been an assessment of the ground area that is going to be used for septic and leach field areas; there are some pretty deep, significant bedrock in that area; is there going to be blasting involved. She asks if it has been determined where the applicant plans to actually build the houses and would there be restoration of any of the trees, the greenery, etc. She states that she is not in favor of this project. There being no further public comments, this public hearing is closed at 7:09 p.m.

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D. Barass states that we have a letter from DEC; they have completed topo of the entire site as was requested by the Planning Board; Gary Robinson will now be handling the storm water management plan; we do have a letter from the ACOE regarding wetlands which he believes the Board has. T. Yasenchak states that the DEC letter was placed in the public record and it states that there are no DEC regulated fresh water wetlands on the property; therefore there is no 100' buffer as they have no jurisdiction. There is a letter received today, 2/25, from ACOE stating they do need to visit the property a little later when the snow melts. At the last meeting the Board requested a SWPPP due to the amount of grading that has been done on the property. C. Baker states that he has not received the SWPPP yet so he cannot comment on that. He has reviewed the grading plan and it is adequate. C. Baker states that we do have standards for wells and septic, however the applicant's engineer should address those issues. T. Yasenchak states that there is a high level of bedrock in the area and asks what type of septic are being proposed. G. Robinson states that he just started today. The wells and septic as have been located on the subdivision plan are located per the separation requirements for the sites and adjacent sites. D. Barass states that they are going to be putting in 2 new septic systems and 2 new wells because two were already existing residences. A. McKnight states that lot 1 states 'proposed' well and septic. D. Barass states that there will be a new one on there but they are not adding 4 to the neighborhood, they are adding 2. Lot 1 will have a new well and septic with the new residence. T. Yasenchak states that what D. Barass is saying is that because it is new, it will actually be more compliant than what is probably there. G. Robinson states that each one is engineered and when the building permit comes in to the Town it will have a designed septic system with an individual site plan. S. Weeks asks if lot 2 has the required separation between the well and septic. D. Barass states that he does not believe so. It is a pre-existing condition. T. Yasenchak reiterates that it is an existing, habitable residence. S. Weeks asks if we have no comment on that because it is existing. C. Baker states that is correct. If they were to come to the Town to ask for a building permit to install a new home, etc., at that time they would be required to update the septic. G. Robinson states that there is the Town of Greenfield requirement for 4' of separation from ground water. T. Yasenchak explains that the Town of Greenfield does have more strict regulations when it comes to septic system design. The State requirement is 2'. Regarding driveway access and building placements, the applicant does have proposed locations based on the zoning requirements. D. Barass states that this is the MDR1 Zone with the minimum lot size being 1.5 acres and all the lots are either at 1.5 or greater. The proposed house locations are within the setbacks. As building permits are issued site specific plot plans will be drawn up showing exactly where the property owner would like the house and the setbacks. T. Yasenchak asks that the applicant speak a little bit to the neighbor's concern about the cutting and moving of dirt. D. Barass states that he thinks that the excavation is pretty much done. The applicant is going to slope the deep cut along Canty Road. There are dirt piles around the site that are going to be leveled off. The grading and excavation were pretty much for sight distance and to make a more buildable area on lot 4. That has been accomplished so all the heavy excavating has been completed. T. Yasenchak asks about additional planting. R. Morehouse states that he will do whatever is necessary. G. Robinson states that when they prepare the SWPPP, which will be a limited SWPPP because there are less than 5 acres of disturbance, they will get ready for the spring; they can't do anything now because the ground is frozen. As soon as spring comes they will get in there and put in some silt fence, grass seed to stabilize and whatever else is needed. C. Baker states that he has spoken to G. Robinson about this and he thinks that they should talk to DEC. Even though the site is snow-covered and frozen right now, they may still be required to put some mulch on those piles so that when the snow melts it stabilizes. G. Robinson states that he will talk to DEC. C. Baker states that he has seen sites where they have actually blown it over the snow. T. Yasenchak questions that they are not going to do the SWPPP until later. G. Robinson states that he thinks that D. Barass knows the limits of where there has been disturbance, so they can get their erosion and sediment control all laid out. He believes that they can do that before they actually see it. After the snow is gone it may change slightly. SWPPP's do change during construction. He believes that they can get it all set up so that they are good to go when the weather breaks. If DEC suggests they put hay down now, they will. G. Robinson states that they will have a schedule and the NOI will be filed. M. Gyarmathy asks about the utility pole which has been

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disturbed by the excavation. D. Barass states that they have spoken to National Grid and they will be coming back out to reset and re-guyed it. S. Weeks states that he was not at the last meeting, but in reading the minutes the shared curb cut got his attention. He asks if we have gotten comments from DOT. T. Yasenchak states that this has been sent to DOT but they have not responded yet and they are not often quick with their responses. Discussion takes place regarding the shared curb cut, which is pre-existing and is in the State's ROW. M. Hill suggests that there should be language regarding the maintenance of that area. Discussion takes place regarding the possibility of widening the curb cut and G. Robinson states that DOT generally prefers 1 curb cut and that it be narrower rather than wider. He does not believe that deed language makes sense since it is not owned by either party. M. Hill reiterates that his recommendation is shared driveway language in the deed to recognize that area. T. Yasenchak asks if the applicant has had any discussion with DOT. D. Barass states that they have not. G. Robinson states that they have done these before on other projects and DOT does not want two traffic flow movements right next to each other on the same road, so if they can get it in one location, they would rather have the one location and they would like that curb cut narrower. T. Yasenchak states that the State does not maintain that portion of the driveway. Even though it is not on the homeowner's property, to access their house they still have to plow from the road to their property. They technically are maintaining property that is not theirs. Since there will be two people maintaining the same piece of property that is not theirs, we are just looking for maybe some clarification so that there will be less chance for disagreement with future land owners. G. Robinson states that he understands when it is on private property with an easement, but we won't have an easement here. M. Hill states that he understands what G. Robinson is saying, but his recommendation is for some kind of driveway agreement, language in the deed or whatever the applicant wants to propose there, but from the Board's perspective, that is what we have done to address these situations in the past. Something so that there is recognition that both of the property owners are responsible. D. Barass believes that it can be taken care of with an agreement. B. Duffney states that he believes that most of S. Murphy's comments have been addressed. He asks if there has been any clearing next to the brook. D. Barass states that nothing was done beyond the top of the embankment to the brook. T. Yasenchak states that the SWPPP will be protecting that. J. Bokus asks how long R. Morehouse has owned the property. R. Morehouse states about 2 years.

The public hearing is reopened at 7:27 p.m. Samuel Murphy, Canty Road, states that on the aerial photo there is a triangle of land, between Route 9N and Canty Road, and asks what will be done with that property. He also asks about a timeframe for the construction, and the type, size and quality of the homes that will be built here. There being no further public comment, the public hearing is closed at 7:28 p.m.

T. Yasenchak states that when it comes to size or quality of houses, that is not something that we can discriminate against. Unless the applicant plans on building them, we can ask, but she believes that the applicant is planning on selling the lots. R. Morehouse states that he is not sure at this time. T. Yasenchak states that anyone can own a piece of property and as long as they build according to the building code, they are allowed to build. D. Barass states that the triangle piece is a nuisance piece of property that no one wants to own and is attached to lot 4. It is too small to do anything with it. R. Morehouse has no intentions of doing anything with it. T. Yasenchak asks if the applicant would be opposed to the Planning Board having a restriction of clearing on that piece. She asks what is there now. R. Morehouse states that there are trees. T. Yasenchak states that does not affect any sight distance so would the applicant be opposed to having that be a no cut area so that it would remain forever wild. The exception would be anything that would need to be done for safety. R. Morehouse states that he has no problem with that. A. McKnight asks about timeframe. R. Morehouse states that he expects to have all the grading done within 6 months of getting approval. He has owned his own construction business and wants to be safe in saying 5 or 6 months. T. Yasenchak states that the Town does have a noise ordinance for when construction can take place. She states that since we don't have the SWPPP yet for C. Baker to review or comment on, we should probably have that before we continue on with SEQRA. C. Baker

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agrees. M. Hill agrees that that would be prudent. He states that he believes that S. Murphy had asked if blasting would be required for septic and he is not sure that he heard an answer to that. T. Yasenchak states that you cannot blast for a septic system because you end up with a pool and that does not work. The only time, typically, blasting for construction is for a basement or such. D. Barass states that no blasting is considered to be necessary. They have encountered no bedrock to date and he believes that they are above the bedrock line. M. Gyarmathy asks about the ACOE letter. An e-mail was received from the ACOE today stating that they would like to visit the site and cannot do that until there is better weather. T. Yasenchak states that if we continue with action on this at some point, it could be contingent on approval by ACOE. At this point we are waiting to get that SWPPP done so we can see how things are going to be stabilized. T. Yasenchak states that she would like to see a little bit about a green buffer, no cut or maybe some more trees along the eastern side of the property. That lot has the most impact on any of the neighbors. There has been significant clearing and cutting. In grading the bank for sight distance, it has changed the character of the neighborhood. M. Gyarmathy states that he agrees that some plantings would be nice. Board agrees. T. Yasenchak states that before coming back with the SWPPP that is something that could be discussed with the owner and maybe with the neighbors. D. Barass states that they kind of wanted to put a time table on this. He asks if they have the SWPPP for the next meeting, can they get an approval contingent on ACOE. T. Yasenchak states that it needs to be reviewed by C. Baker so if they can get it to him in a timely fashion with enough time for him to review and get the Planning Board comments, at that point maybe. Reopening the public hearing is discussed. The public hearing is reopened at 7:48 p.m. and adjourned pending additional information.

AXEL SONDHOFF – Site Plan Review

Daniels Road

Axel Sondhoff; Kurt Bedore, project engineer; Jere Tatich and Brian Gyory from ELAN Planning/Design are present. T. Yasenchak recuses herself. J. Tatich states that he will review the plan as they have added more detail to it since the initial submission. This is a 7.28 acre parcel next to the railroad tracks, which was recently subdivided from the larger parcel; it is wooded site, secondary growth; rolling topo with some flat areas. The site over the course of its history has been reworked with some access points that were previously done to access the rail lines. They do have ACOE designated wetlands on the site that have been flagged and identified on the site plans. They are avoiding those in all situations. Because of site constraints with the storm water management, they are looking to utilize the existing driveway entrance onto Daniels Road and goes approximately 400' into the interior of the site at which point the clinic itself would be located. They are going to be providing a circular loop around the building for ease of traffic movement. They are not anticipating a lot of traffic but being an equine clinic, there will be horse trailers and perhaps deliveries with larger trucks. This will also accommodate the need for emergency access for fire, ambulance, etc. They chose a site plan that minimized the grading and ground disturbance the best they could. They are entering off the existing driveway, coming in to a highpoint of land which helps them avoid a lot of the trees. The entire area of the clinic will be flat. The whole site will be handicap accessible at the interior of the site. The septic system is located to the north east of the property. Also on the loop area they will have 4 vehicle parking spaces at the front of the building with a handicap parking area with an adjacent walkway that would be concrete paved up into the building. They will also be having 2 outside storage buildings – one is a manure bin. They are not anticipating an excessive amount of manure coming out of the facility, but they do have a storage bin that would have side walls on it with a concrete base. Next to that they will have an enclosed structure for some more storage and trash containers. They are looking at having a sign at the entrance to the facility. They are also looking at some site lighting and there are examples in the packet. Kurt Bedore states that he has prepared the SWPPP and storm water management system as well as the septic system. He reviews the septic design, taking into account the number of employees and stalls. He explains how they will be dealing with storm water on the site. C. Baker states that he has provided a review letter, the

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applicant has done a good job on all aspects of the site plan and one item he is concerned with is the 4' diameter culvert on the railroad side of the project. He asks if there was any study done of the source of that. K. Bedore states that the project is not impacting that. It is identified in the SWPPP and is for an unnamed tributary that works its way down to the south. The runoff from the developed area that is going into that particular catching area will be released at predevelopment level. C. Baker states that it looks like there is a large pipe coming into the site but nothing going out. K. Bedore explains the drainage. C. Baker states that he knows that the applicant is not prepared to address his comments as they just received them. B. Duffney states that signage was mentioned and the Town does have sign regulations and lighting. He asks how many horses could be there at any one time. A. Sondhoff states that they have designed for up to 4 horses and he is anticipating 2 to 4 at any one time. S. Weeks asks if the manure storage is going to have a roof. J. Tatich states that they are considering a waterproof tarp. A. Sondhoff explains that they will have the manure removed from the site by a hauler. S. Weeks states that a tarp seems like a lot of work and a roof would keep the manure dryer during storage and for removal. He suggests they consider a simple roof. M. Gyarmathy states that he would also like to see a roof and that it would benefit the applicant as well. A. McKnight asks if currently the property is all completely wooded. J. Tatich states that due to the size of the trees, which are not incredibly big, there was a lot of disturbance on the site at some time. It is reforested at this point. There are some mature trees. There is not a lot of understory to the back of the site. A. McKnight asks how large a site is going to be clear cut. J. Tatich states that the total area of disturbance will be 1.9 acres. He reiterates that they plan to minimize disturbance as much as possible and that is one of the reasons they wanted to tuck the building in the back because they felt that disturbed the site the least. C. Baker states that anything over 1 acre requires a SWPPP. J. Streit asks if there will be any area outside for animals or are they all in-patients who will be taken care of and then discharged. A. Sondhoff states that they will be in-patients. The idea is to bring them in, take care of them and discharge them. A. Sondhoff states that they will only be inside, there will be no boarding. B. Duffney asks if the horses will ever be staying overnight. A. Sondhoff states that they will, the average will be 1 to 2 nights. Public hearing is discussed and set for March 11, 2014 at 7:00 p.m. M. Hill asks if there is information in the packet regarding the lighting and sign. Discussion takes place and the applicant is asked to complete the new version of the SEQRA form as they originally submitted in December of 2012.

PRESTWICK CHASE – PUD Amendment

Denton Road

Luigi Palleschi and Dan Pentkowski are present. L. Palleschi reintroduces the project as he thinks there is a little confusion by some of the residents. He states that the plan before the Board is the same plan that they have been showing all along. They are proposing a 110 acre PUD amendment as per the map. The layout of the buildings and the road infrastructure has not changed. They are proposing the 300 additional units in both 2-story and 3-story style units. All of the proposed additional trees to the buffer with the adjoining residents are still proposed. He states that where we left off at the last meeting was with the discussion about the 25 acre green space. He indicates on the plans where that 25 acre area is. It had been discussed amending that acreage and redistributing it so that it would encompass the western side of the site in addition to the piece behind P. Goutos' property. L. Palleschi states that there was some positive feedback from the Planning Board about the green space being provided along the entire western portion and the residents of Country Squire will still be provided with a buffer as on the original PUD. He states that D. Pentkowski has had some conversation with M. Hill regarding how we approach the amendment of the green space. We still have to complete SEQRA and he is unsure that the Board has declared the application complete. Those things need to be taken care of so that the applicant can get back to the Town Board. They would like to move ahead with what is being proposed, get to the Town Board and amend the PUD to 110 acres, and then concurrently work with amending the green space on top of another discussion that L. Palleschi had with P. Goutos in doing the lot line amendment

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for the piece behind his home. That lot line has been mentioned previously, that is still the intent and nothing has changed. T. Yasenchak states that one of the major questions we had at the last meeting was the original ownership of that 25 acre green space. She thinks that originally it was green space for Country Squire. So the question came into play of when it actually became part of Prestwick Chase and are we now using that 25 acres twice. Because Country Squire was a cluster subdivision that was green space that was required at the time. We had asked for the applicant to do more research on that and to please clarify. The Town has done research also. D. Pentkowski states that they went back, did some research and it does appear that the green space of Country Squire was acquired by, not initially Prestwick Chase but the same owners. They did come into control of this at some time in 1995. He states that when he originally looked at this he did not have the benefit of the minutes. Some action was taken with regard to that green space for the proposed golf course. D. Pentkowski states that he only had benefit of the maps which had some inconclusive notes on it. The notes were not as clear as he thinks we would want to make them this time. There is no homeowner's association that owns the green space. The homeowner's have no rights in the property. He states that he and M. Hill have discussed that a formal amendment should be done so that the Country Squire subdivision ends up with a new map representing the 25 acres and a designation of green space similar to what was originally intended. D. Pentkowski states that what they would request is that the timing of that is important. They obviously don't want to commence with an amendment to that subdivision before they know that the PUD is going to move forward. They would prefer that this be referred to the Town Board with the understanding that and on condition that that is going to occur. That there would be an application back here with the Planning Board not only to make some other amendments that L. Palleschi mentioned, but also to amend the subdivision map of Country Squire. He states that there is no intention to reduce the amount of green space at all. T. Yasenchak states that the issue is, and now that they have had the benefit of seeing the minutes from 1995, 1996, that the 25 acres was green space that was designated for Country Squire to allow them to have a cluster subdivision. The issue is now when we are looking at SEQRA and density for Prestwick, we cannot use that 25 acres again when calculating density nor when calculating green space. When we look at how the SEQRA was originally submitted to us, that 25 acres was included in that green space for Prestwick and we can't count it twice. It either goes with Country Squire or it goes with Prestwick Chase. It was originally intended for Country Squire. The correspondence that went on with the amendment of that green space with the golf course read more as an easement rather than allowing it to be counted again. The 25 acres can only be counted once for green space and it was already counted for Country Squire and it allowed the density of Country Squire to be what it is. T. Yasenchak states that why she does not believe that we can go ahead with Prestwick until we figure out what is happening with Country Squire, is that when you take that 25 acres out of Prestwick, now you are left with a very dense piece of property with a lot less green space. We can't 20 years later use that again for something else. She does not believe we can act on Prestwick until we have amended that for Country Squire, and then what does that do to the numbers for Prestwick. L. Palleschi states that it wouldn't change. T. Yasenchak states that it would because you are counting that 25 acres again, which you cannot do. L. Palleschi questions that in the PUD there is a matching number of units per acre. T. Yasenchak states that there is not, but when we reviewed SEQRA we used that 25 acres as part of looking at the density and already the applicant was 4 times the density including that 25 acres. What does it do when you take that 25 acres out of the calculation to the density and percentage of green space for Prestwick? We may amend it, we have to go thru the process, but then it is up to the Board of what does that look like? It will be up to the Board to review whether we feel that what the applicant is going to propose that amended green space to be, if they feel that that is adequate or if that needs to all still remain in Country Squire's corner. D. Pentkowski states that he understands completely. Procedurally they would not want to come in with a subdivision application to amend Country Squire without allowing the Board the opportunity to look at that issue with the density that is proposed. They would ultimately want to get a review of this project with a conditional subdivision amendment to Country Squire. T. Yasenchak states that it would be up to the Board whether we feel comfortable approving something so dense and we would need Prestwick to change the numbers to not include that 25 acres. How can we

