

TOWN OF GREENFIELD

PLANNING BOARD

March 11, 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, Thomas Siragusa, John Streit, and John Bokus, Alternate. Andrew McKnight and Stan Weeks are absent. Charlie Baker, Town Engineer and Mike Hill, Town Attorney, are present.

MINUTES – February 25, 2014

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board waives the reading of and approves the minutes of February 25, 2014, as submitted.

Mike Hill states that he would like to clarify a statement. With regard to Prestwick Chase and the statements: *M. Hill states that at this point they think, from the legal perspective, the appropriate thing for the Board to do with the green space reconfiguration that is being proposed, is to amend the Country Squire Estates subdivision to show reconfigured green space and To reconfigure the green space to allow that to happen, the Town Attorney thinks that the appropriate legal procedure is to amend the Country Squire Estates subdivision*, M. Hill states that he was not trying in any way to tell the Board what to do or suggest what the Board should do with regard to the policy question of whether or not the green space should be amended and whether the Board should approve an amendment of the green space. What he was trying to do was to say that the process or procedure to follow, in order for the PUD amendment for Prestwick Chase to go forward, a necessary first step to that would have to be for the green space of Country Squire Estates to be reconfigured. If the Board decides to approve that change in the reconfiguration, that is a policy decision. He was not saying that the Board should or should not approve any changes in the configuration of the green space; he was saying that in terms of the logical order of things to be done, a change in the configuration of the green space would have to precede any consideration of the PUD amendment. M. Hill states that he is not suggesting any change to the meeting minutes, it is what he said, but he is saying that he wishes he had offered more clarity in case anyone thought that he was saying that he thought that the Board should approve the change to the green space. T. Siragusa states that he wasn't present but read the minutes and felt that it was procedural; there is a lot of conversation about order of process here. The way that he read it was not as a recommendation to take an action but more of a procedural – what needs to come first. M. Hill states that he just wanted to make sure that he was not misunderstood.

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

Noes: None

Abstain: Siragusa

Absent: McKnight, Weeks

AXEL SONDHOF – Site Plan Review

Daniels Road

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No one is present for the application and this item is not on the agenda. T. Yasenchak explains that at the last meeting a public hearing was set for this case, but the applicant called the next day and requested that the public hearing be postponed to the March 25, 2014 so that they could submit the additional information that had been requested. That information was submitted today so the public hearing will be set for March 25, 2014 and notices will be mailed.

RONALD MOREHOUSE – Minor Subdivision

NYS Route 9N and Canty Road

Ronald Morehouse, David Barass and Gary Robinson are present. D. Barass states that since they were last before the Board they have submitted the SW management plan; they have revised the subdivision drawings to add a note regarding the shared curb cut for lots 1 & 2 and stated that there would be reference in the deeds; they submitted some draft deed language; they have added some tree plantings on lot 4 and the triangle piece on the other side of Canty Road has had a note added that there would be no clearing on that lot. C. Baker states that he has reviewed the SWPPP and it appears to be in order. He received the NOI and the MS4 certification tonight.

A public hearing is reopened at 7:14 p.m. There being no comments, this public hearing is closed.

RESOLUTION – Ronald Morehouse, SEQRA

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. The second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Ronald Morehouse for property located at 1560 NYS Route 9N, TM#151.-2-105.

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

Noes: None

Absent: McKnight, Weeks

RESOLUTION – Ronald Morehouse, Minor Subdivision

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the Minor Subdivision of Ronald Morehouse for property located at 1560 NYS Route 9N, TM#151.-2-105, as per the maps submitted and contingent upon:

- **Meeting the requirements of the ACOE following their site visit**

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

Noes: None

Absent: McKnight, Weeks

D. Barass asks if the applicant can proceed, based on this approval, with the silt fencing, mulching, etc. before the storm water runoff gets going out there. C. Baker states yes, he should.

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PRESTWICK CHASE – PUD Amendment
Denton Road

