

TOWN OF GREENFIELD

PLANNING BOARD

January 14, 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, and Stan Weeks. Thomas Siragusa and John Bokus, Alternate, are absent. Charlie Baker, Town Engineer and Mike Hill, Town Attorney, are present.

MINUTES – December 10, 2013

MOTION: S. Weeks

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of December 10, 2013, with a minor correction.

VOTE: Ayes: Gyarmathy, Streit, Weeks, Yasenchak

Noes: None

Absent: Siragusa

Abstain: Duffney, McKnight

PLANNING BOARD CASES

PRESTWICK CHASE – PUD Amendment

Denton Road

Luigi Palleschi is present and states that he provided the decibel rating which is about 76 DBAs which isn't very loud, it is comparable to the conversation that we are having. He states that he gave a little explanation as to how sound is measured. Right outside the unit the reading would be about 76 and as you double the distance away from that source your decibel readings decrease by 6 DBA's. The closest unit to the property line is approximately 50-feet away. He did a quick calculation of what the theoretical decibel levels would be at the property line and that was done as if it were an open field. So at the property line you are looking at 50 to 60 decibels, which is pretty standard for a residential subdivision. He also provided information on the Town of Greenfield's noise regulations, which states that a residential air conditioning unit is exempt from any noise level as long as it is operating at the manufacturer's recommendations. He has stated all along that he felt that there would not be an issue with the noise as these units are indoors even though they have exterior louvers and with the DBA ratings he provided, he still feels that it is not going to be an issue as to noise to the adjoining residential neighborhood. R. Rowland asks if L. Palleschi sent this information to the Board. L. Palleschi states that he sent an e-mail with an attachment that showed the decibel rating and the code information. R. Rowland states that we did not receive that information. L. Palleschi provides a copy of that e-mail at this time. S. Weeks asks if the 76 reading is right at the unit. L. Palleschi confirms that it is 5' outside of the structure. T. Yasenchak asks if L. Palleschi had a chance to look at the elevation that was in question. L. Palleschi states that they did. The elevations that are shown on the drawings are correct. The difference in elevation from the finished floor to the highest point of the berm, the finished floor elevation is higher

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than that top point of the berm by about 2-2 ½ feet. He thinks that from being out there whether you are coming up the driveway or you are on Denton Road, it is deceiving because you are down and you are looking up through the berm and that is why you don't see the Prestwick Chase building. He sat down with the surveying crew and they went over all the shots and even if the data was off, the difference between those two points, the finished floor elevation of the Prestwick Chase building is higher than the top point of the berm. S. Weeks states that then the entrance road is below that. L. Palleschi states that the entrance road is around 330' and then it climbs a little, and the top of the berm is at 346'. C. Baker agrees with what L. Palleschi is stating. T. Yasenchak states that as we get into Site Plan, having the floor elevation of some of the other buildings match that, they may not have the same view thru that berm because of the topo in other areas. L. Palleschi states that if during site plan review there is a critical section of those units, if they need to do more screening, they can do so. T. Yasenchak states that we were waiting on the review from the Environmental Commission and they did finalize their letter and the applicant's representative did address those issues. T. Yasenchak reviews the letter. She states that there was an interesting question about the amount of water that would be used from the aquifer and how it is not necessarily going back into the ground as most water does in Greenfield via septic systems of some sort, but Prestwick Chase's goes into the County Sewer. She asks L. Palleschi if he can address this even though the question has been asked before. L. Palleschi states that he did not receive a copy of the Environmental Commission's final letter, but there are 3 wells on site, they operate at 90 gallons per minute and the anticipated use for the proposed development is about 30,000 gallons per day. What they are proposing is way below what the State is allowing this project to use. The existing PUD was approved for a lot more water usage on this site and from the data that currently exists over the 16 years; these residents don't use as much water. Even though they are using the State guidelines for the amount of water allowable per bedroom or per unit, that is how they get up to the 30,000, they won't use nearly as much as that. As to the recharge to ground water, that is why they are relying on the storm water to recharge into the ground water. L. Palleschi states that the new DEC regulations are to get that water back into the ground even more so than two or three years ago, before the new green infrastructure manual came out. S. Weeks states that it is an interesting thing to consider, how much water is going to be pumped out of the ground and then goes off into a sewer system, which is not normally the case in our town where we have wells and septic systems. He states that he is not sure how big an issue it is, but it is an interesting thing to think about, how many million gallons are going to be removed and is that potentially going to have any effect on the surrounding area. C. Baker states that when the wells were originally developed, there is a rather thorough process that they had to go thru with the Department of Health in order to prove that there is adequate water available for the project. They had to drill test wells, they have to do pump tests on those wells, they have to study the aquifers, see what kind of recharge rates there are. That is studied in depth as to how strong it is and it is regulated how much water they are allowed to take out of those production wells by DOH. There is a pretty significant science behind how that was all developed in the first place. As far as putting the water back into the ground as opposed to going into the sewer, it is kind of contrary to what DEC would tell you because usually when you are within 500' of a municipal sewer, you are required to connect to that sewer. The purpose is basically for pollution control. It is always better to be able to connect to a municipal sewer as opposed to putting it back into the ground because septic systems, while they can be good, they can also be bad as well. A. McKnight questions, in consideration of the Environmental Commissions comments, if the science takes into consideration when it hasn't rained in 8 weeks in July, is it better then to not recharge the aquifer. C. Baker states that yes, it has been considered. The hydrogeological reports that go into it and the studies that are done when those wells are developed, dry periods of the year, wet periods of the year and how strong the aquifer is to begin with, all those things are taken into consideration. A. McKnight states that then what we are saying is that we have no concern for the neighbors running out of water in July. T. Yasenchak states that when the original wells were developed, they were developed at such a high standard because of the proposed use and that even right now with the numbers that they are using plus the additional units, it still comes out lower than what the wells were actually designed for. Going back to the SEQRA form, item number 17, is reviewed and the 'No' box is checked. T. Yasenchak asks what

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the latest version of the PUD language is. It is determined that the latest version was received November 5, 2013. The Board had requested that in Section 2, the R-4 zoning be corrected to reflect the current zoning. S. Weeks suggests dating the revisions. M. Hill explains that as the Board has identified 3 potentially large issues in the SEQRA, #1, #11 and #19, the Board should now look at Part 3, Evaluation of the Importance of Impacts. Each item should be reviewed for mitigation and if it can be reduced to a small to moderate impact. After considering that, the Board needs to decide if it is reasonable to conclude that the impact is important. Discussion takes place regarding the length of construction exceeding one year. M. Hill states that the Board needs to move on to consider how the impact can be mitigated or reduced to a small to moderate impact by project changes. T. Yasenchak states that she believes that the intent was that because the infrastructure and the road would be built originally, it was felt that that would be a majority of the impact and each building as it went up would be lesser of an impact on the actual land. J. Streit states that the road requires blasting, which is the most onerous aspect and building is building. He feels that the impact of building would be reduced because it was market driven. B. Duffney states that he agrees with J. Streit. With the roadways, the water lines, sewer lines, etc., that is going to be the most intense noise level. A. McKnight states that it is going to be the most intense noise level but he can see the neighbors being bothered by every summer, all summer long they are building buildings, for the next 8 years. To him that is part of the potentially large impact. S. Weeks states that we had discussed construction hours as one way to mitigate a lot of this issue. J. Streit states that there are an awful lot of trees between this project and the neighbors; he believes that a lot of the impact is on the current Prestwick Chase residents rather than on the outside community. T. Yasenchak states that there are specific rules in the code regarding construction hours and wonders if there is anything for weekends. S. Weeks states that we also talked about traffic and if everything has to come off of Denton, that is an awful lot of traffic and it seems like it might be helpful if you can at least come in from Daniels some of the time. There are no walking trails. He asked F. McNeary, who said that everyone walks on the road. That is not a great situation. If materials could be brought in or empty trucks exit the other way, it would be helpful. L. Palleschi states that those details could be worked out during site plan review. T. Yasenchak states that right now we are looking to see whether it can be mitigated. L. Palleschi states that they can add a construction entrance, there is erosion and sediment control details that would go with that as part of the site plan review package. A. McKnight reads from the code that construction hours are limited to the hours of 6:00 a.m. to 9:00 p.m. and there is nothing for the weekend. He states that is not adequate to him. B. Duffney states that there could be an issue with the speed of the construction vehicles. T. Yasenchak questions whether the project is going to be phased where you do all the infrastructure and maybe one portion of it, or is it just construction all the way through, because the infrastructure is expensive and to put all the infrastructure in up front may not be the best economical move either. M. Gyarmathy states that he would be more comfortable having the exact phase of each step of the project. L. Palleschi states that they don't know, they don't know when the units are going to be sold, etc. He states that there is currently a path road from Daniels and you can get to the back of this site. M. Gyarmathy states that he still thinks it sounds like a phased project and maybe the applicant needs to outline those phases of the project. L. Palleschi reiterates that they discussed the potential of building the inner loop first with constructing these units. While those units are under construction and being sold, you start continuing on the rest of the infrastructure. J. Streit states that given the economy of the last several years, to ask him to put specific and finite phases together is asking an impossible task. A. McKnight asks if, at this point, we have to specify what the mitigating measures are or do we have to offer options that the Town Board is going to accept or reject. T. Yasenchak states that this is our SEQRA review. S. Weeks states that there is already a speed limit in there. B. Duffney states that he was discussing after the construction vehicles get out onto Denton or Daniels. T. Yasenchak states that we cannot legislate that. After further discussion the Board would like the hours of construction to be 6:00 a.m. to 6:00 p.m., Monday thru Friday, for any exterior construction, and 8:00 a.m. to 3:00 p.m. for Saturdays and no construction on Sundays or holidays. C. Baker states that he believes that the Board has the right to request that the project be phased. That might be something that the Board wants to consider because if you take that approach, you can give an approval for a certain amount of road, certain number

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of units – you can see how that goes in that first phase as far as noise issues, construction access issues, the whole thing – and if there are problems that arise during that first phase then you can adjust it when you come back in for the application for the second phase, etc. A. McKnight asks that you don't have to specify what is in the phases now. C. Baker states that could be done in detailed site plan review, when they have their detailed plans and they can identify which phase of the project they want to build first, they identify it on the site plan. The Board looks at it, addresses it and approves it. When they complete the first phase they come back and get approved for the next phase and so on. That gives the Board the opportunity to look at each phase as it comes before the Board and address issues that may arise during the construction, as opposed to approving a blanket 8 year construction. T. Yasenchak states that she has a question about if you are doing a portion of the road and the infrastructure over a two or three year plan, 18 months or whatever timeframe, how does that affect the SWPPP and the storm water, because you can't just do one portion of it you have to account for all of the water and all of the storm water, you pretty much have to phase it at that point. M. Gyarmathy states that he agrees with C. Baker. A project that is going to take 8 years to complete needs to be phased. The Board consensus is in agreement. M. Hill states that the applicant has an overall objective to do the totality of the development. It may very well be that a phased approach makes sense, but the Board has to talk with the applicant about giving the Board the details of the phasing. The Board is looking at doing the SEQRA for the entire project and so if the applicant can show you in phases how they are proposing to stage it, what will be in each phase, and present the phases to the Board so that they understand what is in each phase and the totality of the proposed development is, then that is certainly a permissible way for this Board and the applicant to approach it. M. Hill states that the Board does need to consider SEQRA for the entirety of the project. The specific approvals, in the site plan review, would be for phase one and then the remaining phases as the previous one is completed. T. Yasenchak states that she thinks that what the Board is doing right now is almost using the term phasing as a mitigating issue for the construction that lasts for more than one year. She states that the Board is looking at the whole, the way that all the questions have been answered and reviewed SEQRA to this point, but she thinks that the suggestion of phasing is actually more of a mitigating issue so that we understand how things will be happening. M. Hill states that if he understands C. Baker's suggestion, and it certainly sounds like a reasonable one, if the Board asks the applicant to present the Board with the project in phases, and the Board decides that as part of the mitigation for this particular potential impact the Board is going to impose a condition on work hours, and if then subsequently find with the experience on phase one that those hours don't work then the Board could change those conditions for the subsequent phasing. L. Palleschi states that DEC limits an applicant to 5 acres or less of disturbance at any one time. If you look at a phasing point of view from construction, DEC only allows that disturbance of 5 acres at any one time and then it has to be stabilized before you can proceed to the next phase. He does not know that that would be called a mitigating factor because that is something that you have to do for DEC. C. Baker states that there is a provision also that you can apply for a waiver for that. L. Palleschi states that they are not applying for that. They have tried that on other projects and for something like this you wouldn't be able to justify going over the 5 acres. T. Yasenchak states that this is not necessarily phasing. J. Streit asks about the amount of acreage on the plans represented by the brighter green areas. L. Palleschi states that is in the SEQRA, 17 acres. C. Baker states that the original Prestwick Chase was approved in three phases – the building that is constructed now; the cottages and then the convalescent facility for the future. L. Palleschi states that F. McNeary has done his market analysis and stated many times that this is what he sees and his anticipation is a good turnaround. Realistically they are using 8 years as the upper limit factor. In the end if they chose a lesser amount of time, and it went over, then the Board wouldn't just close the door at that point if they had one unit left to build. He states that we are looking too far into this. T. Yasenchak states that we are all saying that we don't want to see this go for 8 years. L. Palleschi states that is what the Board agreed to. T. Yasenchak states that the Board did not agree, it is what the applicant said the potential length of building would be and that is why we checked the potentially large box and now we are trying to mitigate that 8 years. S. Weeks states that the question is whether construction is going to continue for more than a year, so you have to check the box. On any large project you are going to check the box.

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Then what, realistically, can you do to mitigate that. He thinks we have come up with 3 or 4 things that have satisfied him but he really does not know that we need to get the detailing on the phasing before we suggest that this project be returned to the Town Board. T. Yasenchak states that we are not looking at that advisory opinion yet, we are looking at SEQRA. S. Weeks states that he is happy with what we have said so far. J. Streit states that he agrees with S. Weeks and feels that we have fulfilled our obligation and responsibility in approaching this question. T. Yasenchak asks what the answer to the phasing is. We have defined the hours to be 6:00 a.m. to 6:00 p.m., Monday thru Friday and 8:00 a.m. to 3:00 p.m. on Saturdays. Then we have discussed the possibility of phasing. S. Weeks states we also asked for a second road access so that the truck traffic would not be as intense coming in from one road constantly. There is already a speed limit within Prestwick Chase. He feels that those are reasonable mitigations. A. McKnight states that the phasing is part of the mitigation measures but he does not want the Board to be limited to the hours that we are stating now in the future when we review the next phase, he wants to be able to change that if that is what we choose. M. Hill states that what is being proposed to the Board now is not phased construction. T. Yasenchak states that we have to ask the applicant what they would suggest for phasing, if that is what we would require them to do. C. Baker states that the box was checked as to whether the impact could be mitigated by project change. Isn't the discussion of phasing a project change? M. Hill states that it would obviously be a change in the way it is approved and C. Baker is right that the experience gained from an initial phase could then be considered by the Board in imposing conditions on a future phase. It is not a specific mitigation in and of itself, it is a potential for a change. M. Gyarmathy states that he thinks that the reality of it is that it is not unreasonable to ask for this project to be phased to mitigate this. B. Duffney asks if the applicant planned to put in all the electric, well and septic all at once. L. Palleschi states that the plan was to put it all in at once. That would be F. McNeary's decision if he wants to take on that financial burden to install all of the infrastructure and roadway right up front. T. Yasenchak states that is not his choice if we are looking at that as the first phase. L. Palleschi states that he would agree to the phasing if say phase one were single family residential, phase two would be the apartment units and phase three would be a construction point. They are proposing multi-family residential units on a single phase. They know what they want, this is what they want to come in with and they want to get it approved and go build it as quickly as they can. L. Palleschi indicates on the plans where they would begin the construction of the roadway and the infrastructure concurrently with the construction of buildings 1 and 2, because you do not need any roadway to build buildings one and two. While this is underway, you build those, start renting them out and that will help to start building the other buildings. It is a progression. C. Baker states that one big problem that L. Palleschi just pointed out is that connection out to Daniels Road. You are going to be building all those interior units and all that traffic is going to be going out to Denton Road. There were clearly comments about that second entrance. The applicant is now telling us that a majority of the construction is going to go out to Denton Road without that access being built to Daniels first. C. Baker states that in his mind that should be the first phase, that entrance should be made part of the first phase of the project. L. Palleschi states that the traffic study indicates that a majority of the traffic will enter and exit off of Denton and only a small portion will enter and exit onto Daniels. A. McKnight states that the Board is saying that they would like construction vehicles to go out both entrances so as to mitigate some of that. S. Weeks states that the applicant did state that they would do that. C. Baker questions what happens in the event that they get half way thru the units and they run out of money. L. Palleschi states that then the roadway is there for walking trails. T. Yasenchak states that is not a roadway, it is just a construction driveway. L. Palleschi states that they could end the buildings and still have the roadway. A. McKnight states that is why the Board would like to see the phases delineated instead of just throwing out ideas. T. Yasenchak states that in a subdivision the road is bonded. Here there is nothing, no time limit. J. Streit states that whether the Board is split or not about phasing is a matter of semantics, he has the sense that the Board all pretty much agrees. He states that if the Board declares phase one as to include a passable road, it doesn't have to be paved, but a passable construction road from Daniels Road to connect with the present road, and that it has to be done within 2 years. M. Gyarmathy states that he does not think it is up to the Board to determine the phasing. S. Weeks states that is what we are trying to

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do, be construction managers and that is what is bothering him. If we want the applicant to come back with a phasing suggestion, let's ask him that and let's get on, otherwise we will be here all night trying to decide which buildings are going to be built. T. Yasenchak states that then the Board would like the applicant to come back with a phasing plan to help to mitigate question #1. The Board checked that they believed it could be mitigated by project change and that that project change can be phasing, and would like the applicant to come back with some suggested phasing options that would mitigate the impact of construction occurring up to 8 years. L. Palleschi asks if we can still complete SEQRA tonight, and if not, why. T. Yasenchak states she does not believe so. L. Palleschi states that we are all in agreement that by phasing, construction hours, the second entrance, the speed limit within – those are answering part 2 and part 3 of can impact be mitigated by project change. L. Palleschi states that if he goes back and looks at all the long environmental forms, a majority of them are going to be over one year of construction, so the comment on that would be that it is a potentially large impact on any construction over one year. T. Yasenchak states that it is based on how this Board feels that impact is. L. Palleschi questions that even though we have had this discussion with the multiple mitigation measures, we still can't complete this tonight. T. Yasenchak states because we don't have those mitigation measures in writing and we stated that one of those measures was phasing and would like to see how that impacts the project. T. Yasenchak reads from the remainder of the questions in Part 3 for item #1. M. Hill states that it is his understanding that one of the things the Board is going to want to see when the applicant submits phasing is whether or not the roads and the infrastructure that would require the use of heavy machinery and blasting, whether that is all going to occur in phase 1 or throughout all phases of the project. That is a very fundamental consideration, at least that is his perception. L. Palleschi asks how many phases the Board would like to see. A. McKnight states that he would be concerned if a phase were large and the feedback from the community is negative and the Board did not have the opportunity to adjust requirements. M. Gyarmathy states that he would like to see equal amounts of construction going on in each phase. C. Baker questions why we can't just say that phasing will be evaluated in the detailed site plan phase. Why does that not address the SEQRA issue? The appropriate time to look at phasing would be in the detailed site plan phase of the development. For the applicant to come up with that right now before they have done all their detailed engineering, grading, etc., he could see where that could be an issue. A. McKnight states that he could sympathize with that and why can't we say that there will be phasing, we will deal with it and will mitigate the issues during the site plan review. L. Palleschi states that they would not get approvals unless they got something like that okayed by the Board anyway. M. Hill states that at this point we have a concept that there will be phasing but you don't know what is going to be in each phase, you don't know that everything that would require the use of heavy equipment and blasting is going to occur in the first phase or whether it is going to occur throughout the subsequent phases. There are a number of unknowns. He is concerned that the Board, in developing and talking about mitigation measures, if you don't know what is in each phase and it seems that the purpose of the Board's request for phasing is to allow for flexibility in the future in terms of conditions, but you don't know what impacts there are going to be in each phase. C. Baker states that we do know and we can control it at site plan. We know that there is going to be blasting, we know the areas where blasting is going to occur, we can require at that point that we want phase one to include a certain area because that is where blasting is going to occur, etc. He states that it seems to him that that would be the appropriate time for the Board to be able to look at those issues. T. Yasenchak states that she understands both sides, but how can we answer how we feel about the impacts if we don't know how long the impact lasts. To her that is significant. L. Palleschi states that they are estimating up to 8 years. They go thru site plan review in more detail, they can show each of the phases with a timeframe and then they can possibly show that it will be less than 8 years. It is just a guess right now. T. Yasenchak states that we are doing SEQRA and looking at how this project affects the neighborhood, the community and the environment. She would like to have some more detail on phasing. M. Gyarmathy asks why it was important when they did the first PUD to mention the phases in the law. T. Yasenchak states it was probably the applicant's intention of how he wanted to develop the property. M. Gyarmathy reiterates that he does not think it is unreasonable to phase this project. A. McKnight states that he thinks that what C. Baker is

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saying is that it is not at all unreasonable for the Board to ask for this to be phased, but can we say that it is going to be phased and deal with the details in the site plan review for each phase so we can move on. B. Duffney asks if it is stated anywhere that we have to mitigate it right now. T. Yasenchak refers back to the question of importance. She asks if the Board feels that they need to have that phasing information in order to decide if this impact is important because when we decide on the positive or negative declaration on this, we have to decide whether these impacts are important. J. Streit states that if they were going to do this entire project, address each aspect and build the whole thing and it took them 8 years to do it, that would be a monster impact. If they do 1/8 or even 1/4 in a given year or two years, that is not a major impact. He states that it is in the builder's best interest to do as much as they can in a given phase, but that is determined by the market. He believes that if M. Hill approves of C. Baker's excellent suggestion, as part of addressing the mitigation, we say that we feel that this project may be mitigated given the phases as provided by the applicant which will be addressed during the site plan review, then we will have proper authority at that time to allow it to go ahead in the ways that we feel are best mitigated. S. Weeks states that if we are not pleased with the phasing we can ask the applicant to adjust the phasing. L. Palleschi states that he would expect that during the site plan review. S. Weeks states that he is very comfortable with that since we have the last word. A. McKnight states that we are all saying that we want phasing to be part of the PUD, the question is do we have to know what the phasing is now. J. Streit states no. A. McKnight says no. T. Yasenchak states that if we are requiring the phasing as part of the PUD, then before we make our advisory opinion, it needs to be in the PUD language. L. Palleschi states that he would say that you would want to leave the phasing out of the PUD because then the Planning Board has the right during site plan review to make changes. T. Yasenchak states that then the Board is all comfortable with the restriction of hours and that we feel that it can be phased. Board consensus is that they are. T. Yasenchak reads from question #3 in part 3 and the Board answers those questions. She states that now the Board must determine whether they feel that this impact is important. M. Hill states that an important consideration for this Board is considering the worst case scenario, which is heavy construction equipment to build roads and put in other infrastructure, and blasting. These are going to be the most significant noise generators during the course of the project. As long as the Board believes that the proposed mitigations that they have discussed – speed limit, alternate second entrance, the proposed construction hours and phasing. The important thing about phasing is that phasing, would offer the Board the opportunity to adjust these mitigation measures and conditions for future phases if they believe adjustment is warranted, but M. Hill states that for the worst case scenario the Board has to decide whether they believe that these mitigation measures as proposed are sufficient to deal with the worst case scenario. He states that it seems like the worst case scenario is likely to occur in whatever first phase the applicant proposes. Then the Board can move on and finish its evaluation of this question. A. McKnight states that it was the worst case scenario that he was considering in answering this question, so he would say yes. J. Streit agrees. M. Gyarmathy states that he feels that the phasing information is important so he says no. T. Yasenchak states that she would say no herself, not knowing the detailed information. M. Hill states that he believes that what T. Yasenchak and M. Gyarmathy are saying is that in order to be able to answer this question; they need to see the actual phasing proposals. J. Streit questions that it is true that nothing can be built until we have the site plan review and we grant permission to a certain phase. We are not giving away any of our authority. S. Weeks states that he is very comfortable with what has been suggested. B. Duffney agrees. T. Yasenchak states that we have polled the Board and 4 members are comfortable with it and are saying it is not important. M. Hill states that the question he asked was just to determine whether or not the Board was comfortable moving forward and considering the remainder of the analysis under this question. It appears that a majority of the Board is comfortable in moving ahead and finishing their consideration of question #1. M. Hill states that based on the discussion and the mitigation measures that are being proposed, and the conditions on the applicant, the Board has said that the impact that was previously identified as potentially large has now been reduced to a small to moderate impact based upon the mitigation measures that the applicant is going to have to implement. We are now at a small to moderate impact. J. Streit states that he believes that this has been reduced to small to moderate given the mitigation that has been suggested and also the fact that we have powers over

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any future phases. M. Hill states that the Board needs to identify the mitigation measures now. T. Yasenchak states that the Board's consensus was that the 4 members did and 2 did not feel that they had the right information to make that, because they did not feel that they had enough details on the phasing. M. Hill states that the idea of phasing here is not a mitigation measure, in and of itself; it is a mechanism that will afford the Board an additional level of review if it turns out somehow that the mitigation measures that are being identified are in some way insufficient. J. Streit states that he feels that we have suggested enough mitigating factors now to address the issue to make it small to moderate and that we feel that we have recourse before we give final approval for the site plan. For SEQRA purposes, he states that he feels that the Board has done its duty. A. McKnight states that if phasing is not a mitigating measure, then he is not comfortable because the worst case scenario is infrastructure for 8 years. J. Streit reiterates that he thinks that the Board has addressed the SEQRA issue, when site review comes and we do phasing, phase 1 has to include all the things that we insist and feel have to be included in that phase. We have still the ability to approve or deny based on A. McKnight's concern. M. Hill states that the opportunity to make changes in conditions that would be afforded by phasing, it is an important thing in the event that it turns out that these mitigation measures that the Board has identified are in some way not adequate to deal with the impacts as they occur during construction, but for purposes of the SEQRA analysis, the Board has to have identified the potential impact and identified the mitigation measures that are going to address that impact. We cannot, as a Board, leave this open-ended or have any implication that we haven't fully identified the potential impacts and are leaving to another day how we are going to deal with those. M. Gyarmathy states that then that would mean that the applicant should come up with a phasing plan and then we can include phasing as a way to mitigate this impact. S. Weeks states that what he heard was that phasing was not a factor in terms of mitigation. M. Gyarmathy states that is because we don't have a detailed plan. M. Hill states S. Weeks is restating what he, M. Hill, stated. Phasing in and of itself is not a mitigation measure. You have to identify impacts, you have to identify the mitigation measures. The mitigation measures are more of a physical nature. A. McKnight states that the issue is not the construction noise; it is the construction noise for the extended period. It is the time that is the issue, not the noise. It is the phasing that deals with the question of time. J. Streit states that the noise is going to be the noise, but for how long? That is what we all want to address and he believes that we can address it in the site plan to give approval for the first segment. We can make sure that everything we want is done in an acceptable period of time, we have that power, we are not relinquishing anything and we are saying in the SEQRA, that yes, we know the problems and we feel comfortable that we can address them. L. Palleschi states that those are the check marks that you do in columns 2 and 3. B. Duffney reiterates that at the time of the site plan review, the applicant will have more detailed information on the whole plan. C. Baker concurs. B. Duffney states that at that point the applicant can tell the Board that it will take "X" number of months to put in the infrastructure, etc. Then at that point the Board can make adjustments to those time periods, if necessary. M. Hill states that usually when there is a discussion about phasing, it is usually the applicant who initiates the request for phasing. It is usually from the applicant's perspective an open ended kind of thing. His sense is that when the Board is talking about phasing, the idea of it being a mitigation measure here, the Board is looking to impose a time limit on the applicant for purposes of this construction. What he has heard from L. Palleschi, he is not sure that that is the approach that the applicant is looking to take. That is why he is saying that the phasing, in and of itself, in the way that it is usually proposed is not, in and of itself, a mitigation measure, unless the applicant is willing to give you an outside time limit and say we will be done with all construction by a certain date. L. Palleschi states not without a crystal ball. T. Yasenchak states that she does not feel that was the case. Where we got off on discussing the phasing is that we didn't know if the road and all that infrastructure was going to be going at the same time. We just want an idea of how long. The question just asks if construction will last longer than a year. C. Baker states that his suggestion for the phasing was more as a limiting of the project as you go forward. They will come before us and ask for approval of phase 1 which will include, for example, the road out to Daniels and a certain number of units. That is what the Planning Board would approve for phase 1; the applicant would build that and then come back and ask for approval of phase 2 at some point in the future. T. Yasenchak states that in

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doing that, it limits the impact. She is not concerned if it takes 20 years, but if she knows that it is not 20 years of doing roads. C. Baker states that it also limits the potential of the developer getting into financial trouble. J. Streit states that he agrees that phasing is not mitigation in and of itself, but mitigation is done within the phase discussion. S. Weeks questions that it is not enough for us to say that we are going to limit the construction hours, we are going to insist that the other road be built out to Daniels, and we are going to stick to a speed limit within the construction zone. T. Yasenchak states that that it not adequate for her not knowing if the rest of that infrastructure is going to take 8 years. M. Gyarmathy states that the Planning Board that approved the initial PUD thought that the impact of such a large project was important enough to put into the PUD legislation. J. Streit states that it did not work; we are trying to make sure that as we go ahead we can have the project be managed. T. Yasenchak states that she feels that that particular answer, for her, has not been mitigated, but if the rest of the Board feels that other answers that have been given mitigate that issue and bring it down to a small to moderate impact, that is fine. S. Weeks states that council has told us that phasing is not a mitigating factor, so if the applicant comes back with phasing, he does not see that we have gotten anywhere any further along than we are right now. M. Hill states that his comment that phasing is not a mitigation measure, in and of itself, is predicated on the phasing not imposing a strict time limit and deadline on the end point of the construction. In most of the projects we see, phasing is initiated and requested by the applicant and it is to serve the applicant's needs. Usually the timing aspect of it is open-ended; it does not impose a strict deadline or specific date by which construction must be completed. T. Yasenchak states that she does not believe that the Board was trying to say that this phase has to be done in this amount of time. We were just thinking that if we knew that it was happening in this chunk, then later this, etc., that helps to break it up into little bits so that there is not just one large impact. That makes more sense to her. M. Hill states that he thinks the reverse. He thinks that this Board was saying that they want the applicant to submit a proposal for phasing and that proposal will include deadline dates by which certain things would be accomplished. T. Yasenchak states that no one is asking for that. M. Hill states that then that kind of phasing cannot be treated as a mitigation measure. A. McKnight states that the Board can ask the applicant to give us phases but that has no impact on this question. M. Hill states that is correct. If the applicant merely presents phase 1, phase2, etc., and does not impose any limitation on the amount of time that any one or all the phases are going to take, then the mere fact that you are splitting up the construction is not, in and of itself, a mitigation measure. It is not going to reduce the overall length of time. A. McKnight states that then the question we have to answer is whether in the worst case scenario our mitigation measures resolve that. T. Yasenchak states that then we will poll the Board and whether or not they feel that those other mitigation measures were enough to reduce it to small to moderate. B. Duffney, S. Weeks, J. Streit and A. McKnight believe it is reduced to small to moderate. T. Yasenchak and M. Gyarmathy believe it is still potentially large. M. Hill states that once you have made the decision that it is reduced to small to moderate, you no longer need to address importance. Question #11 regarding aesthetic resources, was checked as a potentially large impact that could be reduced by project change. T. Yasenchak states that the visual impact on the neighbors of the buildings that were closer to boundary lines was the concern, specifically along Daniels and Denton Roads, the Saratoga Farmstead on Locust Grove Road as well as any other adjacent properties. She states that the Board felt that the impact could be reduced by project change because part of the project included a 50' screened no-cut buffer that is going to be left as well as additional trees that would be planted. All Board members feel that the impact has been reduced to small to moderate. T. Yasenchak clarifies that the 50' no-cut buffer means that there is to be no cutting unless a tree needs to be removed because it is a danger to life or limb, or diseased. T. Yasenchak states that we will discuss this further in site plan review. L. Palleschi states that more trees can be added. Question # 19 regarding the character of the existing neighborhood, had been checked as a potentially large impact. T. Yasenchak states that the impact is more dense than what would be allowed under the underlying residential use in addition to there being 3-story buildings. J. Streit states that there will be a rather large impact but the impact is more to the existing Prestwick Chase facility than to anyone else. There are still an awful lot of trees between those new buildings planned to be constructed and the surrounding neighborhood. He does not believe that the residences to the east and

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west are going to be that much impacted. He states that there is an increase in density population, but that is why this is a PUD and not under the zoning regulations. Yes, there will be a lot of new houses, but it will not really affect the character of the neighborhood as they are still going to see trees and people. He would say that it is mitigated to small to moderate. This is a PUD and must be decided on its own merits; maybe the increase in density is the desired point of the project. He does not believe that you can mitigate density unless you wipe out half the project. J. Streit states that we are not in conflict with zoning laws because this is a PUD and we are deciding whether this PUD is an asset to the community as it allows for senior housing, allows for people to be in a concentrated, livable home so that they don't have to go to some other kind of healthcare facility. J. Streit states that yes it is a large impact, no it cannot be mitigated. T. Yasenchak states that it is not in conformance with the underlying zoning law, it is more dense than how many houses or residences would be allowed under current zoning law. M. Hill asks that we identified the underlying zoning and did we specify how many houses could be built. S. Weeks states that A. McKnight had done the math and it would allow 548 people, then with the PUD, and now would allow 952. S. Weeks states that it cannot be reduced to small to moderate. L. Palleschi states that he has to disagree because they have proven that they have sufficient sewer, sufficient water, the traffic was ok, to support this type of density. It could be a positive change as far as tax base for the community. Consensus of the Board is that this cannot be mitigated in any way to reduce this to a small to moderate impact. T. Yasenchak states that then the Board needs to address importance. S. Weeks asks if the Board concludes that it is important, what is the result of that. M. Hill states that the Board would have a potentially large impact, incapable of being mitigated which the Board determined was important and then the Board would then presumably go on to declare a positive declaration and require the applicant to prepare an environmental impact statement. A. McKnight states that it is not important, because the existing PUD is already for heavy duty density, it is in keeping with the character of the Prestwick Chase PUD and it is accepted as part of the character of the community in that area. J. Streit states that he agrees. M. Gyarmathy states that he agrees with A. McKnight because of the density that was approved there already. S. Weeks states that he agrees that it is not important. B. Duffney agrees. T. Yasenchak states that she does believe that it is important because of the number of the additional people from the original PUD, she believes it is excessive.

RESOLUTION – PRESTWICK CHASE, SEQRA

MOTION: J. Streit

SECOND: A. McKnight

RESOLVED, that the Planning Board requests the Town Attorney to draft a Negative Declaration for the Board's review as the Board has reviewed the SEQRA and specifically questions #1, #11 and #19, which were originally marked as potentially large impacts, reviewed those items under Part 3 and determined that they could either be mitigated or reduced to small to moderate or in the case of #19, that the issue is not important, and determined that the project is not going to result in any large and important impacts for the Prestwick Chase PUD Amendment for property located at 100 Saratoga Boulevard, TM#152.-1-109.0; 152.-1-111 and 152.-1-115.

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

Noes: None

Absent: Siragusa

T. Yasenchak states that the Planning Board needs to draft an advisory opinion to the Town Board also. The Town Attorney is requested to draft a favorable advisory opinion for the Planning Board to review at the next meeting.

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SKIDMORE COLLEGE – SITE PLAN REVIEW

Denton Road

Stephanie Ferradino is present and states that Dave Carr was not able to be here tonight but is still very much involved with the project. Following the last meeting, the applicant had a meeting with two of the key neighbors who would be affected by this property. They sat down and discussed the neighbors' concerns and have made some site modifications based on that meeting to address some of the concerns. They have modified the existing roadway. It used to flow in adjacent to T. Mina's property line. They were asked to back off from his property line. The LA Group has designed a different entrance way into the project. The other change concerned landscaping. After the initial meeting, J. Jayco and T. Mina went to the LA Group and spent some time there with the team to discuss what they thought that the best plan would be for landscaping the site in order to shield their view of the array. After that the LA Group went to the site in order to get into the second story of one of the homes in order to view and photograph the array. Those photographs allowed them to model the landscaping that the neighbors had recommended to determine if they thought that it would work. During those discussions they talked about where the trees should go. Should they be closer to the neighbors to block the distance view, should they be closer to the array in order to shield it at that view? The neighbors felt strongly that it should be very close to the array and right along the fence line. The original landscaping plan that was submitted in October is off the table now as it has been reworked with the neighbors to be the most aesthetically pleasing for the neighbors. The result is landscaping very close to the fence line and all the way around the perimeter of the fence line. There have been a few other concerns that were brought up by the neighbors such as raising the fence so that small animals can get under the fence; using some chain-link fence in order for people to view the array and other minor modifications. S. Ferradino states that they are going to show the new landscaping plan because the Planning Board has not seen it because they have had so much interaction back and forth in redesigning that they only were able to show this to J. Jayco yesterday. Corinna Martino, LA Group, provides handouts to the Board and states that they have provided about 220 trees along the edge of the array and following around the corner. She states that the total number of trees will go up to around 277 from 144 on the last plan. S. Ferradino states that they have also reviewed C. Baker's review letter, they don't believe that there are any issues that they are unable to deal with and will have responses early next week. T. Yasenchak reiterates that the applicant is removing the existing road; they had noted that they were going to paint the fence. C. Martino states that it will be green. M. West states that it will be more of a stain. C. Martino states that it will match the coniferous trees. A. McKnight asks why they are stopping with the trees before they get to the inverter. C. Martino explains where the critical view is and that based on that the plantings provide adequate screening for the neighbors to shield the array. There is also existing vegetation that is going to remain. A. McKnight states that his objective going into this would be that the neighbors never have to deal with the sight of it and it seems like that has been addressed. J. Streit states that he agrees with A. McKnight. His concerns only were that the site be made as acceptable as possible to the neighbors because they are the ones most involved. He states that he is aware that they are not thrilled with the project, but if they are satisfied that this is mitigated to the best that it can be, then that would be totally fine with him. M. Gyarmathy states that he agrees. As long as the neighbors feel that this is good enough mitigation for the view, then he is fine with it. T. Yasenchak states that it looks great to her as far as all the additional trees, including those along Denton Road. She asks if the building is going to be the same as presented before. M. Gyarmathy states that there is not a lot of detail on the building itself like what the siding and roofing will look like, will it be heated or cooled, will there be fire suppression? G. Boyer states that more details have been submitted to G. McKenna. It will not be heated or cooled, it will have ventilation. The structure will be wood, stick framed with asphalt shingles. S. Weeks states that visual impact was always the big issue with this and he thinks that the applicant has addressed that. He asks if it is still their intention to have the 6' wood fence and if it is going to be off the ground. C. Martino states that there will be 8" under the fence for small animals to come and go. S. Weeks asks why this is being done. S.

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Ferradino states that it was a request from the neighbors. B. Duffney states that it looks a lot different than the original plans. He states that a lot of things have been covered and taken care of and it looks like they have taken care of the visual impacts. He likes that Skidmore has gone above and beyond. T. Yasenchak asks about access to the rear for Polo. C. Martino explains that they will be coming in the new road, similar to what they do now; the access has been moved slightly closer to the polo practice fields and they just pull off the side of the road. T. Yasenchak asks if there will be anything around the wetland area so that no one will be parking in there. C. Martino states that per the Town Engineer's comments, the area will be labeled as a storm water management area. C. Baker states that he did provide a review letter; there are a number of elements that are involved in the submission package. There was a decommissioning plan and one of the key issues there is that he wants to see a cost estimate of what the applicant estimates that the cost of removal will be and to have provisions throughout the life of the bond to be able to adjust for inflation, recycling costs, etc. He did suggest that the building plans should be stamped by a NYS licensed engineer. He states that the storm water management has been reviewed; the SWPPP has been reviewed and everything appears to be in accordance with NYS guidelines. There will be construction observation throughout the process. The applicant is responsible for having a storm water inspector do weekly inspections out there, making sure that the storm water, erosion and sediment control system is in place and functioning properly. They are going to be required to provide weekly reports to G. McKenna and until the applicant files a notice of determination with the DEC. S. Weeks asks what a Knox box is. S. Ferradino explains that it is a box to which the Fire Department has a key and it contains a key to access the site. T. Yasenchak states that procedurally a public hearing is a "May" and asks how the Board feels. A public hearing is set for January 28, 2014. J. Streit states he would like it to be added to the record that he thinks that T. Mina and J. Jayco have very attractive properties. He has admired them; he goes up and down Denton Road a lot. T. Mina's house in particular is very attractive and well managed. T. Mina had a perfect right to state his objections in whatever manner he saw fit and he had a public duty to the Town of Greenfield to protect not only his property, but the remaining properties. J. Streit states that he thinks that it is probably irreversible that T. Mina considers J. Streit as an adversary. J. Streit does not consider T. Mina as an adversary. Had J. Streit felt that T. Mina's views were unmitigatable, he does not think that he would have taken the position that he did. J. Streit states that T. Mina had a perfect right to express his opinion and duty to do that. J. Streit states that he feels good in that he does not feel that T. Mina's property will be negatively impacted by the way that the mitigation has been arranged.

Meeting adjourned at 10:11 p.m.

Respectfully submitted,

Rosamaria Rowland
Secretary