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recommend something to the Town Board without knowing how it is going to look? D. Pentkowski states that he has not looked to see what the parameters were for the Country Squire approval and if they needed that 25 acres. T. Yasenchak states that whether they needed the 25, it was a cluster and they did require a certain amount of green space. M. Hill states that that is something that can be verified but he believes that it did require the 25.5 acres as the cluster offset so that will continue to be required. He thinks that one of the applicant's concerns is about doing an amendment to the Country Squire Estates green space prior to getting approval of the PUD. D. Pentkowski states that they would not want to have an approval of the Country Squires subdivision only to not have the project go forward. M. Hill states that is a question that will have to be addressed. T. Yasenchak states that it is a catch-22 on the Town's side, because why would we approve something if we don't know what we would be looking at for the amendment to Country Squire. M. Hill states that Country Squire Estates was approved as a cluster subdivision in 1991. In 1996 Prestwick Chase was making its application for the PUD as it now exists. Fred McNeary or a company formed by F. McNeary was the owner and developer of Country Squire Estates and also the owner and developer of the Prestwick Chase facility. In 1996, with having control of the 25.5 acres of green space, because as D. Pentkowski pointed out, the 25.5 acres when it was created and set aside as green space for Country Squire was not put into a homeowner's association, the acreage was not deeded to any of the owners of lots in Country Squire, the green space was effectively a separate lot, in and of itself, set aside and designated as green space, and owned by the development. When Prestwick Chase made application for their PUD in 1996 and it became obvious at the time to the folks involved with Prestwick Chase that the location of a portion of that green space would be helpful to incorporate into the golf course that was being proposed, they came forward and proposed a modification to the green space. There were actually two modifications that were proposed – a proposal to construct 3 buildings in an area that had previously been identified as green space and there was a proposal to use at least a portion of the 25.5 acre green space as a golf course rather than leaving the entirety of the green space in its natural condition. At the time there was consideration about whether the green space could be credited for 2 different purposes. He states that the Town Attorney's advice to the Planning Board in 1996 was consistent with a basic principle of zoning, which is that you cannot double credit green space, so not to incorporate the green space into the PUD, which is why the existing PUD is the 89+ acres. The idea of using a portion of the green space, allowing it to be converted from all natural to clearing it and incorporating it as open space for part of the golf course, that is not inconsistent. The Board approved that back in 1996. The use for 3 buildings, that was not allowed. They were not proposing to reconfigure the green space to allow the construction of the 3 buildings, they were proposing to actually construct on what was the green space. Prestwick Chase would have an easement, if you will, over the green space of Country Squire Estates and that would be an acceptable way to handle that. The golf course was never built. M. Hill states that at this point they think, from the legal perspective, the appropriate thing for the Board to do with the green space reconfiguration that is being proposed, is to amend the Country Squire Estates subdivision to show reconfigured green space. They feel that that would be a necessary component of this overall process if Prestwick Chase is going to swap a portion of the existing green space for other land, still maintaining an overall 25+ acres of green space, but Prestwick wants to use a portion of the existing green space to develop some buildings near Daniels Road. To reconfigure the green space to allow that to happen, the Town Attorney thinks that the appropriate legal procedure is to amend the Country Squire Estates subdivision. That presents a question of order that Attorney Pentkowski has identified and we need to figure out how to address that because we can all understand that we would not want to go thru a modification of Country Squire Estates if the PUD ultimately is not approved, but nonetheless, from this Board's perspective, the Planning Board needs to know what the configuration of the green space would be, have an assurance that the size of the green space is going to remain the same and we would be looking for the applicant to modify their application so as not to include the green space in the PUD. M. Hill states that this time around in amending that green space, we probably want some different map notations to hopefully provide some clarifications. Another aspect of this is that there was some discussion about and based on the green space maps that were presented that showed the existing vs. the proposed green space, it seemed that a portion of that proposed green space