Luigi Palleschi and Dan Pentkowski are present. T. Yasenchak states that for the Board and the general public's information, the applicant has not submitted anything prior to this meeting and the Board has not received anything additional to what the applicant is going to discuss tonight. They are on the agenda to discuss how they would like to proceed with some of the items that were discussed at the last meeting. The applicant has been cautioned that they may present to us, but since the Board has not had anything to review, we will not actually be discussing the project as much as listening, taking it in and formulating questions for the next meeting. She states that the applicant and the applicant's attorney had requested a meeting with T. Yasenchak and M. Hill to discuss the proper procedure for them to follow in regards to the reconfiguration of the green space that affects the project. They did have a meeting to discuss that proper procedure. M. Hill concurs. L. Palleschi reintroduces the project and states that since they were here last they have made some site plan modifications with respect to how to handle the existing 25.5 acre green space. As everyone agrees, the access off of Daniels Road is a necessity. From some of the feedback that he interpreted from some of the Board members, they have revised the units on the western side of the proposed entrance drive. They originally had four 3-story buildings and they have now modified that to two 2-story buildings which are 8 units each so they are now proposing 16 units as opposed to 28 units. They are still proposing to buffer around the units as originally proposed. While making this modification, they are still up to 300 units and they had space internally and add the units there. The area of the cul-de-sac which extends to the western property line had two buildings which encroached into the existing 25 acre green space; they have pulled these units back a little bit. By making these changes he thinks it will help towards amending the green space. The existing green space is 25.5 acres and what they are proposing on the plans is an amendment to that green space. The reconfigured green space includes the parcel behind P. Goutos' home. Procedurally they will be working with the Board on pursuing an application going thru the PUD amendment and holding a public hearing on that amendment. L. Palleschi states that he would like the Board's feedback regarding the site plan modifications that they have made and the green space and if the Board would like more. T. Yasenchak states that she would again like to caution L. Palleschi that this is the first time that the Board has seen this. Any comments or questions that the Board does make, does not limit them from rethinking what they say tonight. T. Yasechank reviews the reasoning behind and the procedure to be followed regarding the Country Squire green space. Because it is an amendment, we will most likely be holding another public hearing. M. Hill asks L. Palleschi to show the maps indicating what the original green space looked like vs. the proposed. He states that that is what the applicant would be making an application for, a modification of that subdivision approval to change the configuration of the green space. From the stand point of process, in order for the Board to review and make any recommendation on the proposed PUD amendment that would have the internal road extending out to Daniels, procedurally the necessary first step would be this amendment of Country Squire green space in order to effectuate the swap that would then allow for the road. He reiterates the process as previously discussed. The Prestwick Chase PUD is currently approximately 89+ acres and that would be the size going forward. T. Yasenchak states that as we review the amendment to the green space for Country Squire, we will also have to look at SEQRA and to avoid segmentation, because they are both owned by the same entity, we would also be looking at revising the SEQRA for the PUD amendment. The SEQRA does need to be amended to reflect the change of the 25.5 acres. M. Hill states that although the green space will remain separate and not become part of the PUD under this process, it is necessary to do the SEQRA review of both of these together because together they constitute the overall action. R. Rowland states that she sent L. Palleschi the lot line adjustment application, but she does not believe that was correct considering the discussion here tonight. M. Hill states that a subdivision application indicating a proposed amendment to the subdivision would be what would be submitted but there will be a couple of boundary line adjustments along with that. T. Siragusa asks what this does to density. L. Palleschi states that he did look at that. There would be 476 units which includes the existing units and cottages. When you look at the entire

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site, 116 acres, it would be 4.1 units per acre and then at the 90+/- acres it would be 5.3 units per acre. He states that is why they were asking for the PUD amendment to allow for this density. They have done the traffic study and a lot of things along the way to prove that the density hasn't really changed. They have always proposed the 300 units and the developable area, which is the existing PUD, and now will be the proposed PUD at 90 +/- acres. T. Yasenchak states the Board was considering the additional 25 acres of undeveloped acreage and now that does not come to the equation. T. Siragusa asks to see a before and after of the changes to the units at Daniels Road. L. Palleschi provides that map and indicates that they had the original 4 buildings essentially 50' from the property line and they have pulled it back to roughly 75'. T. Siragusa asks what the distance is to the first house that is there. L. Palleschi indicates it is over 200'. He reiterates that they have also reduced these from 3 to 2 story buildings.

WITT CONSTRUCTION – Major Subdivision Amendment

Old Stone Ridge

John Witt is present. T. Yasenchak states that several weeks ago she did a quote for services on a different project for Witt Construction. She was not chosen and feels no ill will towards the applicant and feels that she can review this application without bias and is under no contract with Witt Construction nor has she been for quite a while. J. Witt reviews that Old Stone Ridge subdivision was approved in 2006. It is an 80 acre site at the corner of Lester Park Road and Middle Grove Road. They have built a boulevard entrance which comes up to the top of the hill where there are 7 ridge lots at the top where the road circles back and around. They have built all the homes in the lower portion of the subdivision and are now getting ready to sell the lots on the ridge, which are the pricier homes. The original concept was to build the homes on the ridge and clear for the view. He is not sure what happened in the subdivision process, but he knows that they had a top of slope area not to build beyond, but that translated into a no cut zone also. In the course of construction they have cleared for the view and that is what they are selling up there – the views. They would like to amend the map to add other clearing limits to the subdivision. The total 80 acres is 40 acres of building lots which average about 1 ½ acres and it is a conservation subdivision where they have left half the land in perpetuity as open space to be enjoyed by the homeowner's association. The HOA regs have noted that you can place your house on the building lot, use the open space and you can clear the open space for views. T. Yasenchak asks if the land is owned by the homeowner's association. J. Witt states that he owns it all until the subdivision is 80% completed and then he will turn it over to the homeowner's association. He states that he has put a trail in the whole area. The corner of Lester Park and Middle Grove Road has an old stone wall and open paddock area, the concept was to keep that in perpetuity so when you drive in it looks like it always was and then tuck the houses up on the ridge in the subdivision. You really don't have any sign of a subdivision when you drive along Middle Grove Road and Lester Park Road. T. Yasenchak states that since J. Witt owns that he would be the only one who could clear within that space. J. Witt states that in the HOA document it states that you can clear your own land and you can clear part of the HOA land for views. You can't clear cut it; you can just clear for your own views for your own house. In a normal subdivision you can run the lines all the way down but they wanted to create a conservation subdivision so when it was approved they took half the land and put it toward open space. T. Yasenchak states that typically in our conservation regulations, we do have an area of no cutting. She asks if J. Witt is stating that he does not know how that got approved. J. Witt states that he does not; he always envisioned that being cleared for the view. T. Yasenchak asks, all the way cleared, all the way down the hill. She asks if it was a cluster or a conservation subdivision. J. Witt states a conservation subdivision. This was a tough project due to the rock that they had to blast going in. Before they got approvals they had to do all that rock work and they had a geologist on site to make sure they weren't disturbing any of the fossils. He states that they have done all the calculations and based on the analysis, there is no change to the previously designed and approved storm water management system. C. Baker states that they did submit a SWPPP and storm water narrative; he did review them and is satisfied with the conclusions that were

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drawn. There is one recommendation to place silt fence along the top and the bottom and it is only shown along the bottom. They also refer to using erosion matting on slopes that are steeper than 3 on 1, and those areas should be identified. T. Yasenchak asks how many of the houses are built along the top. J. Witt states that there is one and they have begun the second. He explains that there is a median and all the trees were left there. He indicates where other trees will remain on the plans for privacy for the neighbors below. He states that they spent a lot of money building the road and there is no other way to recoup their dollars back other than to clear for the views and sell those view lots. It is a beautiful site. T. Yasenchak states that we do not have a public hearing on this yet, but we did receive letters from some of the neighbors - people who reside within the subdivision as well as the homeowner who lives directly below where the clearing has occurred and he had some concerns about what that clearing did to trees on his land. T. Siragusa asks the applicant who made the mistake here with the no cut zone. J. Witt states that he does not know, he probably made the mistake of letting it get approved with that, but he does not remember that in the approval process. He states that he has spoken with the neighbors and told them what he plans on clearing and on keeping. The one neighbor that had some blow-down, some gusts, J. Witt said that they would cut those trees down for the neighbor and he was happy with that. T. Yasenchak states that you can see when you drive by the trees that were there up to the line that was cut; they don't look as healthy because they were obviously part of a more mature forested area and now they are receiving all the brunt of any wind or weather. B. Duffney asks how many homes are currently built in this subdivision. J. Witt states 13 are built to date out of 22 total. J. Witt states they do leave some trees between the properties and they leave all the trees down into the bottom. He indicates where the meadow is located. T. Siragusa asks how many acres are in the gray area on the map that the applicant is asking for. J. Witt states maybe 9 acres. There are still plenty of trees and he indicates that location on the map. T. Yasenchak states that as you drive down Lester Park that whole hill will be cut, it will look like it does now but there will be more. J. Witt states that once it is cleaned up it will be more natural because the hills will be planted. T. Yasenchak states that it will not look forested. J. Witt states that they (the property owners) can plant apple trees, they can plant other trees but it won't be forested. He reiterates that the concept was never to be forested. He reiterates that the concept was never to see the houses from Lester Park; they are tucked back on the ridge. T. Yasenchak states that as we have letters from the neighbors and people who live in the homeowner's association, it would be prudent to have a public hearing. J. Streit states that it is pretty hard to proceed when we have two different opinions on what was, what is and what has been. That issue has to be resolved before we can go forward. B. Duffney states that we need to determine if this was a no cut zone. What is the amount of acreage that is going to be clear cut? He states that NYS has a definition with a number of basal feet per acre to be considered clear cut. J. Witt states that they are not talking totally clear cut because they are leaving some trees. C. Baker suggests that the minutes from the original approval be reviewed. He seems to believe that this discussion was because of the steepness of the slope that was one of the reasons why there was not going to be any clearing on the slopes. J. Witt states that he would never have gone thru with the subdivision. J. Streit states that we have the notes from the Code Enforcement Officer who says the 'required no cut buffer zone', so that is a statement that implies that there is and J. Streit would like to know for sure. T. Yasenchak states that there is a limit of clearing and typically that means you do not clear past that. J. Streit states that we have to find out what the original agreement was and then we can proceed. Public hearing is set for March 25, 2014 at 7:00 p.m. The applicant is asked to get more of an exact acreage figure on what he is looking at clearing vs what is not cleared now.

CASEY CORNELL – Major Subdivision

Humes Road

The applicant has requested postponement to March 25, 2014.

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THEODORE MAKKAY – Major Subdivision
Goose Hollow Road

Theodore Makkay and Rob Fraser are present. R. Fraser states that he would like to go over C. Baker's review letter of March 2, 2014. He provides copies of information for the Board. He states that he and R. Rowland are working on getting the information together for item 1 for the final review. R. Fraser states that in his discussion with C. Baker, perhaps they can have a final approval contingent upon the DOH signatures and stamps on the final approved set. The applicant has no issue with having a pre-construction meeting. He will make sure that W. Barss has a copy of the most current SWPPP with all the associated documents for signature including the MS4, NOI, etc. He will make sure that C. Baker, T. Yasenchak and G. McKenna also receive copies. Regarding item #5, M. Hill had prepared a comment in March 2013 and that will be incorporated into the covenants and be submitted. Regarding the area reserved for conservation behind lots 21 – 23, he went out today and took pictures of the existing conditions, which are attached to the information. Based on his findings, the successional growth is filling in naturally, creating a pretty significant natural buffer. The white pine and honeysuckle are pretty well defined in that area, in fact he took the picture from the area that is the thinnest in terms of vegetation and you can see that the saplings are filling in and include beech, white pine and honeysuckle, primarily. R. Fraser states that C. Baker makes a good point that it would be a good idea to phase the bonding of the infrastructure that the Town is going to be taking over. C. Baker states that the estimate showed two phases of construction so his recommendation is for the Board to approve the subdivision in two phases based on the road bonds for each one. Phase 1 would allow the applicant to build whatever is bonded for the first phase. Once that is completed they would come back in and post the second half of the bond and then get the remainder of the subdivision approved. C. Baker states that the Board would be approving the whole project at this time, just construction for phase 1 based on the road bond. J. Streit states that they would come in from Goose Hollow to a certain point for phase 1. C. Baker states that they have actually shown a hammer head on the plans. C. Baker's review letter specifies which lots would be included in each phase. T. Yasenchak asks the applicant to explain about the conservation easements and area. She reads from the minutes of November 2013 regarding clarification that the plans showed a 100' no cut buffer within the conservation area which was to be removed as it may cause confusion. C. Baker explains that conservation areas are something that is relatively new as part of the new storm water regulations that the State has enacted. When you identify a conservation area as part of your subdivision, you are taking credit in your storm water calculations. In doing so, you have to protect and preserve that area from future development and disturbance. That is what caused the creation of that 100' strip all around the perimeter that you see. What we are talking about with these covenants is the actual language that goes into each individual deed so that they know that they can't do anything within that protected area. B. Duffney states you can't clear, build, etc. C. Baker states that it is forever wild, theoretically. J. Streit asks if a horrible storm comes up and destroys an area, is the owner obligated to replant that. C. Baker states that there is no requirement to have to maintain it. Basically they cannot go in there and clear cut it. B. Duffney states that they can take out diseased trees, etc. C. Baker states that realistically, no one is going to stop an individual owner from going in there and taking out a tree that has fallen or limbs, keeping it clean, etc. T. Yasenchak states that if we felt it needed to be no cut, it may become confusing if we put in another term that is not actually recognized by another entity, so the conservation area is a recognized term for DEC. We did talk about something that would cause a potential hazard to someone's life or property; they could take that particular tree down. M. Hill asks if the term 'conservation area' imposes a limitation on the amount of cutting that can go on. There was talk earlier tonight about the DEC having a definition of a certain amount of basal area that constitutes clear cutting. C. Baker states that his understanding and from his own personal dealings with it, it is basically no disturbance. The way that he has seen them written for projects that he has worked on, you are basically deeding the area as forever wild. T. Yasenchak states that she found the declaration of the covenants and restrictions, and what she likes about the way that it was done is that it lists out per lot, it is not just a blanket statement, so that everyone who is looking at it understands what it means to their particular lot.

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This is very clearly written. T. Yassenchak states that it had been discussed with the owner that because he owns it he has a right to cut down whatever trees he wants to right now. Right now we do not have an approved subdivision, so we don't have an approved buffer. That was discussed with the neighbors present. Once the subdivision is approved and the conservation area enacted, the new rules apply. M. Hill asks if there is a notation on the map that directs the person reading the map to refer to the deeds. C. Baker states that he believes that there is. R. Fraser states that he will make sure that there is. Discussion takes place as to whether another public hearing is required as the applicant has preliminary approval of the major subdivision. R. Rowland states that R. Fraser had mentioned that they were working on item #1. She states that M. Chandler had sent an e-mail for the Fire Department. C. Baker states that he has had conversations with W. Barss and he does not believe that W. Barss has any additional comments. R. Rowland states that G. McKenna stated that he had no other comments. T. Siragusa asks C. Baker about the two phases, at the end of phase 1 what does the Town approve. Do they approve the road and accept the road at that time or not until both phases are complete. C. Baker states that right now we have a couple of subdivisions where they have built the road but have not put the top course down until all the houses are constructed. That has been problematic. We have talked about going to the Town Board and changing that, and putting in some provisions to make the road complete before the Town takes it. The Old Stone Ridge subdivision, which was in here earlier tonight, that project has been going on for a number of years and they have been running on the binder which is never a good thing for roads as far as longevity goes. In this case, the way he would see it being handled is that they would build out phase 1, which means the whole completed road, top course, everything, and once the roadway is done, they might not have all the houses built, if they are ready to go into their next phase the applicant would come back to the Planning Board and say we want approval for construction of phase 2. The Town would look at the road bond estimate and if it hasn't significantly changed, then the Town Engineer makes the recommendation to the Town Board to approve the road bond for phase 2. He would see this being approved in that the road is completed in entirety before going into the next phase. C. Baker states that what we have in place right now is that once the Town officially accepts a road, there is a 20% maintenance bond that is held for 1 year so that any problems that may develop within that one year the developer has to fix it or the Town can call in the bond and fix it themselves. He states that in this subdivision, with this amount of traffic, and it is complete before going into phase 2, the road should be perfectly capable of handling the additional construction traffic.

RESOLUTION – Theodore Makkay, Public Hearing

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board waives a public hearing on the final plat for the major subdivision for Theodore Makkay for property located at 60 Goose Hollow Road, TM#150.-2-2, based on the Board feeling that the final plat is in substantial agreement with the preliminary plat which had a public hearing.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Streit, Yassenchak

Noes: None

Absent: McKnight, Weeks

RESOLUTION – Theodore Makkay, SEQRA

MOTION: T. Siragusa

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board acknowledges that they do not feel that there have been any significant changes to the site, to their knowledge, or to the plan as presented that would cause the Board to revisit the SEQRA for Theodore Makkay for a major subdivision for property located at 60 Goose Hollow Road, TM#150.-2-2.

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VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Streit, Yassenchak
Noes: None
Absent: McKnight, Weeks

RESOLUTION – Theodore Makkay, Major Subdivision

MOTION: T. Siragusa

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board grants final approval to Theodore Makkay for a major subdivision for property located at 60 Goose Hollow Road, TM#150.-2-2, per the final plat, revised date November 11, 2013, as follows:

- **Approval for two phases of construction, the first phase would include seven lots (lots 17 thru 23) and the second phase being sixteen lots (lots 1 -16)**

This approval is granted with the following contingencies:

- **Final approval and signatures from the Department of Health**
- **The additional paragraph received from Mike Hill, dated March 20, 2013, to be added to the covenants and restrictions**
- **Confirm note regarding conservation area to be on plans and refer reader back to deeds**
- **Satisfactory approval by the Town Board of road bonds and in a form satisfactory to the Town Counsel. Second road bond will be required before building permits are issued for phase 2.**

M. Hill asks if there were any changes to any of the covenants or restrictions since his review of that language. R. Fraser confirms that there were not.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, Siragusa, Streit, Yassenchak
Noes: None
Absent: McKnight, Weeks

Meeting adjourned 9:01 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary