

TOWN OF GREENFIELD

PLANNING BOARD

July 29, 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: John Bokus, Nathan Duffney, Michael Gyarmathy, Stan Weeks, Tonya Yasenchak and Robert Roeckle, Alternate. Thomas Siragusa and John Streit are absent. Mike Hill, Town Attorney, and Charlie Baker, Town Engineer, are present.

DISCUSSION

T. Yasenchak states that the Board did have to seek some legal advice from our Town Attorney and met briefly prior to this meeting. The Board is well aware of the open meeting laws that require that any Board meetings and discussions of the merits of any particular projects be in the public forum. This was a time that we were seeking legal counsel about process and procedure.

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C. Baker states that he was not at the meeting and is not suggesting any revisions or changes to the minutes, but he did read them. He would like to make a couple of statements in regards to things that were said either paraphrasing things that he agreed to, disagreed to or whatever, just for clarification. This is regarding the J. Witt site plan review application. The first item is the statement, "...C. Baker asked for it in one of his last comments on the plans, to add the limit of clearing and grading line." C. Baker states that he wants to point out that he did go back thru the record and he asked for the clearing and grading line to be on the plans in his very first review letter for this subdivision dated February 15, 2006. He thinks it is important to point out that that is not something that came up late in the process. It is something that was discussed very early on in the process and he wants to make sure that that is clarified. The second item, "*He states that C. Baker was very clear, and F. Palumbo thinks he would say it if he were here, they showed this clearing limit line because the DOH in this particular subdivision, because of the low depth to the bedrock,*" – C. Baker states that he does not believe that that is a true statement, as well. Again, he made the comment on the clearing and grading line very early on in the process before DOH even reviewed the project and made their decisions. The next statement, "*C. Baker conceded that he never expected that those lines would be holding to the lots when the lots came in and he does not think that the Building Department has treated the lots where the limit of clearing and grading line are as sacrosanct, that it must be where it is.*" And a couple of sentences below that, "*certainly that there is no expectation that there would be great movement of that line because there wouldn't need to be, but at the same time J. Witt's work with the HOA did define that clearing would happen in that area.*" C. Baker states that he does not disagree that there was some flexibility with that line, but he thinks it is important where it states, "*certainly that there is no expectation that there would be great movement of that line*", he does feel strongly that that line was placed on the upper ridge lots strictly because of the steep slopes. That was his concern from the very beginning, he did not want to see grading and he did not want to see cutting on those steep slopes because of the erosion potentials related to that. If there was to be any adjustments to that line, which there were some minor adjustments on the Lower Meadow lots when they did the septic systems, but we weren't dealing with slopes and we weren't dealing with visual impacts or anything of that nature. The next statement is, "*C. Baker helped them and informed them that they had to do the "cluster plan". You have to at least "investigate the cluster plan and with that the cluster sets the density"*". C. Baker states that is not a true statement, as well. He states that he did not

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push them to do a cluster plan. Right from the very beginning and you can look at the February 8, 2005 minutes; he believes that either Frank Palumbo or John Witt stated that it was their intention to develop a cluster subdivision. He wants to make sure that it is understood that he was not the one who suggested that the applicant do a cluster. The last item he wanted to mention is the statement, "*C. Baker had forgotten about that.*" and they are talking about the visual analysis. C. Baker states that he went thru all the SEQRA documents that he had and it is true that they did do a visual EAF addendum, which is the 2 page sheet which basically goes thru the checklist of the ¼ mile, ½ mile radius items, such as when we went thru the process with Skidmore. C. Baker states that in his opinion, they did not do a visual simulation like Skidmore did with photographs, balloons, etc., and they did not address what the view shed would look like with the vegetation removed. It was always talked about what it would look like with the vegetation that was in place at the time. So it is C. Baker's opinion that we never considered that view shed with the vegetation removed. S. Weeks asks if C. Baker's comments will just become part of tonight's minutes. T. Yasenchak states that is correct.

MOTION: B. Duffney

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of July 29, 2014, as submitted and per discussion above.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Roeckle, Yasenchak

Noes: None

Absent: Siragusa, Streit

Abstain: Weeks

ACTIVE SOLAR DEVELOPMENT – Site Plan Review

Kilmer Road

T. Yasenchak recuses herself as her company sometimes works with Active Solar although not on this particular project. Neil Curwen and Frank McCleneghen are present for Active Solar. F. McCleneghen states that they are looking to get a permit for David Rojek for a ground mounted solar system on the piece of property that he owns across the street from his house. They are setting this up so that it is well off the road, out of site, there is a berm between the road and the site so it should be visually screened and have very little impact. They have spoken to Walt Barss about going under the road with directional boring and he has provided a letter approving that to the Building Department. G. McKenna has asked the applicant to come to the Planning Board. S. Weeks states that this lot is across the road from the lot that is going to be using the solar energy. F. McCleneghen states that is correct. S. Weeks states that we would need to see if there was any issue with that. R. Roeckle asks if the lot in question is an actual second building lot and there is nothing on the lot now. F. McCleneghen states that it is and there is nothing on it. M. Gyarmathy asks if there is a reason that this is not being put behind D. Rojek's house. F. McCleneghen explains that there is no room on the lot. This will be 80' long and there is no room with realistic setbacks, so it is in everyone's best interest to put it across the street. B. Duffney asks how large an area will be cleared. F. McCleneghen states less than an acre. N. Curwen states that it will be .8 acres, 130' x 130'. B. Duffney asks the size of the panels. F. McCleneghen states that they are 40" x 66", there are 80 panels. There is a table that is 4 high and 20 long. It will be 11' high at the top of the angle. They plan on leaving the first line of trees and will be 100+ feet off the road. S. Weeks questions that the panel height is not on the drawings. N. Curwen states that it may not be but that he will get that information for the Board. S. Weeks asks if these will be fixed panels. F. McCleneghen states that they are fixed at 33-degrees. A public hearing is discussed and set for August 12 at 7:00 p.m. C. Baker states that he thinks that it is important that we have a detailed site plan showing boundaries, setbacks, topo, wetlands, streams, everything. S. Weeks states that we will need that prior to the August 12th meeting, by August 5th. M. Hill states that then the Board is setting the public hearing contingent upon receipt of that information.

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PRESTWICK CHASE – PUD Amendment & Country Squire Green Space Amendment
Denton Road

Luigi Palleschi, ABD Engineering, is present. T. Yasenchak states that the Board had expressed comments and concerns about impacts that were identified during the long form SEQRA review, and after hearing those comments, the applicant asked for the discussion to be tabled. L. Palleschi states that the applicant did agree to remove the two buildings in the south west corner of the project; the overall PUD amendment plan remains the same. He states that it was pretty clear at the last meeting that if the applicant were to agree to removing those units, they would respectfully ask tonight to proceed to closing the public hearing, determining SEQRA, deeming the application complete and making a recommendation to the Town Board. T. Yasenchak asks about screening or trees in that area. L. Palleschi indicates on the plan the trees that would be spaded, as previously discussed, and with the removal of those two buildings they are also removing the trees they were proposing as screening for those. S. Weeks asks if the two buildings that have been removed show up somewhere else on the plans. L. Palleschi states that they do not, they are proposing 284 units. Discussion takes place regarding a discrepancy in the notes on the plan and that will be taken care of. T. Yasenchak asks about the cross-over thru the wetlands and will that no longer be there. L. Palleschi states that right now it is difficult for the applicant to get into that area to mow without going all the way around the pond, so they are planning to leave it there and they will proceed with ACOE for a crossing permit. T. Yasenchak explains for the Board that that is a pretty extensive process.