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would go behind P. Goutos' residence. M. Hill questions that that is still the case. L. Palleschi states that it is still being proposed but it is not part of the PUD. M. Hill states that then it is still being proposed as part of the green space, and F. McNeary and P. Goutos have had some discussions about conveying approximately 6 acres of that proposed green space to P. Goutos. M. Hill states that this Board needs to have some discussion about this acreage. That area would have to carry the same restrictions for the amended Country Squire Estates green space and P. Goutos buying it would be subject to those same restrictions against any development. There would also be a boundary line adjustment as presumably P. Goutos would want to merge that area into his existing lot. A. McKnight asks if it is consistent with the idea of 25 acres of green space attached to Country Squire Estates, but 400' away over on the other end of the property. M. Hill states that that is a judgment call; it is something that the Board has to consider. The overall acreage would remain the same, but it would be reconfigured. The Board would have to consider whether or not that provides the benefit to the Country Squire residents. M. Hill states that in his discussions with D. Pentkowski, going thru the process of an application for amendment and holding a public hearing, the Board would get input from the residents as to whether they have any concerns with regard to the proposed green space. S. Weeks asks if the 5 properties that are along Daniels were part of the Country Squire subdivision. He states that he is nowhere near as concerned about the total acreage as about the change that is being made. Units 37, 38, 39 and 40 are a huge concern of his. R. Rowland provides the original subdivision map that indicates individual ownership of the lots along Daniels. C. Baker states that he does not believe they were part of the subdivision. A. McKnight states that we have had multiple public hearings and the owners of those properties have not been here to speak their minds. R. Rowland states that she believes that at least one of those current owners attended the original public hearing. S. Weeks states that the closest property is for sale. M. Gyarmathy states that for him, looking at that map, he can't tell which parcel was originally dedicated as the green space for Country Squire vs. what exists. He would like to see something that defined it more clearly, maybe just outlines with different shading. L. Palleschi reviews the plan. M. Hill reiterates that the 25 acres would not be included in the PUD acreage. This would affect the SEQRA. C. Baker states that if they take that 25 acres out, it is going to change their plan significantly. D. Pentkowski states that if they were taking the 25 acres out. C. Baker states the 25 acres that are currently designated as green space. D. Pentkowski states they are not taking that out, because then you are right. He states that what you would extract from the PUD is the reconfigured 25 acres as they have proposed it. T. Yasenachak states that is what she is saying, how can we move forward with Prestwick if we don't know what that reconfigured area is really going to look like or if we haven't approved the reconfigured green space. She believes it has to almost happen at the same time. She does not feel comfortable with going ahead with the review unless we know exactly what is happening with that. M. Hill states that we have to figure out what the procedure could be that works for both the Board and the applicant, recognizing that it is the Town Board that would issue any approval for the amended PUD and there is also the consideration of the applicant not wanting to amend the green space unless the amended PUD is going to be approved. M. Gyarmathy states that he understands what is being said, but the applicant has already used this piece of land to accomplish another development, now he wants to use the same piece of land again to approve a PUD. M. Hill states that the point M. Gyarmathy is making is correct. The applicant is going to have an amended PUD application that is going to be for 89+ acres and the prior green space will be reconfigured. A. McKnight states that that will be for Country Squire. S. Weeks states that when you slide a lot of this a long way from Country Squire, he has difficulty with that. M. Gyarmathy states that he has difficulty with reconfiguring the green space. M. Hill states that is all to be considered by the Board. The applicant is making a request to reconfigure the existing green space in order to obtain a portion down near Daniels Road for development purposes and is proposing to off-set that with the same amount of acreage so that there would not be any net reduction in the overall size of the green space, but it would be reshaped. M. Gyarmathy states that he sees no give and take to this process. The applicant wants the Board to give him carte blanche in moving this around. D. Pentkowski states that there is no overall change to density from what the Board has been looking at. T. Yasenachak states that the 25 acres is not included in it anymore. That is what the Board is saying has changed the density. The 25 acres was being 'sold' to the Board as green space and now it is

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not part of the project, so what does that do to the total amount of coverage and green space of that 89 acres when you take the 25 out. Also, when we looked at density as far as the number of units per acre, we looked at the density based on the 100+ acres. T. Yasenchak states that maybe we can come to some middle ground in the reconfiguration. We need to have some discussion as to what the applicant proposes. Does the applicant want the Board to look at this and have some discussions as to whether we feel that is significant, whether we feel it is an even trade and if not maybe what would the applicant then propose. Then we will be able to give the applicant an idea before we go on with the redistribution of it of how the Board feels with an informal poll. J. Streit asks if the two attorneys could meet and come to some configuration proposal, based on Town law, to put before the Town Council and then they could kick it back to us. The Planning Board would then not have to wrestle with the green space, the same trees in the same place. T. Yasenchak states that this is within the Planning Board's purview and it would make things more complicated. M. Hill states that if the green space is going to be modified, this Board is the proper body to do so. Discussion takes place that the amendment allowing the golf course use was approved by the Planning Board at the time. T. Yasenchak states that this would be another amendment. B. Duffney states that this Board has the authority to do that. T. Yasenchak states that we do. She states that we are still bound by the zoning law that states that a certain amount of green space is required for whatever that overall subdivision originally was. There is a certain percentage of green space that is required. When this gets reconfigured, whatever that number is is what we have to stay within. L. Palleschi believes that it was the 25.5 acres. T. Yasenchak states that we need to figure out what that requirement was at the time. L. Palleschi states that the applicant's intent is to match the exact number of the existing open space/green space. T. Yasenchak states that that would be the next step – what is the exact amount of green space that was allocated to Country Squire. Then, what is the applicant proposing. Are they proposing the exact same, and if so, how is that being redistributed? Then the Board would be able to make a decision as to whether they feel that is still being true to the original intent of the green space and the character of the neighborhood. Discussion takes place that the Board needs to find out what the zoning was at the time and the required amount of green space. T. Yasenchak states that the Planning Board is also bound by the existing zoning laws and cannot make something more non-conforming. M. Gyarmathy asks if the Planning Board needs to redo the SEQRA. T. Yasenchak states that the Board went thru the SEQRA but did not take action on it. When the 25 acres is out of the equation, the SEQRA will have to be amended because the numbers and the basis of the review will have changed. S. Weeks states that we do have a proposed change before us. L. Palleschi states that he thinks that he has prepared a well enough exhibit in the pre-existing and the proposal. He understands what the Board is saying, but the original intent was to clear all the trees within that to construct a 9 hole golf course and what they are proposing now is the same acreage but deed restricting it or preserving it so that it stays in its natural condition. You can see from the aerial that it is all wooded and provides an excellent buffer to keep it in its natural state. The point of the cluster units off of Daniels, you still have that big a buffer to the Country Squire subdivision. They feel that their proposed amendment is above and beyond the original intent by preserving that amended 25.5 acre green space by a no clear cut of trees. S. Weeks states that it is pretty clear to him that the way that green space wraps around and comes out to Daniels, it also gave a lot of protection to those 5 lots along Daniels Road and there is not proposed to be a golf course in that common, units 37, 38, 39 and 40 are proposed very close to those properties. He thinks that it takes away a lot of the original intent of that green space. L. Palleschi states that he recalls from previous Planning Board meetings that the Board already accepted with mitigation and providing buffers of additional trees around those units, the noise study, and everything else that was involved with that cluster of units. A. McKnight states that he agrees with L. Palleschi in that the Planning Board has already stated its approval, so to speak, of that cluster. M. Gyarmathy states that was based on the 110 acres of land. S. Weeks states that until he saw the exhibit maps, he really did not comprehend the extent of the green space onto Daniels Road and that is a huge difference to him. L. Palleschi states that there is plenty of green space around the site. T. Yasenchak states that now it will no longer be part of the site. J. Bokus states that they were given permission to cut the trees down to build the golf course. T. Yasenchak states that we don't have a map of what the golf course was supposed to be. They were allowed to have, as part

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of an easement, the use of that for a golf course and green space. J. Bokus asks if they still have that approval. T. Yasenchak states that they do, under their current approvals. M. Hill states that there was some discussion in the old minutes that it would not be a complete clear cut, that some tree would be maintained. J. Bokus states that his point is that the green space has been changed and approved from the original Country Squire green space. T. Yasenchak states that is correct, there has already been an amendment to the original Country Squire green space to allow the use of the golf course because the determination of the Planning Board at the time was that the golf course was not active management, it did not include buildings. J. Bokus states that now the applicant is asking to take a chunk of that and transfer it to the other end and therefore that is no longer green space and they could build on it. T. Yasenchak states that is correct, they are requesting to reconfigure it. For the Planning Board to allow the applicant to do that, the Board has to take action on reconfiguring that green space. J. Bokus states that if we don't let them build those houses because the density changes, why bother reconfiguring? D. Pentkowski states that one of the Planning Board's options is to make recommendations to the Town Board to approve with modifications, and obviously this whole process has been modifications and there may be more. Ultimately, if the Planning Board did agree with some PUD that involved modifying the green space, it is certainly within the Board's parameters to make that recommendation to the Town Board, recommending approval if and only if the green space for Country Squire was amended. That would afford the applicant the opportunity to have the Town Board pass the legislation before coming back to the Planning Board with the modification. T. Yasenchak states that before we do that we have to come to some sort of consensus on the Board of whether we believe that that reconfiguration works. Procedurally we do need to review SEQRA because we do need to take that 25 acres in some fashion out of the numbers. We need to see what that looks like on the map. At that time we would have to review and have some discussion as to whether we feel that the reconfiguration is acceptable. It would not be prudent to spend the time or the money to get the legislation passed if we were to go thru the process and not approve a specific green space reconfiguration. M. Hill reiterates that there is a process that the Board would go thru in order to consider the reconfiguration of the green space. He states that the public may not have been aware of the changes that are being proposed to the green space as well as the residents of Country Squire. Part of the process would be public hearings. If at the end of that process, the Board feels it could approve an amendment to the green space, then perhaps that approval is then contingent upon the PUD being modified by the Town Board. Then the Planning Board already knows that they have the benefit of public comment with regard to any change in the green space and have come to a conclusion before the PUD amendment goes to the Town Board. It makes more sense for this Board to get the green space issue settled first before this Board makes a recommendation to the Town Board with regard to the PUD. D. Pentkowski states that makes sense, as long as the subdivision map doesn't have to be filed. M. Hill states that they think that a public hearing is required because this issue about the green space would not have been apparent to any of the homeowners in the area at the time of the public hearing for the PUD amendment. M. Hill states that the proposed PUD amendment for 110 acres needs to be amended to 89 acres; the SEQRA form would be modified consistent with that; an application would be submitted for the amendment of the Country Squire Estates green space; a public hearing would be scheduled and held on the amendment of green space; SEQRA review with respect to the green space, all part of the same project from a SEQRA perspective; decision regarding the amendment to the green space and if the Board decided to approve, it would be contingent upon the subsequent approval of the PUD amendment by the Town Board so that the applicant would not be required to file a new subdivision map unless and until the PUD was modified. Then the Planning Board would have reconsidered the recommendation to the Town Board also. T. Yasenchak states that for reconfiguring the green space we will obviously be doing public notification. S. Weeks states that our notice of a public hearing is pretty general, how specific would we be. M. Hill states that it would be a notification for an amendment of the green space associated with Country Squire Estates subdivision and that it would be modified in conjunction with the proposal to amend the Prestwick Chase PUD, or something to that affect. T. Yasenchak states that the public hearing for the PUD amendment has been closed. Should that be re-noticed? M. Hill states that that can be done in conjunction with the notice for green space. The notice

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would be sent to any lot in Country Squire even if it falls outside the 500' and to any lot within 500' of the Prestwick Chase PUD. T. Yasenchak asks if it is appropriate to reopen the public hearing as there are residents here tonight. M. Hill states that the Board has the discretion to accept comments from the neighbors tonight. Regarding the notices sent to the neighbors, they would be sent to the neighbors of the green space both as it exists and as it is proposed. A. McKnight states that with the change to acreage it is going to change his feeling about density. M. Gyarmathy agrees, he thinks the density has increased dramatically and hopes that the applicant comes back with more than one revision to the green space. S. Weeks states that he shares M. Gyarmathy's concern. J. Bokus states that the density has definitely increased. As there has been new information, the Board reopens a public hearing at 9:43 p.m.

RESOLUTION – Prestwick Chase, Public Hearing

MOTION: J. Streit

SECOND: S. Weeks

RESOLVED, that the Planning Board reopens the public hearing for the Prestwick Chase PUD amendment for property located at 100 Saratoga Blvd., TM#152.-1-109.1, 152.-111, 152.-1-115.

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

Noes: Bokus

Absent: Siragusa

Peter Goutos, Denton Road, states that M. Hill did a wonderful job explaining what he has been talking to the applicant about with regards to the 6 acres between his residence, the Bouchard residence and the Saratoga Farmstead. When you start talking about changing the number of acres in the description of the PUD from what we have been looking at on the SEQRA form to what it was originally, he wants to ask the Board, does that include the 6 acres if you go back to the 89.7 acres. The intent of the question is, if they were to be able to come to the agreement of doing a lot line adjustment of the 6 acres to his parcel with the restrictions necessary to allow the acreage to be used as green space as a credit, and that acreage is described in the old PUD language inclusive, then it would require a further amendment of the PUD to take the 6 acres out so that a lot line adjustment could occur. L. Palleschi states that they are proposing to remove that acreage. P. Goutos asks that it not be included if it would restrict transfer of the property without having another amendment of the PUD. M. Hill states that the applicant needs to decide whether that reduces the acreage from the 89.7 acres down to 83.7 acres. P. Goutos states that, not to burden the applicant, the intent is to use the property as green space credit so it is a descriptive aspect of the acreage as the PUD has stated in SEQRA, but when you are looking at the green space analysis in consideration of the developed acreage, it should be included so they continue to get the credit for it. M. Hill states that if the essence of the question is whether you can have designated green space within a PUD, the answer is yes. A. McKnight questions having it belong to someone else. M. Hill states that goes to the question of P. Goutos buying the 6 acres from the owner of the green space. If the green space carries the same restriction and it is noted on the piece that is transferred that it is for the benefit of Country Squire Estates, then that seems like it ought to be doable, because that 6 acres would then be added to presumably 19.5 other acres which would then make up the 25.5 acres that would be presumably necessary for the green space for the Country Squire subdivision. If that is the way that it happens, then that green space could not be credited for any other purpose, either Prestwick Chase and it couldn't be credited as any part of P. Goutos' lot area for either subdivision or development. P. Goutos states that it has only been since 1996 that we have had a major revision to this entire parcel of land behind his with a tremendous amount of discussion on how the green space allotments are to be. He does not care to go thru this again. On behalf of his parcel and in consideration of the Locust Grove parcels, if they can get land control on it, have the restriction, not have to worry about somebody else coming in in 20 years trying to do a third PUD amendment. That is his motivation. P. Goutos asks that the Board please not forget the importance of the road to Daniels Road; it is a huge density issue for travel on Denton Road. Paul Bouchard, Denton Road, states that he would hate to see the exit onto Daniels Road eliminated with

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a development of potentially 800 to 900 people all trying to get out one exit and a fire truck trying to get in that one exit. Rosemary Jensen, Locust Grove Road, states that she has a concern with the 50' of green space buffer simply for the convenience of connecting the areas is not really green space. She also suggests that since the density is going to be significantly higher because of the green space issues, that the units behind her property be removed. She does feel that the Daniels Road entrance has to be done. There being no further public hearing, this public hearing is adjourned at 9:54 p.m.

T. Yasenchak reviews the Town Council's suggestions for handling the green space. She states that the Board was also concerned about the second exit as well and she does not believe that is on the table to be taken out because of the safety of such a dense neighborhood. J. Streit states, regarding the letter of the law vs the spirit of the law, he does not disagree with the discussion about not double dipping with regard to the green space, but still the purpose of the spirit of the law is to protect landowners from density and to have a green space surrounding them. This green space is still going to be there, it is going to protect Country Squire and Prestwick Chase residents, regardless of who owns it. He states that an interesting suggestion is that if you take the little area behind the Saratoga Farmstead and kept that green with the idea that with that concession you could then build to the north of the electrical transmission lines out to Daniels Road, then the only real change to the green space is to those 5 houses and particularly the one most close. The spirit of the law is that the protection of the people is still there, should we consider approving.

Meeting adjourned 10:02 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary