

TOWN OF GREENFIELD

PLANNING BOARD

September 30, 2014

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: John Bokus, Nathan Duffney, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks, Tonya Yasenchak and Robert Roeckle, Alternate. Charlie Baker, Town Engineer, is present.

MINUTES – September 9, 2014

MOTION: B. Duffney

SECOND: J. Bokus

RESOLVED, that the Planning Board waives the reading of and approves the minutes of September 9, 2014, as submitted.

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

Two students are present for their Government class from SUNY Adirondack. T. Yasenchak welcomes them and states that between cases she will have them ask any questions they may have of the Board.

PLANNING BOARD CASES

RONALD MOREHOUSE – Minor Subdivision – Re-approval

David Barass is present for the application and reviews that the applicant received final approval of his minor subdivision in March with the condition that he verify that there were no ACOE wetlands on the property. Unfortunately, the ACOE did determine that there were some jurisdictional wetlands along the stream and that the applicant had placed some fill in those wetlands. R. Morehouse put together a remediation plan, which ACOE approved. He has now carried out the work which was requested and unfortunately this took several months and the applicant is requesting re-approval of the subdivision so that it can be filed. T. Yasenchak asks if there were any changes to the subdivision map that showed the area that was mitigated. D. Barass states that they did not alter the subdivision in any way. They did another drawing showing the restoration which basically amounted to less than 20 yards of fill being removed; the area being re-vegetated with wetland vegetation; a culvert they wanted and a little swale. T. Yasenchak asks D. Barass to explain the permit letter and the compliance certificate form. D. Barass states that they have the document where the applicant has certified that he has done everything and they have approved the remediation. The problem with getting a document saying that everything is finally approved is that several of the conditions in that retroactive permit that they gave him are that they require that the vegetation be inspected in the spring; a report issued quantifying the amount of growth; the applicant also had to put in a ground water monitoring well, which has to be monitored in the spring; and then for the next 5 years reports have to be filed every year as to how the vegetation is regenerating and the ground water is being protected. Until the entire process is done, they are reluctant to issue anything. D. Barass states that the representative did tell him that she was going to see what they could do and that was a couple of weeks ago, and so far they have

September 30, 2014

received nothing. T. Yasenchak asks about deed restrictions. D. Barass states that R. Morehouse's attorney is putting those together now and they are shown on the restoration plan. It is basically along the embankment along the stream and the limit of excavation along that stream will be restricted in perpetuity. There is a meets and bounds description of that which will go into the deeds. C. Baker states that he has read the ACOE correspondence and he was going to ask for some kind of a signoff from them. He states that he understands exactly what D. Barass is saying. C. Baker states that his concern is that if the approval is granted for the subdivision and R. Morehouse is allowed to sell the lots, who is going to be responsible for that 5 year period of monitoring. He states that is a question for the Town Attorney at this point. D. Barass states that the monitoring area only affects one lot. C. Baker states that he was also going to suggest that a copy of the restoration plan be submitted for the Planning Board as we don't know how that affects the subdivision plan. T. Yasenchak states that the Town Attorney would also have us look at the SEQRA document again, seeing how there was some disturbance. C. Baker states that we did approve the subdivision with contingencies so technically the SEQRA has been closed. We will check with the Town Attorney as to whether we need a new form or we should revisit the completed form. J. Streit questions that if the plan that was approved has not been altered with the exception of the points made by the ACOE, a mitigation process has been carried out and the ACOE affirms, or J. Streit would take D. Barass' word that the mitigation plan has been followed thru, his only suggestion is that whoever buys the lot is responsible for the monitoring process. D. Barass explains the area on the map. The lot in question is lot 3, where R. Morehouse is planning to build his own house. J. Streit states that it could be done as a contingency. D. Barass states that if he were to sell in 5 years, it has to be in the deed. J. Bokus asks what they are monitoring the well for and D. Barass explains. J. Bokus questions what happens if they test the well and it is out of limits, does that affect that homeowner. T. Yasenchak asks if J. Bokus is questioning if something goes wrong in that 5 year period, is that homeowner responsible. D. Barass states that if the subdivision is not approved, there is nothing that prohibits R. Morehouse from selling the entire piece of property, and if he did that, it would still be the same situation. The new owner would inherit the same problem. S. Weeks states that an awful lot of work has been done and he does not know what the legal ramifications are of the delay in getting final approval so he would like a legal opinion. B. Duffney states that he agrees with S. Weeks and J. Streit. It would be nice to know the legal end of it, to be covered, but as J. Streit stated, the issue has already been taken care of, so let's move on from there. He does not see where it is that huge of an issue, if the owner of that parcel is responsible for the monitoring for the next 5 years. C. Baker states that it is 5 years, the vegetation that they have planted has to grow and if not it has to be replanted and it could be extended another 5 years. T. Yasenchak asks about a list of what would be monitored so that if someone were to buy it, they would know specifically what was expected every year. C. Baker states that it is described in detail in the ACOE letter. T. Yasenchak states that we should be able to get some counsel in the next day or two. She asks that the Board be provided with the plan. T. Yasenchak asks C. Baker if he would like to see the information on the plans somehow about the 5 year monitoring. C. Baker states that that is more of a question for the Town Attorney as to how we proceed, how we document it and how we make sure that if the lot is sold there is responsibility attached to it.

GALE & WILLIAM HIKA – Site Plan Review

Lake Desolation Road

Gale and William Hika are present. T. Yasenchak states that the applicant has submitted a new plan. G. Hika states that she went over everything with her engineer and believes that everything is on the plan. C. Baker states that the only remaining comment that he has is that the plan does not indicate the location of any adjoining wells on neighboring properties. Normally the Board would like to see any existing wells within 100' of that proposed septic system or a statement that there are none from the engineer. Everything else looks good. T. Yasenchak states that we had asked that previously and questions that we could do a contingency. C. Baker states that if a well is found within 100' on a neighboring property, then his recommendation would be to move this septic system. He states that if the applicant understands that once

September 30, 2014

we have that information, as long as there is no problem there then things can go as proposed, otherwise we would be looking at an alternative location for the septic. J. Streit states that he feels that the Board has enough information that we can act on this with the proviso that the location of neighboring wells be provided and that the Planning Board Chair and Town Engineer are comfortable with those locations. C. Baker states that the only other issue is the DOH letter. T. Yasenchak states that that could also be a contingency. Board concurs.

RESOLUTION – G. & W. Hika, SEORA

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered “no” and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Site Plan Review of Gale and William Hika for property located at 3B Lake Desolation Road, TM#162.8-1-13.2.

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

RESOLUTION – G. & W. Hika, Site Plan Review

MOTION: J. Streit

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board grants approval to Gale and William Hika for a Site Plan Review for a café and country store per the documentation that has been submitted for property located at 3B Lake Desolation Road, TM#162.8-1-13.2, contingent upon:

- **Modifying the site plan should any wells be found to be within 100’ of the proposed septic system with review and approval of Town Engineer**
- **Proper documentation from NYS DOH and/or Department of Ag & Markets regarding the private water system**

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

LPC PROPERTIES – Minor Subdivision

Greene Road

Paul Pileckas is present and reviews that he is seeking approval to subdivide 18-plus acres into 3 lots. He provided additional information regarding the sight distance for the last meeting. A public hearing is reopened at 7:43 p.m. and closed at 7:44 p.m. with no public comments. C. Baker states that he believes that the Board has discussed everything.

RESOLUTION – LPC Properties, LLC - SEQRA

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered “no” and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of LPC Properties for property located at 40 Greene Road, TM#125.-1-17.

September 30, 2014

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

RESOLUTION – LPC Properties, LLC – Minor Subdivision

MOTION: B. Duffney

SECOND: J. Streit

RESOLVED, that the Planning Board approves the application of LPC Properties, LLC for a Minor Subdivision of property located at 40 Greene Road, TM#125.-1-17 per the documentation provided.

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

THOMAS MERRILLS, Jr. – Minor Subdivision

North Creek Road

T. Merrills, Jr. is present. B. Duffney states, for disclosure, that T. Merrills, Jr. is his second cousin. T. Merrills states that this is a 13-plus acre parcel which he would like to subdivide into 3 parcels. He needs a 13' variance for the frontage for the largest of the three lots. Sight distance is discussed and the Board has no concerns. T. Yasenchak states that this seems to be a pretty straightforward application. B. Duffney states that he sees no zoning issues and that the Kayaderosseras Creek is far enough away to have plenty of area to build. T. Merrills states that the creek is actually 3' down an embankment. The applicant has provided DEC information. T. Siragusa questions that topo lines would be needed and that stretch of road is pretty straight. T. Yasenchak questions the septic location for the existing house. T. Merrills states that it is behind the house, at least 30'. C. Baker states that the typical notes would be required, along with topo, the 100 year flood plain. He is unsure of the Town's distance requirement to a water body. The topo can be put on using USGS by the surveyor. T. Yasenchak asks C. Baker if there are any notes required for the driveways. C. Baker states that we only have notes for keyhole driveways. The applicant will need to go thru the zoning process before the Planning Board can take any action on the subdivision.

ZBA Referral

The Planning Board states that they have no planning issues with this variance request.

BALLSTON MOURNINGKILL – Site Plan Review

Maple Avenue

Eric Carlson and Brett Steenburgh are present. B. Steenburgh states that since the last meeting one of the things that they changed was the removal of the garage units to be able to get more parking spaces in and to allow for a dumpster location. They are up to 28 spaces. They have indicated site lighting on the plans; added a sidewalk and cross walk from the proposed handicap parking spaces. A landscape plan is included showing buffers and plantings. There is a detail sheet attached to the plan with the guidelines for the porous asphalt. He explains the Arenco wastewater system and that if there is a failure to the system it will work as a typical septic system. B. Duffney asks if C. Baker is familiar with the septic system. C. Baker states that he is, but has not seen the details yet so he has no comment at this time. He is still waiting for the engineering details for the septic system, for the water system and the storm water. B. Duffney asks about the buffers. B. Steenburgh states that there are some trees which will remain and discusses what will be planted, which is on the plans. B. Duffney questions that the well is sufficient for all these units. B. Steenburgh states that the applicant does have the information on the wells and he has yet to look at it. B. Duffney asks about storm water runoff. B. Steenburgh explains that they are using the porous asphalt, that

September 30, 2014

the storm water will seep into the ground and that there will be dry wells and their locations. S. Weeks asks the separation between the well and the effluent area. B. Steenburgh states that it is over 100'. T. Yasenchak questions the locations of the wells on the neighboring properties. B. Steenburgh points out their locations which were not carried over to this plan, but are on previous plans. C. Baker explains that the separation is 150' if the well does not have 50' of casing. Most of the wells in this area are shallow wells. B. Steenburgh states that he did go thru the Town Code and thought a basic SWPPP is what is required and questions that the water quantity is not required, but that they will provide that. T. Yasenchak states that signs were previously discussed and the Board would like that information. She questions the distance from the septic to the property line. B. Steenburgh states that it is 10' but he will check that. M. Gyarmathy states that he is curious about the septic system and how it operates. B. Steenburgh explains further. M. Gyarmathy questions that with two uses on the site, will there be signage designating parking. E. Carlson states that he hasn't given it much thought, and doesn't think it is necessary but may designate spaces for the offices. M. Gyarmathy asks about lighting at the dumpster as the residents will be using that most likely in the evening. B. Steenburgh states that they can look at that because they don't want to cross the line of having too much light but they do want to have it safe. R. Roeckle asks how deep the lot is. B. Steenburgh states that it is 292'. R. Roeckle states that the Type B buffer requires 3 trees per hundred feet. B. Steenburgh states he will check that. R. Roeckle questions that the apartments will be 4 over 4, that the lower units will be handicap accessible and where the parking will be for those and how will that affect the overall number of parking spaces. E. Carlson states that he will look into that. B. Duffney asks the dimensions on the effluent disposal area. B. Steenburgh states that it is about 40 x 60, but he thinks it is a little larger than he thinks it will be required to be. B. Duffney asks what the pump house is. B. Steenburgh states that it is the well pump and the treatment for the well and he indicates the location of the well. T. Yasenchak questions the handicap ramp from the parking area to the sidewalk. B. Steenburgh explains the design.

JOHN WITT – Site Plan Review Old Stone Ridge

John Witt is present and states that he has provided a new plan based on the Planning Board's request for additional information which he had the LA Group prepare. He is hoping that we can resolve this tonight. He states that the neighbors were given the information, he asked if the neighbors wanted to meet and only one did. He met with Chris Coccio and walked the site. He states that he did not hear from any of the other neighbors until yesterday when he received an e-mail from Joe Carbonaro to which he responded. He indicates that the no cut zone has stayed the same from the last meeting. The managed scenic buffer has been modified slightly. We talked about the HOA managing that area. The reforestation area has been increased and is more around J. Szpak's property where a majority of the clearing is and where the buffer is needed. He states that they are proposing 6' trees in that area 25' on center. He indicates that they used the Cornell Cooperative Extension's guidelines to come up with the sizes and varieties listed. The dark red area is where they are proposing planting some larger trees. The modifications were made to put the trail on the Old Stone Ridge property, but it was not on the map. J. Witt states that he feels that this is a good compromise, he has had some positive feedback from some of the neighbors, he has not heard from all of them and he would ask the Board to approve the plan tonight. T. Yasenchak asks if we have a letter of review of this plan from CCE. She states that she knows that J. Witt has worked with them, but did they have an overall feel of this plan. J. Witt states that they talked about it and, B. Neils, at the last meeting stated that he really can't legally give feedback. He states that B. Neils was looking for the objective of the Board and he needs guidance for that if the Board would like him to do that. T. Yasenchak states that she thought she had spoken to B. Neils about that, she thought that they Board had given him a pretty good idea of what they were looking for or at least something from B. Neils stating that he had a dialogue with J. Witt. J. Witt states that they changed the planting plan based on suggestions from B. Neils. The species are more natural and will create a more natural look and feel. T. Yasenchak states that she assumes that the trees that J. Witt is stating will be 1.5' are going to be the cedar and pine. J. Witt states that the 1.5' to 4' are trees that CCE sells. T. Yasenchak states she is asking what are the differences because she is a layman when it comes

September 30, 2014

to trees. B. Duffney states that in looking at the original map and the most recent, there is not a whole lot of difference there. He states that there is nothing from CCE, which he requested and would feel more comfortable with. The new map is once again from the LA Group but nothing from CCE, B. Neils or L. Gailor. J. Witt states that there was correspondence between his staff and CCE, and they specifically asked for the type of trees to plant and that is what they put on the plan. J. Witt indicates that they added the 25' spacing to the map and they have increased the amount of trees to be planted. He states that he would get a letter from B. Neils, but that B. Neils stated that he couldn't get involved with making recommendations. B. Duffney reiterates his concerns and states that he would like to see something, a letter, from someone who is not hired by either party with their professional opinion. CCE has no bias. J. Witt states that he gave the verbiage from CCE to the LA Group to put on the plan. He states that he was asked to have the landscape architect, the LA Group, come up with a planting plan and that is what this is. It specifies what it is, where it goes and he has done exactly what he was asked to do. T. Yasenchak states that she understands that J. Witt asked the LA Group to put on the map with the legend what CCE said. She states that what J. Witt is saying is that this is not the LA Group's plan, they just drew it. J. Witt states that is correct. T. Yasenchak states that if we had something from CCE then we would have something to compare it to. J. Witt states that he will provide that. T. Yasenchak requests something that shows that how the trees are planted is viable. She is aware that CCE has certain standards that they give people of what will grow and what types of plants will grow in certain areas, but if they feel that the configuration of 25' on center with other trees at 8' on center and 1.5' tall, if they feel that is viable as far as general. She refers to the term 'general construction practice' and she is sure that they have something along those lines. S. Weeks states that the applicant had an original limit of clearing and grading, he came to us with this application a long time ago and this current plan shows the managed scenic buffer which intrudes a long ways down into that original limit of clearing and grading and he is not inclined to do that. He believes that we had a limit of clearing and grading and we should stay with that limit of clearing and grading. He wants to hear from the neighbors because the Planning Board asked that this be discussed by J. Witt and the neighbors, and he is not sure how much longer he thinks we should continue. T. Siragusa agrees with S. Weeks. He feels we are going back and forth with minor changes but is really not approximating the original discussions. M. Gyarmathy states that he agrees with the Board, he does not see significant changes to this plan. The Board expressed their concern over the smaller trees and the applicant still has those on this plan. He understands the problem is that this development is taking a while to build out and we have no means of the HOA and the developer working together here. He thinks that needs to be established better and he feels like we are going back and forth also. There is no resolve here yet. J. Streit states that he agrees with the Board. What on the original plan was defined as a no cut/end of clearing zone has been renamed by the applicant the 'managed scenic buffer' and the 'reforestation zone'. He believes that the reforestation zone plans are insufficient to reforest and the managed scenic buffer is supposed to be managed by the OSR homeowner's association, and as far as he knows, that is Witt Construction for the next couple of years. We have renamed the area of this cliff and defined it as being under the control of the homeowners, where in reality it is under the care of the person who did the cutting in the first place. He has not spoken to any of the other Board members outside of these meetings and he does not have a sense that the Board is trying to be punitive to Witt Construction. Overall, the houses that are planned will be beneficial to the Town because of the tax base. We have no desire to be punitive but would like to see the original plan adhered to. He does not think that anyone has any desire to halt this plan; we just want this plan to go ahead as we understood it to have been originally planned. There is no retribution here. J. Bokus states that J. Streit said it very well. We just want to get it fixed – let's get it planted. If this is actually B. Neils' recommendation, he agrees with B. Duffney and would like to see that that is what was recommended, get it resolved and in the spring, get it planted. T. Yasenchak asks if J. Witt has any kind of maintenance/management plan. The Board had asked for that at the last meeting. J. Witt states that he would warrantee them for a year, he would water and replant if they die. He does not have more of a plan. T. Yasenchak asks if CCE gave him any recommendations. J. Witt states they did not. T. Yasenchak asks about the deer exclosures and what plans he has for that. J. Witt states that he does not have any plans, he has researched and to fence this whole area would be about \$25,000 and it would have to be a very large fence which would not be too attractive and the trail goes thru there. He states that it is currently

September 30, 2014

reforesting itself. He reiterates that he has planted smaller trees and they have survived. There is plenty of food in the area for the deer to eat. He thinks it is very subjective to say what is going to live or not. You just have to plant it and go from there. T. Yasenchak states that she thinks that the Board's concern was that when he had mentioned about the ones that had grown, he had said that those were of a 3' height. To her, something that is 3' has a little more chance. J. Witt states that his forester said that they would get about 70 to 80% survival on the smaller trees. B. Duffney concurs. J. Witt states that there will be some trees that will not make it, but he would warrantee it for a year and would go back in and plant some of the small ones that disappear the following year. He thinks that is all he can do. T. Yasenchak states that G. McKenna and M. Hill had commented on the possibility of a bond of some sort so that we know that even in that year those trees would be make it so that when the Town is getting ready to take over the road and accept the subdivision, that there is something that says that the trees are still living. J. Witt states that he is open to that. He is also open to planting in the spring. Right now he has a potential client waiting for this resolution to start a new home, but it has been going on and on, so he would propose tying it into the Certificate of Occupancy. No CO can be issued until the planting is completed and then he has a year, if we want to put a bond on 20% of the trees that are left. If 20% of the trees die, he could put a bond for replacement for the first year. C. Baker states that in looking at the original letter CCE gave us, there is a summary of recommendations and they are different from the plan presented to us. He would agree with B. Duffney that he would like to see a final signoff from them since they have provided us with some recommendations. If and when we do get to a plan that everyone is happy with, he would agree that we should get an estimated cost for the planting of the trees, the posting of a bond which is held until the Town is satisfied that the reforestation is complete. T. Yasenchak states that it is not unusual for municipalities to hold bonds for landscaping. T. Yasenchak reiterates that the Board had asked about this previously and asks that the applicant come up with an estimate for that in addition to something from CCE. She states that in the beginning there was some miscommunication with CCE of how they were looking at things. She agrees that if we have something from CCE looking at it now, that would be much more helpful. J. Streit states that he is anxiously looking forward to a plan that he can vote positively on. For him, that would require that we have in writing, hard copy documentation from CCE of their opinion on this, and he would like to see the points raised by J. Carbonaro in his e-mail of yesterday addressed, mitigated and specifically commented on before a plan is put forward to us again.

A public hearing is reopened at 9:03 p.m. J. Carbonaro, Lower Meadow Lane, goes thru the documents he has provided to the Board dated September 30, 2014. He states that they have not paid anyone for any services and have only had information from Laurel Gailor from CCE. There has been discussion about the specific area to be replanted. He states that B. Neils did exactly what the Board asked him to do, but J. Carbonaro thinks that the Board was not given the information. Within a week or so of the meeting he met with a couple of neighbors and a couple of J. Witt's people at the site and with his assistant, went all around the area and GPS'd it, according to the exact orders given by the Planning Board. J. Carbonaro provides a copy of an aerial photo/map. He states that B. Neils very clearly answered the question of how big the area is that should be reforested. J. Carbonaro states that nearly 4 acres are depicted. It seems like the Board could put the August 8th letter from L. Gailor and B. Neils map together and say that these are the major components necessary to come up with a reforestation plan. He thinks it is true that there is other information coming from the CCE. He states that B. Neils is the storm water person and L. Gailor is the forestry person. They did provide two different pieces of information. He states that it is not so much that it conflicts; it leaves open an issue which is again for the Planning Board to decide. He thinks that either of the plans would work and you would eventually end up at the same point, but not at the same time. He states that the Board needs to pick some reasonable criteria for success. It could be a 30' sexually mature tree, and maybe that depends on the species as well. Then it is a matter of how long you have to wait until it looks like that. Then the CCE will tell you what you have to start with in order to end up with a tree like that. He thinks that is the right process by which you could come to a final resolution and he thinks that the Board was on to that at the last meeting. Now we come to this meeting and he would have expected to see a map with the 3.81 acres of trees on 25' centers of a really good height and we get, once again, not too much more

September 30, 2014

than deer food. He would strongly recommend that the Board have no middle person between the Planning Board and the CCE. M. Gyarmathy states that it is not this Board's job to design a reforestation plan. It is up to the developer to do that. We can approve his plan as presented or not. T. Yasenachak states that what J. Carbonaro is saying is that it would help CCE and J. Witt if we give them guidelines. She states that some of the things the Board has said have been specific. M. Gyarmathy states that he does not feel that it is in our purview to design anything. We didn't cut the trees down; it is not our job to design this reforestation plan. J. Carbonaro asks what criteria the Board will use for deciding how they will vote on it. He states that as to the meeting that only one neighbor went to, the notice about a possible meeting was sent in enough time to half the people it should have been sent to. It said Friday at 4:00 or Monday at 5:00. Three of the 7 or 8 people who got the e-mail commented on it and which day they could meet. He states that was the last that they heard. They didn't get any confirmation. Yet another mixed up attempt to have people talk to one another, and then people come here and talk about it like somehow or other the neighbors weren't interested or maybe they were perfectly happy with the plan. He states that nothing could be further from the truth, but it happens every time. J. Szpak, Lester Park Road, states that the only thing he still remains concerned about on the map is the trail area, which he made with the Benton's. That goes along the stone wall that is in there. Everything on the one side of the stone wall is forested area right now. He is concerned that the map still shows it as a reforestation zone where they are planting trees when actually there is no need to plant in that area. He is concerned that by saying reforestation, the applicant is going to take more trees out of the area because every map shows that this area can be thinned out and trees removed from it. He thinks that area should not be touched. If anything it should be the dark green (no cut zone). It has been misrepresented and he has told J. Witt that several times and he always says thank you for the input and that he will look into it and make changes. It comes back the same map and this time it has white-out items on it. He reiterates that it is misrepresented, it is not accurate. William Crowe, Old Stone Ridge Road, points out an area on the map and states that it is not portrayed properly. He states that the applicant took out a road and several large trees along J. Szpak's property, but then took out some smaller trees as well making that road with a large piece of machinery and it has left a large gap there. Brian Green, Old Stone Ridge Road, is concerned that the applicant plans to remove some, 5 to 10, extremely large tree across from his house, in order to get a view, on the edge of the no cut area and the managed scenic buffer. He states that these are among the tallest trees on that hill. He indicates that these trees prevent some of the wind coming down the hill. Ken Clifford, Old Stone Ridge Road, states that he would totally agree with whatever the CCE puts together. We have reached that stage, that point in this process. CCE is not biased and they can give us the best ideas as to how to proceed, what to do and how to do it. He is in complete support of that. J. Carbonaro states that he does not believe that the Planning Board got a direct answer to the question earlier about a maintenance and watering plan. He thinks the Board was also looking for details about the second part of that. He states that there is a proposal, it was mentioned a couple of meetings ago and it was in a partial response to his 7 points. The proposal apparently is that for the watering, the water would come from the neighbors running hoses out into that area. J. Carbonaro states that apparently it is not economically feasible to power up the wells on the unsold lots and use that water. There being no further public comments, this public hearing is adjourned at 9:20 p.m.

T. Yasenachak reviews that the Board is looking for something from CCE. She states that we have to give anyone from whom we are looking for an opinion from a target. If we are looking for CCE to give us an idea, on what basis is that. She states that we have different letters from CCE at the beginning. An August 8th letter and when that was written, that was something that was requested by our Supervisor and he was asking for L. Gailor's opinion on total reforestation. The letter discusses replanting the whole area with 4 to 6" caliper. It is fairly impossible to do that. Now they are looking at a plan and if we give them a focus, we will be able to get a specific answer. She asks the Board member what exactly we are looking for this to look like. It is ultimately the Board's responsibility. We want the homeowners, the adjacent property owners and the HOA to be happy, but we need to be specific and what does that look like. B. Duffney states that he would ask from them, as L. Gailor talked about the invasive species, is what they would think would be a healthy, sustainable, replanting for number of trees, dimensions of trees and to deter the invasive

September 30, 2014

species. T. Yasenchak states that B. Duffney is talking about the viability of the trees – the size of the trees, will they grow in this location next to each other at this height; will they survive; will they overcome invasive species. B. Duffney states that some will not survive. You cannot plant 30' trees thru the whole area. It is never going to look the same no matter what is done, unless you go 80 years. S. Weeks states that he agrees with B. Duffney. His biggest concern is still the managed scenic buffer area where it is wide open as to what can be cut in that area. He would like to see that reforested. The map, which he has not seen before, kind of does that, with the 3.8 acres. That needs to be reforested. T. Siragusa states that he is having a hard time with the guidelines from the CCE because we say that planting certain trees is impossible, but they can't be in a position to say that. T. Yasenchak reiterates that the first letter was not asked for by the Planning Board and L. Gailor was just asked to comment on reforesting an area. More information has come up and CCE has given additional recommendations after the original letter which was requested by the Supervisor. She states that there is a gap there because of what she was asked for. The Planning Board was not part of that conversation. T. Siragusa states that it does say varying the age classes to make it look more natural. He thinks that the one thing that is missing is the density. He does not know if they know how large an area. The area might change, and he agrees with S. Weeks, that the whole managed scenic buffer trademark is up for discussion. He would rather not have numbers, he would rather have density. So many trees per whatever, acre, square feet, etc. That would give the Board more room to be able to determine what the numbers are. R. Roeckle states that we should look at what we want to see in 5 years. He would think that in 5 years we would want to see an average height of somewhere between 20 to 25' in some of the taller trees. B. Duffney states that in 5 years you would be looking at 15' trees. R. Roeckle states that that is something for the Board to think about – what do we expect in height within a 5 year period. R. Roeckle states that he would think somewhere between 20 to 25 feet as an average for height within 5 or 8 years would give us a starting point. S. Weeks states that he does not think that we need to think that we are going to have 80' high trees here. That is not what he envisions in terms of reforesting. The density is a real key issue. He would be very happy if in 10 years we have 20 to 25' trees. T. Siragusa asks B. Duffney why other types of trees are not listed, such as Poplar. B. Duffney states that it could be listed as Aspen. He explains that Poplar pretty much regenerates itself in the area. He explains that if you open an area the first thing you get is blackberry bushes and all your briar bushes, then Poplar trees, etc. T. Siragusa states that is what he has seen, it is usually the Poplars that are growing first and they grow like weeds. B. Duffney explains that if you make it too dense, they will choke each other out. He states that the height is not the main thing; they will all reach their heights at different times. You do not want them too dense because that will destroy the forest. S. Weeks states that he is sensitive to the view issue, that is why he states that we don't need to plant trees that we expect to get 80' tall. He is sensitive to what J. Witt is saying. He does not think that we need to specify trees that are going to grow to those extreme heights; he does not think that is necessary to reforest. M. Gyarmathy states that he agrees with everything being said and he thinks that our main concern early on is that we don't want J. Witt to do this three times. We want him to plant a tree and we want it to thrive. We are not expecting it to be 80' tall. He thinks that if that is the way we are going to go, we are going to let the CCE tell us what can be planted and what is going to survive and thrive in that area. That is our main concern. J. Streit states that he does not sense that we are going to approve a plan that comes from the LA Group; we are going to have to see a plan coming from CCE. He thinks that it would be reasonable to state that we would like to have the reforestation area populated with native species that reach an average height of 12 to 15' within 5 years at a density that CCE's viewpoint would stimulate maximum growth and also to protect the applicant to mix trees so that the taller trees would not be closer to the top of the ridge and would help to preserve the view. He states that he would like to see some conversations between the homeowners who have taken the time to come here and Witt Construction addressing the 7 points that are raised in J. Carbonaro's correspondence. T. Yasenchak states that we can ask the applicant to get CCE's opinion and review. They don't do the design. They can give J. Witt the standards and they can comment on what he is doing, but they won't necessarily draw it. That will then be reflected on the LA Group's plan. J. Streit states that he does not think that any of the Board feels comfortable with the managed scenic buffer. If the guidelines from CCE are acceptable to the homeowners and J. Witt, they would probably be acceptable to the Board. J. Bokus states that J. Streit states it best, let's get the recommendation

September 30, 2014

from CCE for the area to be planted, whatever it is called, get an agreement and this spring it can be accomplished. J. Streit states that he is happily awaiting the day that he can vote positively on this project. We have all stated the things we need to see before we can do that. B. Duffney states that as far as the map that was just handed to us, he had not seen that map. He states that he asked early on if J. Szpak was part of the HOA and J. Szpak is not as he is not part of the subdivision. The managed scenic buffer is in the area of J. Szpak's property and B. Duffney would like to see the short area between the stone wall and J. Szpak's property be a no cut zone. J. Szpak states that the area is about 70' and goes down to about 1'. He reiterates his previous comments about the area that is currently forested. J. Witt states that he is not planning on cutting more there, but in the future – he is open to that, but not really. It doesn't affect him one way or the other, but it affects someone 80 years from now with an HOA getting into a situation. He would rather keep it simple. B. Duffney states that a managed forest is a healthy forest. Over grown, mature, diseased trees should be taken out – like weeding a garden, but this area would protect J. Szpak. J. Witt states that he believes in passing things on for the good of a neighborhood and the objective of this from day 1 was to create views for those ridge lots. He states that we have gone thru the whole thing and that is where he thinks that the Board and himself are not on the same page. He states that when this was approved we talked about views not about keeping the forest. The HOA document allowed him to cut any tree he wanted to cut. He states that he did not do anything that he wasn't allowed to do. T. Yasenchak states that we have talked about this and understand where J. Witt is coming from, and he knows where the Board is coming from. We are just trying to go forward. J. Witt indicates an area on the map and asks if the Board is okay with that area. S. Weeks states that he is not and obviously the applicant heard him say that. He is not ok with the managed scenic buffer. J. Witt states that he needs guidance, he went to the CCE, did exactly what he was told, came back to the meeting with a plan and he is hearing that it is not adequate for the Board. He has to say, because he is really frustrated, he is losing sales, we are losing tax dollars, from day one he indicates where the clearing and grading was. He states that there are house sites in there that were outside of the clearing. There were septic systems that they designed for these houses that they put fill in that area. That is why that is there. This was not supposed to be a clearing and grading for views, it was supposed to be for construction. He thinks that there is a big disconnection between himself and the Board, but the Board is costing him a lot of time and money, and he is willing to do the plan and make it all pretty and beautiful, but he has to come up with a plan. He states to S. Weeks that we did agree the last time to the area. S. Weeks states that he did not agree to that. Discussion takes place as to what was discussed. J. Streit states that what we would like to see reforested is the area that was on the original Mylar saying no cut and clearing. T. Yasenchak states that the area that the Board is talking about is off of the building lots. There is a definite demarcation between that. J. Witt states that the line was a mistake and that is something that the Planning Board has not come to terms with. To hold him accountable for cutting down trees where he was not supposed to, he was legally allowed to cut the trees down. He is trying to resolve this but he needs to know what he needs to do. He is not getting direction. T. Yasenchak states that the Board does need to give him direction and is trying to come to terms with that direction. At the last meeting the Board stated that they were ok with it being on the property line and we did not give any definition about the scenic buffer or how that was going to be managed. She states that the Board felt that a fair cutting line would be, and discernable, would be the property line. Someone could cut on their own property without needing HOA approval. The reforestation area does not appear to be the same as B. Neils mapped out. Discussion takes place and lines are drawn on J. Witt's map. S. Weeks states that he had not seen the map and really needs to look at it closely to make a decision about it. A number of Board members have stated that the area that has been cut should be the reforestation area. J. Streit states that a no building order has been issued by the Enforcement Office and we should get his input on why he issued that and what he interpreted to be cut that was not supposed to be. T. Yasenchak states that he did make that determination and addressed it with J. Witt. M. Gyarmathy states that he would like to know what J. Witt's idea is to stop this back and forth in the future. Is he going to let these homeowners have a little input into what is being done in the managed scenic buffer zone? T. Yasenchak states that we should define the actual blocks on the map and then look at the definitions and the legend. B. Duffney reiterates his comments about having the area behind J. Szpak, up to the stone wall, being a no cut zone. T. Yasenchak states that would be the east side of the stone wall. B.

September 30, 2014

Duffney states that he does not believe that that is going to hinder the view shed from the building lot on top. He states that diseased trees need to be removed or for a safety reasons. J. Szpak states that he does not think that this area needs any replanting. W. Crowe states that he thinks it does need to be replanted because it is behind his house. J. Witt states that he will get the trees and then would like to have the neighbors' input to where we will plant them. The space across from B. Green's home is discussed. J. Witt indicates where they just built a house and there is a nice view that comes across. There are a few trees there that would have to come out to open up the view. T. Yasenchak states that she did not look specifically at that area so she would need to look at it to comment more. Board concurs. Discussion takes place regarding the Benton lot and the fact that there are trees on their own lot. S. Weeks questions that the storm water management design for this project had in mind that that area was not to be graded or cleared. If we change that, how does it change the storm water management design? T. Yasenchak states that if they totally cleared it, that would definitely affect it. They came back and gave the Board a revised storm water runoff for this area. We can talk about the managed scenic buffer and how much we want to see that remain the way it is. None of the Board wants to see that clear cut, so if it is managed scenic buffer, what does that look like. T. Yasenchak states that where it says 60% of the trees within the managed scenic buffer cannot be taken down in a 10 year period, but when you say that there may be areas within that managed scenic buffer where no one ever cares. You could have one area that is totally taken down and you would still be within that percentage. J. Bokus states that when you talk about the limitations on that chunk or any chunk, you have to stay within the guidelines, just because it is not connected to a similarly designated area, doesn't mean you can clear cut that chunk because it is smaller and be within the guidelines. Every parcel has to be only cut within the guidelines. J. Witt states that the HOA is going to manage this, he is happy to let them control that 40% and he would say that it is of that area. The person applying to the HOA to cut would have to mark the trees and then the HOA would have to approve or not. J. Streit states that what is now defined as the managed scenic buffer will be managed by the HOA which will not take place for about 2 years. He would like to suggest that nothing can be cut within the managed scenic buffer until the homeowners take over. J. Witt states that he is ok with that. T. Yasenchak states that when we take action, that can be part of it, but when the HOA takes it over there should still be some definition. R. Roeckle asks if we could say that it would be 60% of the trees per acre. B. Duffney states that there is a basal method. He hasn't dealt with it in years so cannot remember the whole thing, but will look into it. R. Roeckle states that if we go with basal, it could be less than 60%. T. Yasenchak states that we could have CCE comment on that also and reviews the information we are still seeking. Further discussion takes place about height and J. Streit states that it may be more realistic to have a height of 12 to 15' achieved in 5 years. M. Gyarmathy reiterates that his concern is more that the trees thrive and survive, rather than reaching a specific height. T. Siragusa states that he thinks that the height is important and he had mentioned density before, it is reasonable to ask for all three things – a density that is suitable for survival with a height goal. The answer is going to be that it depends because they are going to suggest varied heights and the species will grow differently. T. Yasenchak states that she thinks that what the height would do is give J. Witt a specific starting point. Even though the 1.5' may be a suggested height within their standards for reforestation, if the Board is saying that they want to see something within 10 & 15, then maybe the minimum tree height would be 3'. T. Yasenchak states that she knows that if the trees are smaller, 1.5', they can be eaten really quick, but on the other hand if they are protected enough, dependent on the type of tree, they do grow quick. She states that the plan does state that the trees planted 8' on center are 1.5' to 4' in height, perhaps the Board asks for a specific ratio because it would obviously be easier to go buy everything that is 1.5' and a few at 4'. If there was a specific ratio. K. Clifford states that the Board has admitted that they are not tree experts, why is the CCE not recommending the size and height. T. Yasenchak states that they did but it is so varied that now for them to give the Board a letter of recommendation of how close they feel that J. Witt has gotten to that goal. Their general practices say 1.5' to 4, that is probably from a manual. She states that what the Board is saying is does that meet what we feel we want to see. J. Witt states that he went to CCE to see what trees he could get and that is what they recommended, what they have, and that is where B. Neils came up with this recommendation of the mix of species. M. Gyarmathy states that every Board member has stated concerns over the 1.5' trees unless they are protected. T. Yasenchak states that M. Gyarmathy is suggesting that we request a minimum height of a

September 30, 2014

different height. J. Streit states that if we state that we want to see deciduous trees averaging 12' in 5 years and coniferous trees averaging 15' in 5 years, that settles the whole size issue. We don't have to argue about what height to request. S. Weeks states that he agrees completely. The Board agrees on 12' in 5 years for deciduous and 10' in 5 years for coniferous. T. Yasenchak states that we have given the applicant a lot of specific information. If he documents that on the plan as well as changing the legend and any additional information that the applicant needs to be giving us, that should also include how the trees are planted. Any other town, when they look at planting, they will ask for a general planting schematic of how one plans to install those trees, what kind of base you are putting it in, what kind of root ball you are expecting, if those trees are going to be supported in any manner. When these plans are changed, the definitions, etc., we would like to have CCE comment on that. They can write a letter to us, they can call us if they have questions. They will verify that J. Witt is hearing their recommendations correctly and followed thru with their suggestions. Once this is done, the applicant would obviously be able to come up with a price and then an estimate for a bond. J. Witt asks if that can be tied to the CO. T. Yasenchak states that we will ask the Town Attorney. She states that as long as the ultimate goal is achieved, the maintenance is beyond the Board's purview. S. Weeks asks that the applicant please share the information with the neighbors before the next meeting so that they are up to speed. J. Streit states that generally we like to hear what CCE feels, from them and not an interpretation of what their feelings are. J. Witt asks if there is a way that he could meet with CCE and some of the Board members or a committee, to get input before the meeting. T. Yasenchak states there is not, however, if the information is presented C. Baker could do a review. We don't have a Town Planner. C. Baker states that if he has all the information going into it, both sides of the communication that he can look at. Tom Selfridge, Lower Meadow Lane, asks how this will proceed when all of this gets transferred from J. Witt to the HOA. T. Yasenchak states that we are looking at the subdivision as a whole and how it affects the community and the environment. The HOA will have to follow the regulations and the site plan approval. T. Selfridge states that if the HOA wanted to change something they would have to come back to the Town. J. Witt states that he did address J. Carbonaro's seven concerns and the Board should have a copy of that.

DISCUSSION

The Town of Corinth has asked for comments from the Town of Greenfield on a family subdivision on Spier Falls Road. The Planning Board has no issues.

T. Yasenchak states that P. Lunde would like a list of planning or zoning issues or items that the Board feels need to be changed in the Town Code. The Town will be putting together a committee to review the Town Code.

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

Respectfully submitted,

Rosamaria Rowland
Secretary