Public hearing is discussed and reopened at this time, 7:27 p.m., for comment on the revised plan. Mike Toohey, Attorney, states that a couple of times we have been told that the road cutting thru the Country Squire green space is going to be a double gate system. There is a gate represented to be on Daniels Road, but there is not a second one shown. T. Yasenchak states that we have discussed that, it does not specifically fall into any of specific items of SEQRA. Rosemary Jensen, Locust Grove Road, states that she wants to understand properly that the space adjoining the B & B is going to be left undisturbed. T. Yasenchak states that the applicant is stating that it would not be disturbed except for the small area to get access to that area with mowers. They are not proposing any development in that area. Peter Goutos, Denton Road, questions that on the plans does it indicate that that area is not going to be developed or is it just left as is. T. Yasenchak states that the way that we would be reviewing SEQRA is from this particular plan that is not showing any development in that area. P. Goutos states that then the plan does not say that it is not to be developed. T. Yasenchak states that the Board is reviewing it as no development. P. Goutos states that they thank the applicant for his consideration in removing the buildings. T. Yasenchak states that her elevation question was somewhat answered. She states that you will see the buildings. Her question was with the row of buildings to the right of the pond, at the entrance, and how much you would see those, because of the topography of the site. She was able to look at the plans and figure out the answer to her question. B. Duffney states that he drove by there a couple days ago and there are some field pines naturally growing there and they should fill in and provide some coverage. John Jayco, Denton Road, asks what is the Board looking for in the density of the project. T. Yasenchak states that the Board is not the designer, we cannot specifically say that we want to see "X" number of units, but felt, as they went thru the review of SEQRA, that it was too dense and asked the applicant to come back with a revised number. At the last meeting, many of the Board members felt that if certain buildings in certain locations were removed that would lessen the impact of both density and the visual impact. J. Jayco asks if there is a specific number that the Board has as far as units per acre, etc. T. Yasenchak states that there is specific density in the zoning code for specific areas, but this is a PUD, they are writing their own zoning laws and that is part of the SEQRA review. J. Jayco states that he lives right next door and is very concerned. He states that he is affected as much if not more than anyone else around there. He sees every piece of traffic that goes thru there. The Board has decided not to allow the road to the other side. For him, he has heard up to 9 years of construction, and now we are looking at 500 units, 500 ambulances, 2 per day, and he has not heard anyone address any of those issues. He would like to see someone address those. He has also stated issues about the drainage off of that property on to his, and nowhere has anyone even mentioned that. T. Yasenchak states that we did talk about drainage. J. Jayco states that he has missed a couple of meetings because he was out of town but he has not

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seen anything specifically in the minutes. He would like to see the other road. He does not believe that the traffic report took into consideration the delivery trucks, the ambulances, the garbage trucks, etc. If the Board approves this project the way it is they are basically condemning him to 9 years of construction traffic and he would like that addressed. He states that not that he wants to, but if he did want to sell his house he does not believe with this project, and the one on the other side that the Board approved, he would be able to. He states that he is working with Skidmore on a glare issue and they have been very good, but if there is an issue here he does not believe he will get the same kind of consideration. There being no further public comments, this public hearing is closed at 7:36 p.m.

T. Yasenchak states that the Board had identified several areas on which the proposed action would have a potentially large impact. She states that the next process would be to deem the application complete stating that the Board has enough information to make an informed decision based on the reports and information that we have reviewed and discussed. At that point it would be time to take action on SEQRA and it is a coordinated SEQRA review for the amendment to the PUD for Prestwick Chase and the amendment to the Country Squire Estates subdivision green space. The Board would then need to form a recommendation to the Town Board. Typically we have done an informal poll of the Board so that we have an idea of what we will actually be voting on and then have asked the Town Attorney to write up a formal draft determination to then take action on. T. Yasenchak reviews that potentially large impacts were checked for items in Part 2, #1; #11 and #19. For item #1, T. Yasenchak states that the applicant provided construction phasing and we need to clarify a little bit of how that would be regulated as far as whether or not the applicant would come back to the Planning Board prior to receiving a building permit for each phase. She feels that is the Board's intention, but we would need to have that defined a little more in the PUD language. L. Palleschi states that he still stands on what he and the applicant would prefer, which is to get the approvals for the overall build out and then for construction phases as he has provided at the last couple of meetings, they can certainly revise those plans during site plan review as to when the phasing of construction would occur. He states that we had talked about at the time of getting the building permit for each building, that is the way they would want to go. They do not want to get phase 1 approved and then come back to the Board for phase 2, etc., unless something is going to change just like anyone else would. T. Yasenchak states that we are trying to find a method or tool to make sure that things are going properly. L. Palleschi states that the Town wouldn't issue a building permit if there was something that was not according to the approved plans. He refers to the DEC guidelines, that there would be SWPPP inspectors out there weekly doing those types of inspections that include the Town Code Enforcement Officer, etc. He thinks that there are a lot of things in place to get this project where they want it to go. He had talked this over with the applicant and the applicant's attorney, the main reason for having approval is financing. It is hard to finance if you are going to phase it little by little. T. Yasenchak states that what the Board is looking for is to have a chance to look at it to make sure that it is going along properly. M. Hill states that we had some discussion about this earlier on in the review process and C. Baker had provided some valuable input with regard to the Board's need to maintain a degree of oversight over the project to make sure that if there are provisions that might be imposed with respect to construction phasing. He states that from the Town's standpoint we understand that the applicant wants approval related to the entire project. The applicant stated that they intend to phase the project for construction. It seems like from a practical standpoint that maybe the way that the oversight that the Town needs can be reconciled with the overall approval that the applicant needs is by providing some language in the PUD that requires that when the applicant comes in for a building permit for each proposed phase, that prior to obtaining a building permit for the next phase of the project, that the applicant appears back in front of the Planning Board for a, call it a progress review, to make sure that the applicant is complying with all the conditions that have been imposed with regard to how the construction is supposed to take place, hours of construction, truck traffic, etc. If the Town receives any complaints about non-compliance, certainly those can be addressed with the applicant at the time that the applicant comes in for that review. C. Baker states that he understands the applicant's desire to have the whole thing approved and it really is no different than what we did the first time around with Prestwick Chase. It was approved in specific phases and his vision for this would be the same thing. When the first PUD was approved, we had the approval for the assisted living center and that is what was built in the first

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phase. For whatever reason, they built a few of the cottages and then the project pretty much stopped. Now they are back before us to amend that approval and C. Baker's concern is that if we control this by building permits, he does not see how that controls the infrastructure. G. McKenna issues the building permits, but he has nothing to do with the actual infrastructure – the pipes, sewer, water, roads, etc. C. Baker states that a project of this scale needs to be broken down. He has worked on a lot of very big projects just like this and every time it has been broken down into phases, because of the financial end of it. Banks don't want to lend money for a huge project. They typically want to keep it isolated and in small chunks to see how it progresses. He still does not understand how it is going to be controlled thru building permits. M. Hill states that C. Baker makes a very pragmatic observation and it is one that comes from his experience as an engineer and the Board needs to give a lot of weight to what C. Baker is saying. It seems like there ought to be a way to meet the applicant's goals while at the same time addressing the Board's concerns. He states that the Board can make it clear to the applicant that there has to be a way to do that. M. Hill states that if the Board wants, he can be in touch with the applicant's attorney to see if they can come up with some proposed language for the PUD and he can be in touch with C. Baker to get the benefit of his further input about what is going to work. S. Weeks asks if that is not part of Site Plan Review and he reads from Section 8 of the proposed PUD, "For purposes of site plan review by the Planning Board, the owner shall provide phases for construction, with each phase depicted on one or more proposed site plans, representing the portion of the project which the owner desires to build next." He asks if that isn't a site plan review step, that is how he views it. C. Baker states that he agrees, but going back to the original approval, in the actual PUD legislation they specifically designed phases of how that project was going to be built. That was the guideline for the site plan review. He states that when they came in for the assisted living center, they presented detailed plans for the assisted living center, the storm water management, the road and everything that was associated with that building. The cottages in phase 2, they came in with a specific detailed site plan for those. The convalescent home was going to be the next stage, which they never got to. That is the point that he is trying to make, he does not see why the Board can't approve the whole project the way that they are presenting it for the PUD legislation, but he thinks it needs to be defined in that PUD legislation how the project is going to be built out and what phases built first, etc., as opposed to just allowing them to go in there and for 9 years do whatever parts they chose to do along the way. L. Palleschi states that he does not think that there would be objection to that. Getting the approval for the entire PUD plan and site plan approvals, and then say coming back before the Board as they are ready to start the next phase, as a progress update. It may not be that the construction of all the units in Phase 1 were complete, but the roadway would be in and maybe people want to start moving further into the development, they could come back at that time and say this is what is done and they want to start the next phase. Are there any concerns, etc? L. Palleschi states that he has no objection to that and that at this point; the Planning Board could certainly make that recommendation to the Town Board to put it in the PUD legislation. M. Gyarmathy states that it would not satisfy SEQRA part 2, item #1 for him unless it was already written in the PUD language. T. Yasenchak states that what we had done before when we reviewed this, we had requested revised PUD language to be part of the action and part of the recommendation to the Town. The suggestion of the phasing was not in the recommendation as much as it was already placed within the PUD language. So when the Board made its recommendation they would be agreeing with that. Otherwise the Board could not necessarily say that #1 was met for SEQRA. The Board has identified that #1 is a large impact, how do we remediate that, how do we mitigate that? The applicant has provided a phasing plan, however, we still have no tool by which to resolve any issues that come up during that. L. Palleschi states that the Board has had the information on the phasing and the attorneys could have discussed this. He has been pretty due diligent in providing information as it has been asked for and we could have had some information for tonight. M. Gyarmathy states that C. Baker has mentioned this in meetings past. T. Yasenchak asks if the Board would like to see that in the PUD language. Majority of the Board feels it should be in the language. T. Yasenchak states that we will have the Town Attorney work with the applicant's attorney. The next large impact was SEQRA part 2, #19 regarding density and the applicant has reduced the number of units to 284. T. Yasenchak asks if the Board feels this is appropriate mitigation. B. Duffney states that the Board had requested the elimination of the two buildings in the corner and although it does not reduce the density a lot, it does reduce it. His concerns regarding density are generally water and sewer and those are addressed. S. Weeks states that it is a positive move as

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proposed. He agrees with B. Duffney regarding water and sewer. The other issue in his mind is that with the other services being offered in these buildings it is going to reduce the amount of traffic in and out of the facility. He would use that as an input into the discussion about density because you are going to provide a number of things on site. He thinks that we should make sure that those things are going to happen on site because that has quite an impact in his mind on the density and traffic issue. He states that everyone has to remember that the other road is very specifically for emergency vehicles and he thinks that will have quite an impact on the Denton Road traffic in his mind. M. Gyarmathy states that he is ok with the density and thanks the applicant for removing those buildings in the corner. R. Roeckle states that he is fine with the density. The PUD does reference different uses but there is nothing on the plan that indicates where those uses may occur other than possibly in the large buildings. L. Palleschi states that those were proposed within the three story units in the center loop. R. Roeckle states that he feels that the PUD legislation is severely lacking in information. It does not indicate where. Obviously there are places where those services will not be so why can't it just be denoted on the final plan at some point or as part of the PUD legislation that they will be located in specific areas. T. Yasenchak states that if the Town Attorney would make a note of that in addition to the 284 units when talking to the applicant's attorney. J. Bokus states that at the last meeting we had asked about the removal of those 2 building and the applicant has agreed to that. He feels the water and sewer are adequate for this project, so he is ok with the density. T. Yasenchak states that she feels that the applicant has moved in the right direction but that 284 is still too much. She states that it is a country feel. Our neighboring community of Saratoga, even their Comprehensive Plan says that they want to be the city in the country; we are the country outside of their borders. She states that green space has always been a priority for Greenfield and even with our Comp Plan we talk about keeping things green. She states that L. Palleschi has done a great job at that, this in no way makes comment on his effort, but she feels that the applicant still has not reduced the density enough for her to be comfortable with. As far as the visual impact on aesthetic resources, Part 2, #11, T. Yasenchak states that the applicant has removed the buildings in that one corner and there will be limited clearing for the emergency egress road, and asks the Board's feelings. B. Duffney states that the two buildings were removed behind the B & B. There is some pine already growing in the area where the two buildings will be along Denton Road in front of the existing Prestwick Chase main building and he feels that with some more trees spaded into that area, that will cover that area. The emergency egress road is only to be cleared back far enough for the grading, keeping it as narrow as possible but wide enough for the emergency vehicles. He spoke with L. Palleschi at a previous meeting about trimming of trees. He feels that the changes that have been made have mitigated this from a potentially large impact to a small to moderate. S. Weeks states that he also feels that the changes that have been made mitigate the large impact. He states that during the discussion of the solar project he had asked some residents of the Town if they couldn't see it, would they still object to it, and they said yes. We all need to think about that as he does not know how you mitigate that. T. Yasenchak states that because this is a coordinated review, she asks if either S. Weeks or B. Duffney would like to comment on that. B. Duffney states that as far as going thru the Country Squire green space, the road does not go straight in, it will be a groomed road and he does not believe that it will be a visual impact. S. Weeks states that he thinks that huge changes have been made there with the removal of the buildings and the road curving as it does, he feels a lot has been done to mitigate that. M. Gyarmathy thinks the applicant, with removing the buildings in the corner, mitigated the visual impact there. As far as the green space, from the very beginning he has stated once green space, always green space and he does not want to see anything in that green space. R. Roeckle states that he is glad to see the two buildings removed. He does not have a problem with the green space as there are power lines running thru there now. J. Bokus states that he thinks that with the removal of the buildings and the nature of the emergency road as it is presented now, it has mitigated the large impact issue. T. Yasenchak states that for herself the removal of those buildings from that corner has made a big difference. The trees and the buffer that have been suggested, she is happy with those as far as visual. She thinks that the applicant needs to define the 50' buffer area somewhere in the paperwork as to what exactly it is – no building, no tree cutting, a vegetative buffer, etc. When Town Code states buffer, it mean a vegetative buffer of some sort. L. Palleschi states that after any grading is done, they would have no problem with spading some trees in there. T. Yasenchak states that she believes that they are using buffer and setback interchangeably and would like to see it defined in the PUD. Regarding the green space, she reiterates her

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feeling that the road thru that area will be less of an impact than a golf course would have been. She would still like to see it stated in the amendment that there will never be a golf course in that area as the previous amendment did allow for a golf course. She would like that struck from the previous amendment. Board members concur. L. Palleschi states that he has discussed this with the applicant and he is in agreement.

RESOLUTION – PRESTWICK CHASE

MOTION: B. Duffney

SECOND: J. Bokus

RESOLVED, that the Planning Board deems the applications of Prestwick Chase for an amendment to its PUD and for an amendment to the Country Squire green space, for property located at 100 Saratoga Blvd., TM#152.-1-109.1, TM#152.-1-111 & TM#152.-1-115 as complete for SEQRA purposes.

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

T. Yasenchak states that the next step in the process would be to take an informal poll of the Board as to their feelings regarding the Determination of Significance. M. Hill states that the Board needs to complete Part 3 and discuss the three questions which were indicated to be potentially large and the mitigation of those, and whether they would be considered to be important. T. Yasenchak states that the first item is Part 2, #1, Impact on land – phasing was discussed for this impact. M. Hill states that the Board had also identified other different ways to help reduce some of the physical impacts of prolonged construction – the need for blasting has been reduced; limit of the hours and days of construction, etc. T. Yasenchak reiterates that some of the measures that were discussed were - hours of construction, how the construction could be consolidated, the length of noise and traffic for each phase and coming up with specific construction phasing – and how the Board felt that these would mitigate the potentially large impacts appropriately. R. Roeckle states that because everything that we are talking about right now has to do with the construction and the phasing, are those all items that should be included possibly in the changes to the PUD legislation. T. Yasenchak states that we did ask for that. The Board reviews the items in SEQRA Part 3, #3 and states that the impact will occur; the duration will be about 5 years; lost resources of value is not applicable; the impact will be controlled by the phasing; the regional consequence is not applicable; divergence from local needs and goals – it is divergent as to the number of people, there are other large projects in the area of similar duration and the Town has no formal goals with respect to the duration of projects or maximum construction duration. Board consensus is that based on the mitigation measures Part 2, #1 is not an important impact. SEQRA Part 2, #11 – The Board had noted this to be a potentially large impact. Mitigation measures have been offered such as the removal of the 2 buildings, limiting the cutting for the road, removing the reference to the golf course, the applicant has a landscaping plan showing trees to be spaded and that will further mitigate the effects. Once the applicant further defines that the 50’ is a buffer as well as a setback, that will help with the mitigation. Board consensus is that these are applicable mitigation measures. Part 3, #3 – the duration would be forever but as time goes by the visual impact lessens with the growth of the trees proposed. Per the previous discussion, this impact was also felt to be an impact that could be mitigated and by those measures it is not important. SEQRA Part 2, #19 – Character of the Community – the applicant did remove 2 buildings reducing the number of units from 300 to 284 units. With the exception of T. Yasenchak, the remainder of the Board felt that that was an acceptable mitigation and that the impact has been mitigated to a small to moderate impact and therefore not important. The maximum number of units being requested is 284 units, which could be further reduced at site plan review. It would be very difficult to reverse the impact once the buildings are built. Regarding whether or not this project is divergent from local goals, S. Weeks states that that is why this is a PUD and that recognizes that it is different. He is still ok with the density. J. Bokus states that it is in line with what is already there. R. Roeckle states that by adoption of the zoning law, the Town Board has established the needs and goals of the Town and they will make a decision on this. B. Duffney states that regarding mitigation, we have done all that we can without throwing the whole project out. At this time discussion takes place that an informal poll

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will be taken of the Board so that the Town Attorney can draft a determination and then the Board can take action on that. M. Hill states that given the discussion that the Board has had going thru Part 2 and Part 3 of the SEQRA, his perception is that the Board is leaning in the direction of determining to issue a negative declaration with regard to the project. The project being the proposed amendment to the Prestwick Chase PUD as well as the amendment of the Country Squire Estates green space and with that, he would be drafting a SEQRA determination stating that the Board is declaring a negative declaration. M. Gyarmathy asks if that declaration would be contingent upon the PUD legislation being revised. M. Hill states that it would assume that the PUD legislation would be revised to be consistent with the discussion of the Board. The Board consensus is that a negative declaration be drafted, contingent upon all mitigation measures discussed. T. Yasenchak asks M. Hill to also draft a decision on the green space as well. M. Hill states that the modification of the green space will also be contingent upon the Town Board approval of the PUD. The applicant's attorney did not want the green space modified if the Town Board ultimately does not approve the PUD. B. Duffney states that regarding the amendment to the green space, he would also like it to be known that absolutely nothing else would be done with that green space. T. Yasenchak states that the Board cannot make a decision that precludes any land owner from ever coming in and asking to do something. We cannot take their development rights away. Whether or not a Board in the future would ever allow that, would be up to that Board. B. Duffney asks if we can put it in our remarks that we suggest that nothing be done with this property. T. Yasenchak states that in the Board's discussion while taking action, the Board could state that they are highly concerned and that this stay green. Our action will define what we are saying will happen within that green space and how it stands now is that the only thing that would go thru there would be the development of that road for purposes of emergency vehicles, the clearing that would need to be done for that, no further development and no development of the golf course. The Board consensus is that they are in favor of the proposed amendment to the green space only for the road for emergency purposes. T. Yasenchak asks if there is additional information that the Board would like to see in the PUD language. R. Roeckle asks if this amendment is replacing the existing language. T. Yasenchak and M. Hill state yes. R. Roeckle states that it does not mention what is already on the site and it should as part of the PUD legislation. M. Hill states that this language would actually amend the existing PUD. R. Roeckle states that then the existing PUD language is going to be there, but then we also would need to change the existing language to remove the 120 bed facility. There is nothing in the amendment language that states what is completed on the existing site. M. Hill states that he will speak with the applicant's attorney about this to confirm whether they are actually proposing to replace the existing language. Anything that would be allowed in the existing PUD language needs to be explicitly clear to the extent that if it is not already in existence and is not part of the amendment, it would not be allowed. If they want to repeal and replace the existing language with completely new language, then the completely new language would have to state what is already there in addition what is being proposed. T. Yasenchak states that she was of the understanding that this was an amended PUD because when you look thru all the sections it is the same verbiage as the old one except for certain amendments. L. Palleschi states that he thought that this would be replacing the existing language. You would not want two of them floating out there. M. Hill will take this up with the applicant's attorney. T. Yasenchak states that she had a question as to the limitation of age and how that will be regulated; she is still very concerned that this would be built and then be rented to people not of that age. Section IV, states that, "Exceptions may be made in the event one spouse is less than 55 years of age, and in the event that a live-in care giver or economic provider is required." She comments that that is very general, does that mean one economic provider or a whole house full. Also, someone who is 55 years of age could have a teenager and does that include family. She is not referring to anyone visiting or staying a month or two in case of an emergency, only prolonged periods of time. T. Yasenchak would also like the phasing language included in the PUD language and the Town Attorney will discuss this with the applicant's attorney. R. Roeckle asks if there needs to be any dimensional requirements. T. Yasenchak states that there is a height restriction, which has been discussed, and will be further clarified during site plan review. She requests that there be a little more specifics in the language regarding the commercial services and where they will be located, along with the items discussed tonight. M. Hill states that he will get the draft prepared and forwarded to the Board by August 8th for the August 12th meeting.

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JOHN WITT – Site Plan Revision
Old Stone Ridge

John Witt, Frank Palumbo, and Jen Merriman are present for the application. J. Witt states that since he last met with the Board, he has met with some of the neighbors, talked about their concerns, and this plan is driven from that meeting. He feels that they have come up with a pretty good mitigation plan that protects the views and also protects the buffer areas. He states that tonight he would like to ask for approval. He would like to make a few points. 1. The meaning of limit of clearing and grading line is ambiguous, at best. Ambiguities are required to be resolved in favor of the developer. The Planning Board could have made the line very definite with meets and bounds descriptions. The Planning Board never asked for internal views of the project. 2. All owners are subject to the HOA declaration. The HOA declaration was specifically referred to in all deeds from the sponsor. The HOA declaration gave the sponsor the right to clear any and all vegetation for views. It also gave the sponsor the right to log. The HOA declaration was approved by the Planning Board acting thru its chairman and attorney. J. Witt states that he has submitted this plan, worked with the neighbors and he thinks it is a very reasonable plan. He has given the neighbors time to comment, he has gotten some good comments. One neighbor indicated that the plan was hard to read so they changed some of the colors on the map so that it is a little easier to look at. He reviews the various areas per his submissions (e-mail dated 7/23/2014 and letter to Planning Board dated 7/18/2014). He indicates that the yellow reforestation zone has pretty much filled in already, but they are still going to reseed with some seedlings. The Managed Scenic buffer definition has been changed to require a vote by four neighboring properties in order to approve any cutting. J. Witt states that he thinks that this basically cleans up the project moving forward; it is pretty straightforward as to what can and cannot be cut, what buffers have to stay and the guidelines to cut trees in the future. He thinks that this is a good solution and asks for the Board's acceptance. T. Yasenchak asks J. Witt to clarify the reforestation/yellow, where he states 100 seedlings, what is the length of that? What is the spacing? J. Witt states that they would just plant them where they would need to be. He asks if she has driven by the site because most of the area is already forested. T. Yasenchak states that at the last meeting we had asked for more specifics so that we could visualize where they were going. She drives by there all the time, but she was questioning whether they would be in clumps, are they going to be spaced, etc. J. Witt states that that area is pretty wooded so it would be areas that have been opened up or that could use some reforestation. T. Yasenchak asks that then with the trees that are already there, he feels that the seedlings would survive with the taller trees that would be around them. J. Witt states that their forester has told them that 70% to 80% of the seedlings will make it. T. Yasenchak questions that in the reforestation type 2 area where the 6' trees are going to be planted 25' on center along with transplanted vegetation between the larger trees, is that in a line or grid. J. Witt states that is 25' plus or minus. He states that the neighbors flagged an area where that is and that is where he put stakes. Some are 18', some are 25', some are 27' – it is more natural and that is the concept there. T. Yasenchak states that she wanted to make sure that it wasn't just going to be a line of trees 25' on center. B. Duffney states that he did drive out there, there are stakes and they are kind of staggered. He states that it is never going to be the same. J. Witt states that it was never intended to be the same; it was always intended to be cleared for the views, that is what was approved. T. Yasenchak states that we are not going to get into that argument, there are a lot of different interpretations, apparently as well as different interpretations of what selective clearing is. She asks if there has been definition of that anymore in the association guidelines as far as what that is. J. Witt states that this would be the approval and it would override the HOA documents. They are not proposing changing those documents, they are just proposing to refile this map with the Planning Board and this would be the approved map to go forward with and be forever running with the property, so that there are no misunderstandings going forward with anyone. T. Yasenchak states that the reason she does see this happening again is because the definition of Managed Scenic Buffer has been changed to allow the adjacent neighbors to vote, vs. the 60% in the previous plan, and she foresees one swath of no trees and other neighbors who want that selective cutting. J. Witt states that is why they put in a total of 5 votes, with 3 for an approval. T. Yasenchak states that then the Planning Board no longer knows what it is going to look like. Is it going to be a scattered patchwork down the whole space? She states that the other definition made more sense because the Board could look at it and understand what 60% would look like.

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With that taken out, the neighbors could agree to take every tree down. B. Duffney states that loggers do have what is called DBH (Diameter Breast Height) and he would like to see that implemented. No trees less than 10" to 12" at DBH would be allowed to be cut. With this in place, you would still be able to get limited views. J. Witt states that he respects what B. Duffney is saying, but the intent was to have views from there and he wouldn't want to limit a homeowner in the future to not have their view. He would be open to going back to what he proposed before. He states that depending on the tree and how it grows, it is possible that its canopy could be right in the view and it is possible that those ridge lots would have no view in the summer with that scenario. To him that is unacceptable. B. Duffney states that as it is suggested, as these trees are put in, they will not be in a row so you are not going to have one solid canopy. As they take down the other 10" and above DBH, in between, that will give you a view. T. Yasenchak asks if that is something that can be managed as the tree grows. She knows that with Niagara Mohawk they cut the tops out of the trees. B. Duffney states that once you take the canopy off, the tree is dead. He states that you cannot cut the top out of a tree that height. B. Duffney reiterates his suggestion about a 10" diameter. J. Witt states that at the bottom of the hill that would be fine. At the top of the ridge that could be an issue. He states that if they could put an area such as the reforestation area, if they continue that line straight across and put that restriction in there. Then the part that gets half way up the hill, that could be managed with the language they had before or what he has proposed currently. B. Duffney reiterates that the trees will be staggered and you can cut the higher ones that get to 10", then as the others come up, the ones that are blocking the view could be removed. J. Witt states that the objective he has is that after we are all gone that this project does not have any ambiguity, how we get there, he is all for it. S. Weeks states that he would like to withhold his comments until we hear from the neighbors. At the very beginning of this we asked that the developer and the neighbors get together and discuss mitigation because he thinks that we all recognized, at least he does, what it means to have a limited line of clearing and grading.

The public hearing is reopened at 9:32 p.m. Tom Selfridge, Lower Meadow Lane, states that at the last meeting there were several good questions asked. He states that one of the Board members had stated that the Enforcement Officer had issued some sort of ticket during that time and it interpreted whether there was a no cut zone. He asks what is the fact as far as the Town has resolved in the issuing of something that major, was he in error in doing that? T. Yasenchak states that the Code Enforcement Officer, Gerry McKenna, is the one who interprets the zoning regulations. He made a determination that there had been clearing that had been done. M. Hill states that at some point G. McKenna became aware that cutting had occurred that was in excess of an area or beyond an area identified as limit of grading and clearing on the approved subdivision plan. J. Witt was advised to stop any further work and any further clearing because the clearing that had occurred was in violation of the limits that were on the plan and began an enforcement action. J. Witt has come to this Board seeking an amendment of the subdivision plan with the apparent goal of moving the limit of grading and clearing line and essentially addressing the violation through the subdivision amendment process so as to satisfy and eliminate the enforcement action in that way. T. Selfridge states that if that goes through in terms of what J. Witt has proposed going forward, the individual lot owners can decide what to cut, who will oversee that? The control of the HOA will be turned over to the homeowners, and at the time that that occurs, why would you limit the voting of what happens in the association to just the three or 4 low owners closest and not all the neighbors in the association itself. T. Yasenchak states that the Planning Board is looking at the use of the land and the landscaping, but the Planning Board does not have purview over the HOA, do not regulate the HOA. That is a private entity so questions of determination of how that is run would have to go to J. Witt and his attorney. T. Selfridge questions that if the Board accepts this proposal in one sense you are approving what is being proposed and that is part of what would go back to the HOA. T. Yasenchak states that is part of what she had mentioned to J. Witt, we are looking at this as a whole. We don't want everyone to come back every single time someone on one lot wants to cut a few trees and we are the ones looking at the site plan again. We are looking at the site plan as a whole and whether we feel that when there is cutting in a certain area, we feel that is appropriate and an amendment to his subdivision. How the actual voting goes on, we are not the ones making that decision. T. Selfridge states that if that were the case, then when this is turned over to the HOA, and they decide to cut all the trees, they could do that? T. Yasenchak states that he has heard the Board

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discuss that some members like the 60% number that was previously there so that not all of the trees would be cleared. T. Selfridge states that the HOA could vote that every lot would be covered with trees and no open space. T. Yasenchak states that they could not clear more than what was noted on the plans. T. Selfridge states that part of what he thought emerged at the last meeting was that there is not clarity on facts. The fact of an Enforcement officer doing something and then be supported on that, seems contrary to what the presentation J. Witt gave at the last meeting as to what is the fact. If it comes over to the HOA, then if all of the neighbors begin to do other things, are their hands tied or not? He would like to have that fact emerge and clarity so that they know the direction. Joe Carbonaro, Lower Meadow Lane, states that he thinks that three or four meetings ago it was asked of the attorney, what happens when the HOA takes over and he believes that they were told that the HOA would still be subject to adhering to the site plan. T. Yasenchak confirms this. J. Carbonaro states that he shares the same concern that T. Selfridge has about this idea that you have 4 or 5 people and this quid pro quo going on. He asks if there is any value in their bringing a Cornell Cooperative Extension person to one of these meetings to talk about the fact that there is just no point to planting seedlings or anything much bigger than that because it has no chance of living. He states that the only person the Board is hearing from right now is someone who has a vested interest and is paid for that opinion to come from the LA Group. The CCE is not paid by anyone; they will give their professional opinion about the likelihood of survival of a seedling in that environment without deer "exclosure". T. Yasenchak states that we have all mentioned in the previous meetings about how we feel about seedlings. J. Carbonaro states that we still see a plan that says seedlings and it boggles his mind. He states that J. Witt is correct, he met with some people, but that is not the first time the Planning Board has heard him say that he has met with some people, but he can't help but think that there is the implication that he (J. Witt) would like you to infer that they are all ok with it. J. Carbonaro states that that is decidedly not the case, he cannot speak for everyone, but if the Board would like another letter from the same people who signed the letter previously, they would be glad to send another letter saying that they absolutely, positively are against this plan. K. Clifford, Old Stone Ridge Road, states that he is one of the people who met with J. Witt so he thinks that we have a starting point, but are not there yet. He is concerned with the use of the seedlings and made that comment when they met. The other concern is the language in the HOA has to change. Why would you leave it up to 4 or 5 people to make a decision? The HOA should determine that. He states that since they met with J. Witt, they have lost traction because he still wants to cut trees and that is where they fell apart. T. Yasenchak asks his thoughts on the managed scenic buffer and what are his thoughts on the difference between 60% cutting. K. Clifford states that when he bought his property, he did not buy with the intention of clearing beyond his lot. Why would he assume that he would have the ability to go in and cut things to improve his view. He bought into an HOA, why would he leave it up to certain neighbors as to whether or not he would be able to cut trees. That is going to create a lot of contention. There is an HOA in place, let them make determinations about the property that falls outside of boundary lines. He reiterates that the neighbors should talk about something and then bring it to the HOA board for decision. T. Selfridge states that he believes that whether you are looking at oceans or other views, it raises the value of a piece of property. He discuss that the ridge lots would have spectacular views which would enhance the value of those properties and also the resale values of the other properties in the development. He concurs with J. Witt's sense of value to the entire project. He states that B. Duffney's proposal is extremely valuable to use to achieve the views. If the HOA ends up with only 8 or 9 homes as opposed to all of the neighbors, it is a burden on all of them. J. Szpak, Lester Park Road, thanks J. Witt because he had cut down all the leaning trees and the large trees surrounding his house prior to the big storm. He thanks the Board for trying to protect the green space around this development. His concerns are that this plan is confusing because he is not really sure what is going to happen in certain zones because there are some forested areas. He is concerned about more cutting in the reforestation zone, because the plan implies that they are going to plant seedlings in there and it does not make sense. He agrees with B. Duffney's assessment on how this could be done, but he is particularly concerned with the yellow areas at the base of the hill. He would not like that to be a reforestation zone, but to keep what is there and then to reforest similar to the green hashed area because that essentially goes right up to his lawn. There being no further public comments, this public hearing is adjourned at 9:52 p.m.

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J. Witt states that when the project was approved the limit of clearing and grading line went around the whole phase 1. In phase 2 there was no clearing and grading line, so that is ambiguous. When they did get building permits for the lots on Old Stone Ridge Road, they cleared the lots and he indicates where they took down some large trees. That was the intent of the project, to open up the views. They didn't get shut down by G. McKenna on those lots. F. Palumbo states that the important point of that is there was a clear process and it was never enforced consistently as a no cut line. So on all those lots (west side of Old Stone Ridge Road) that line was not being enforced as a no cut line and he thinks consistently correctly. The difference is that when the clearing was happening outside the lots, that is when the citing of the clearing was done. Many of those lots go beyond that limit of clearing and grading line. J. Witt indicates where the line was right along the road so they had to clear beyond that line to get a house on the site. Phase 2 had no grading and clearing line. He reiterates that he met with some of the neighbors, feels they did make good headway and there was a great response. He has been very open, the neighbors flagged an area and he marked where they flagged. He is very open to making a compromise but he is not going to please all the neighbors. He thinks this is a good proposal and would like to ask for a decision. He is open to making some modifications but he really would like a decision. T. Yasenchak states that the Board will make a decision at some point. She states that a lot of times meetings were put off because the applicant was not present. Now we have good information and good maps and we are going in a positive direction. The Board understands that any builder would want to sell lots, but on the other hand to put off at the beginning of the spring not being here and not giving the Board information, the Board will not be pressured. J. Witt states that there was one meeting when he wasn't present but has been here since the spring and has provided what has been asked for. Every time he comes back with a plan and he has to start building houses again. R. Roeckle states that there are 2 reforestation zones and then the replanting area, are those overlays over the other zone, the managed scenic buffer and the no cut – forever wild. He asks if the yellow is actually managed buffer once it were to be replanted and the same with the replanting zone. Once it gets repaired, what is it? J. Witt states that the intent was that that was the buffer with limited clearing. T. Yasenchak states that if the applicant could give the Board a definition of that. The more specific we can get, the less problems we will have. R. Roeckle states that if the yellow area gets fixed, that and the reforestation zone, type 2, are those areas then actually transforming into managed scenic buffer? The same with the replanting area. Does that area then become a no cut – forever wild zone? J. Witt states that he would propose managed scenic buffer. T. Yasenchak asks if the applicant would be open to having some kind of no cut buffer along the back of J. Szpak's property. J. Witt states that he thinks he would need to go back. He has met with J. Szpak. He wants to make it a buffer and he wants to make sure that neighbors can't clear cut that area. He is hoping that the language can address that and that is why he has it as 'managed'. He states that some of this came from the neighbors' ideas and letting them decide what gets cut. He thought that this plan made a lot of sense. He goes over some of the areas. He states that with HOA's, no matter how you slice them, there will be issues. You will never please everybody and that is how he came up with this. He reiterates that he wants to be able to have the views and buffers. T. Yasenchak asks that the applicant would be willing to put a percentage in again. R. Roeckle states that he is fine with placing restrictions on the site plan that would bind the HOA, but he is not entirely comfortable making something that takes power away from them. T. Yasenchak states that we are only looking at the landscaping, the buffers and the way it is going to be cut, but we are not approving amendments to their HOA. R. Roeckle states that this plan is making statements to that effect. M. Gyarmathy states that the applicant needs to redefine some of these zones – take the HOA out of the picture. T. Yasenchak states that the HOA would have to abide by and make decisions according to the site plan, but the site plan is not going to delegate decision making for the HOA. J. Witt states that the goal is to make it so that there are not fights within the HOA. R. Roeckle states that the HOA language still states that the entire Board will make that decision and not just a few neighbors. M. Gyarmathy states that he thinks that the areas need to be redefined a little bit based on what has been discussed and the HOA has to be left out of these definitions. He is concerned if we need any type of guarantee because J. Witt is going to be in charge of this area for a while so is he going to maintain these newly planted trees for a period of how long, etc. T. Yasenchak states that there are still bonds in place for the road, so what happens if those seedlings get chewed up? She asks what is the plan of action. J. Witt states let nature take its course. They will plant them and there are acts of God, storms, lightning, etc.

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There will also be new plant material that will grow that they will not plant there. He would propose that they guarantee the larger trees for a year and then everything else, what happens happens. It will go back to its natural state. T. Yasenchak asks if there is any way that he can protect the smaller trees. She states that her garden has been decimated by the deer this year and they are 15' from Wilton Road which is very busy and they don't care. She understands that we all want them to grow, but if we are calling it reforestation we do have to have some sort of middle ground. J. Witt states that a lot of the area is the reforestation and that is going to be deer food also. He does not know and can't guarantee what the deer are going to eat. J. Szpak states that Cornell Cooperative has methods to deal with that. CCE is telling them that it will not reforest, it will not restore. T. Yasenchak states that a long time ago we had Pompa before the Board, and when they clear for certain types of mining, DEC does have requirements for their trees and for how they reforest in the area after they have mined. They have a certain number that they find acceptable to live because they do understand that not all the trees will live. She states that when she looks at the plan that the applicant had given the Board before of the 600 seedlings over that larger area, the yellow area is a little more than half of that but now there are only 100. It seems a little unbalanced. She knows that there are some things there. J. Witt states that there is a lot of growth there and that is the reason; it has already begun to reforest itself. F. Palumbo states that the mining procedure plan under DEC is done the way it is because it is complete extraction. There is nothing to reforest, there is no ground cover in those cases. Here we are talking about a subdivision with clearing but there are still a lot of areas that are still there. He states that CCE making a survival rate of these seedlings, there are going to be deer out there and the CCE sells seedlings to people for that purpose. J. Bokus states that he thinks we are going in the right direction. The question of the seedlings is a crap shoot. We have to do something. S. Weeks states that he believes that seedlings are woefully inadequate and he would not approve a plan that is going to rely a lot on seedlings. He does not think the odds are good at all. He states that this is a self-imposed hardship and he does not think that seedlings address that issue. He states that J. Szpak mentioned the area behind his house and S. Weeks asks if that is there for a particular view from up top. J. Witt indicates on the plans where there is a big growth of larger trees. He states that is why he is proposing 100 seedlings because they would be concentrated to where they think it needs to fill in. He discusses a project in Saratoga which is on bedrock, he rearranged the open space line and the Planning Board made him plant seedlings. He transplanted trees knee-high to waist-high and 90% of them lived. T. Yasenchak asks if he would be willing to plant something similar to the knee high trees. J. Witt states that he is sure that he could find 100 of those and plant those. S. Weeks states that he believes that is a step in the right direction and he states that a seedling is pretty delicate. J. Witt states that they will need to be watered as with the Saratoga project and they talked to the neighbors about using their water. T. Yasenchak states that then J. Witt would be agreeable to have some kind of a maintenance plan. J. Witt states just until they take, you plant them in the fall, look at them in the spring and if you get a dry couple weeks, you water them. S. Weeks states that that was his immediate concern. His main immediate concern was the seedlings and he does think that there needs to be some clear definition of how these different areas are going to be maintained. B. Duffney questions that J. Witt had indicated on the plans where the original clearing and cutting line was. B. Duffney indicates a map and asks where it came from. J. Witt states that it is a map that the LA Group did because they did a study for the whole slope to show that the clearing that has been done has no adverse effect. B. Duffney states that it indicates 'original clearing and grading' and then 'proposed limit of clearing and grading'. He states that then there was a limit of clearing and grading, so there was an original limit of clearing and grading. He asks J. Szpak if he is part of the HOA or would be. J. Szpak indicates that he is not. B. Duffney states that J. Szpak needs to be protected from the HOA since he is not part of it; he has no say in what happens to the property behind him. That would be a concern to B. Duffney. He states that there is regeneration. If you completely mow a piece of property and leave it alone, it will come back to forest – in 60 to 70 years. Seedlings don't really do it. Dangerous trees no matter where they are need to be addressed; they need to be taken down. We talked about cutting the slopes. The front, where it was cut, is more than a slope, it is a steep grade. He asks who would manage the buffer zones. J. Witt states the HOA or if using this language, it would be the neighbors nearby. B. Duffney states that no matter what is done, that area will not be restored to what it was. You can replant and try to make it better. He states that the hardwoods have it pretty much blocked. You can see that the hillside is gone. The spruce on that property was a plantation, towards the Middle Grove Road area, it

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was all in straight rows, and those were probably put there about 50 years ago. B. Duffney states that J. Carbonaro brought up the Cornell Cooperative Extension, that is what they do. They are completely, 100% unbiased because they are not hired by anyone. He asks if CCE will come out and give their opinion. T. Yasenchak states that they do and the Board members would be making a decision as to whether or not they feel like they need more information. B. Duffney states that if the Cooperative Extension came here and said what they think is the best for the project; he would be satisfied with that. A logger or forester can tell you what to put in from their past experiences with properties. C. Baker states that he totally agrees with what B. Duffney just said, to him that is the most unbiased opinion that you are going to get and they are professionals. F. Palumbo states that he would like to clarify that he is not here being paid by J. Witt. He is here because his name is on the plan, at the last meeting he described what he believes happened during that process. He is here because he thought that that was being misinterpreted. He feels that the limit of grading and clearing line was put on there for a reason, and that he explained at the last meeting, and it is not and never was intended to be a no cut line. If it were a no cut line, it would be described on each lot when that was filed. He thinks that their plan, as filed, is being misinterpreted by the Town. T. Yasenchak states that we understand that point of view, and from the Board's point of view and from our Code Enforcement Official, no one believed that it would be as clear cut as it was. We are here to resolve the issue. Whatever it was it was. Now the trees are cut and where are we going to go from here to make an acceptable resolution to the Town and the neighbors. That is where we are now and how we feel that we can do that appropriately within the means that we have to regulate that. There are certain means that Planning Boards do have and those are all things that we can incorporate when making a decision. T. Yasenchak states that the applicant has heard the Boards comments regarding not doing seedlings and doing something bigger; redefining the managed scenic buffer to put in that 60%, the way that it was defined before, because that is quantifiable and the Board knows what that is. J. Witt states that he would remove the language of the neighbors voting. T. Yasenchak reiterates that the Board does not want to get into any kind of regulation of the HOA. She asks if there is something that can be put in writing, and we have done this in the past with special use permits, some kind of notification to the neighbors, J. Szpak in particular, as far as people who are not members of the HOA. People who are adjoining property owners and have always believed that that would not be cut, or that they would have just as much say as the other property owners. J. Witt agrees. M. Gyarmathy asks if we also need that diameter measurement. J. Witt states that we talked about that in the reforestation area and he would agree to the 10" DBH. He explains how he would like to extend the line and the goal is to keep a buffer area. The rest would have the previous 60% language. T. Yasenchak asks if the trees would all be planted in the fall. J. Witt states beginning in mid-September to mid-November, before the ground freezes. T. Yasenchak asks if they have a planting schedule, perhaps planting all the big trees first, etc. J. Witt states probably all the big trees at the same time and the transplanted trees sporadically, by the end of the fall, and a one year warrantee on the larger trees. T. Yasenchak asks C. Baker when this gets turned over to the Town. C. Baker states that the applicant has to complete the construction of the roadway fully and it has to be built out. There is no provision in the Town Code right now to allow that to be done before the subdivision is done. J. Witt states that they are going to try to go to the Town to try to get them to plow and change those regulations. T. Yasenchak states that why she asks that is to just make sure that this is done, but if we have something in writing that guarantees that that will happen. She states that she is not convinced that 100 of the smaller trees in that area will do it. S. Weeks states that he thinks that they have to put in bigger trees, but he does not know if 100 is the magic number. J. Witt reiterates their plan to concentrate in a few areas where replanting is needed. He states that 100 trees is a lot of trees and it is more towards J. Szpak's house that they will be filling in. J. Bokus asks if we were going to ask Cornell Cooperative Extension to come in. T. Yasenchak states that is up to the Board. Board consensus is that they would like them to come in. S. Weeks states that is a pretty good idea. With all the discussion among the parties and the Board trying to arbitrate that, he really thinks that if we have an independent opinion, we would all be comfortable. M. Gyarmathy states that he thinks that J. Witt solved it for him when he offered to put in larger trees, but information is always good to have. T. Yasenchak states that she thinks that the applicant is going in the right direction. Typically if the Board feels that they cannot make a decision based on their own qualifications or the information given to us, we can ask for an outside party. J. Witt states that time is money and he is running out of time, they need to start the project and he would like the Board to approve

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the project tonight contingent upon reviewing final maps. Cornell Cooperative Extension was out there, they did talk to the neighbors and came up with 25' trees, or something, benchmarking the whole slope, and he states that he is not signing up for that. He thinks this is a great plan, he is going to read it and he is asking for a vote. The plan is the no cut in the dark green; the reforestation zone to be changed to transplanted trees, 24" +/-; clearing to be 10" DBH; the managed scenic buffer would stay as is with the changing from the 4 closest neighbors to the language from the last plan of 60%; reforestation zone, type 2 – same thing, they would plant all the trees as proposed here and change that the closest neighbors would not be approving, it would go back to the other note; the replanting area stays the same as proposed; the building lot buffer stays the same and the fields to be cut remains the same. J. Witt asks the Board to approve or not, because they have to move this project and he would like a vote. T. Yasenchak asks M. Hill if we have to do the SEQRA before we make a decision. M. Hill confirms this. T. Yasenchak states that the Board had also requested information from the Cornell Cooperative Extension and if they feel they have enough information to review SEQRA. M. Hill states that he understands J. Witt's position that he would like the Board to make a decision tonight. From a legal perspective, the Board is under no obligation to render a decision. This does require SEQRA review and there hasn't been the beginning of a discussion regarding SEQRA so that needs to be done before any decision is rendered. He states that J. Witt made some statements at the outset of his presentation tonight, and M. Hill does not want to get into a detailed discussion at this point, unless the Board wants him to do so, but from a legal perspective, he does not agree with J. Witt's perspective in the initial statements that he offered. T. Yasenchak states that it seemed pretty clear that the Board needed more information. We can review SEQRA and the impact, and if we feel what is being offered is appropriate. B. Duffney states that he stands by what he said earlier and he would like to hear what M. Hill has to say. S. Weeks would also like to have M. Hill explain his statement a little more and he would really like to see everything in a package before going to SEQRA. He would like to see the changes in writing and he would also like to see Cooperative Extension review the proposal. He is not ready to vote on anything at this point. M. Gyarmathy states that he agrees with S. Weeks and would like to see everything in a package and then move forward. It is always great to have more information so he is fine with having Extension come and look at this plan and see what we have. R. Roeckle would like to see this all in one package and he would like to see what the reforestation zones are going to transition into and that was not mentioned in the plan. That needs to be addressed and regards to Cornell, he can go either way on that. J. Bokus would also like to see it all in writing and he would like to see Cooperative Extensions thoughts on the plan. T. Yasenchak states that the Board has asked for revised plans, which J. Witt has provided, the Board has reviewed and he has heard the discussion. J. Witt asks that when he does the revised plan and gets it to the Board before the next meeting, he asks if the Board will be ready to vote at that time if he provides everything that he just talked about. T. Yasenchak states that he has heard that the Board would also like to see Cooperative Extension's comments. We are asking that they review J. Witt's plan for adequacy. J. Witt states that he will contact them right away and hopefully get their response prior to the next meeting. T. Yasenchak states that it should be something from them stating that they have looked at this, whatever the date of the revised plan is that we see so that we are reviewing the same concept, something in writing with their thoughts. J. Witt asks if we can have the attorneys talk between now and the next meeting because he is basically shut down, neighbors are having a hard time selling their houses, he can't sell properties and this is going on now months and months and months, and he is at the point now where time is money. The Board is great reviewing it month after month, and he did miss one of the meetings and he apologizes. T. Yasenchak states that it is not just that, we were asking for additional plans and they have been brought in, and we are getting to a level of detail. There are some questions about the smaller trees or the number of the smaller trees, but that is why we are asking for that extra opinion. Any new information should be received by August 5, 2014 and it will be on record.

Meeting adjourned 10:48 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary