

TOWN OF GREENFIELD
PLANNING BOARD

July 25, 2017

REGULAR MEETING

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

MINUTES – July 11, 2017

The minutes for July 11, 2017 will be reviewed at the next meeting.

PLP PROPERTIES – Minor Subdivision

Middle Grove Road, Case#597

T. Yasenchak states that a public hearing is scheduled for this project on the corner of Middle Grove Road and North Milton Road. The applicant is not present at this time.

A public hearing is opened at 7:01 p.m. and adjourned at 7:02 p.m. as no one is present to speak on this project. It will remain open until the applicant arrives.

SARATOGA ROD & GUN CLUB

T. Yasenchak states that originally we had this project on the agenda, but the application will be at the next workshop meeting, August 8, 2017.

LPC PROPERTIES – Minor Subdivision

(formerly on the agenda as PLP Properties)
Middle Grove Road, Case#597

P. Pileckas is present. T. Yasenchak states that the public hearing was opened as it was noticed and adjourned. The public hearing is reopened at 7:03 p.m. P. Pileckas states that he got the sight distances and he did not know if Army Corp contacted the Town about the letter. T. Yasenchak states that we do not have that. She asks if the applicant requested that it be sent to the town. P. Pileckas states that he contacted them again today to say that he had been waiting. It was May or June when they came out and delineated the property, and we are waiting for the letter. T. Yasenchak states that normally a letter goes to the applicant and then the applicant provides a copy to the Town. T. Yasenchak states that the actual applicant is LPC Properties. She asks if the applicant received a copy of the letter regarding sight distances from EDP, they did not. T. Yasenchak states that we did receive additional information from the applicant on July 19th and that had to do with the sight distances from engineer, Wayne Bonesteel, PE, in which he addresses and notes some of the sight distances. The review letter from our Town Engineer states that he feels that there are discrepancies in the interpretation of what number to use. C. Baker states that as he pointed out at the last meeting, he had questioned whether or not there was adequate sight distance for lot 1 and lot 4. He was looking at intersection sight distance per AASHTO. According to the reference tables, as he pointed out in his letter, it does appear that the applicant is short on intersection sight distance. It is very close and he

thinks that it can probably be fixed by simply moving the driveways, but that is what C. Baker was looking for from the engineer, to tell us. T. Yasenchak states that we will need to have that addressed. P. Pileckas states that he understood his engineer to say that it is ok and C. Baker is saying it is not. C. Baker states that what he is saying in his letter is that if the applicant's engineer feels that the determination that he made is correct, he needs to provide some documentation that it is correct. The other option is to move the driveways to comply with the intersection sight distance. T. Yasenchak states that it appears that the driveways could just be shifted. C. Baker states one is 30' and one is 60'. He thinks there is room within the frontage to make them comply. He states that that is not the Planning Board's responsibility. T. Yasenchak states that there was also a question about the remaining lot, it had been discussed previously, and that is that the proposed driveway for the remaining lot had to compromise sight distance and did not meet the requirement. C. Baker states that W. Bonesteel's letter states that it meets stopping sight distance but does not discuss intersection sight distance. When we look at driveway locations we always look at intersection sight distance. P. Pileckas states that he doesn't know what to say. He understands what the Board is saying. T. Yasenchak states that W. Bonesteel is doing stopping sight distance. The applicant can have the engineer call C. Baker, who can explain it a little better. T. Yasenchak states that we are still waiting for the letter about wetlands and questions that we have received a letter from the County. K. McMahon states that we have not. C. Baker states that he did have a phone conversation with M. Valentine and the two issues that he was questioning were – whether or not this should be a major subdivision as opposed to a minor subdivision because he is saying that the remaining land is a lot. C. Baker states that he spoke to G. McKenna about it and he stated that the way he has always looked at it is that we are creating 4 new lots, so that is why he calls it a minor subdivision. C. Baker states that he is fine with that, but you may see that in M. Valentine's letter as a comment. The other issue that M. Valentine asked about was the sight distance and C. Baker had not seen the letter at that time. T. Yasenchak reiterates that we will wait to hear from M. Valentine and that the applicant should have his engineer contact C. Baker. Also, as we proceed, we will be reviewing SEQRA. The applicant can actually do a lot of it on line and the State's database will fill in some of the information for the applicant. There were some things that were inaccurate in the way it was filled out versus what the State actually says. The applicant needs to have whoever filled out the SEQRA form go to that website and it will help fill it out. The State did note that it is in an archaeologically sensitive area. It did also note that there were threatened or endanger species on or near the property. Those are things that the applicant needs to have someone look at. Todd LaRoche, South Greenfield Road, states that he lives across the street and he is just really here to find out what is going on, not that he has any opposition. T. Yasenchak states that there is a map and he can review it. T. LaRoche states that he is sure they will be nice houses but it is nice having all that green. T. Yasenchak states that we are going to adjourn since we are waiting for some additional information from the applicant. T. LaRoche thanks the Board and states that the safety of that road is a concern because there are often accidents at that intersection. Pulling out of a driveway onto that road is going to have a risk factor involved. Public hearing adjourned at 7:16 p.m.

SARCOM LAND DEVELOPMENT – Lot Line Adjustment

Ericson Drive, Case #605

Mike Hannah is present for this application. T. Yasenchak states that this has been an ongoing process, originally this property was supposed to be a road but due to a series of events, it was never developed and a portion of the road had become a driveway. T. Yasenchak states that generally lot line adjustments do not have to come before the Board, however because there was some controversy in the neighborhood about this particular lot line adjustment, she felt that it was prudent that it be looked at by the Board and also hold a public hearing for it, which is up to the Board. M. Hannah states that he has been trying to wrap this up since Mr. Strouse passed away in 2008. They have one lot left to sell which is lot #16. They had a lot of problems with ACOE so they reduced their footprint and reduced what were approximately 16 lots to about 5 or 6. There were a bunch of dedicated wetlands. When it comes to lot 16 there was supposed to be a road there and it was to loop around. Ultimately the subdivision which was approved years ago expired and Mr. Strouse never continued with it and that was about the time of the zoning change. The

lots were below minimum requirements and there were wetlands which were going to create a large problem in the completion of the road. Lot 16 is now under contract and the purchaser, understandably, does not want to buy the road. He does not want to be responsible for someone else's right-of-way and there have been some disputes among the neighbors about the road. The purchaser would never access lot 16 through this area. Any home that he builds will be at the other end of the lot and he will access it from Walker Drive. Tim Clemmy has a vacant lot there which was sold to him with the understanding that it would be a separate lot that he could sell, whether he will ever do that or not M. Hannah does not know. Tom Hill would also need access to his lot. M. Hannah states that his proposal is basically to split the paper street in half and give half to each Mr. Clemmy and Mr. Hill and give them cross easements over each other's parcel so that they can have access for ingress and egress to their lots. Since Mr. Strouse passed away, they have been plowing and maintaining it. T. Yasenchak questions that now both Clemmy and Hill take care of the roadway/driveway or is it just Mr. Hill because that is where his house is. M. Hannah states that Mr. Hill may be the one who has been absorbing the majority of the maintenance, plowing it, etc. T. Yasenchak questions that we have an authorization of agent from both Clemmy and Hill since their properties are part of this lot line adjustment. She feels that it is needed as the applicant is proposing a lot line adjustment with the two other properties and an easement. We need to know that the people who will be receiving this and whose lands will be changing, that they have authorized the Planning Board to be acting on a change to their lots. M. Hannah states that it is big enough to give them each a separate portion and not have to do the cross easements. The only reason he suggested the cross easement is because the way the property is right now, if you look at what is there as a driveway, it is more on Clemmy's property than it is on Hill's property. The cross easement was an effort to leave the remaining driveway in its current location. He states that there is a letter in the file to G. McKenna which was also sent to the two parties. T. Yasenchak states that prior to setting a public hearing we need some correspondence from each party stating that they are aware that their lots would be changed as part of this action. M. Hannah asks if a public hearing would be necessary if both parties consent to the proposal. M. Gyarmathy states that we have two 30' swaths which we would normally require a wider driveway as we are in effect creating two keyhole lots. It was also brought to our attention that even after this adjustment gets done, the driveway is more on Mr. Clemmy's half rather than Mr. Hill's half. He was wondering if the applicant would be amenable to making a driveway for Mr. Hill. It seems like the applicant is asking everyone involved to solve a problem for him. M. Hannah states that this is not his property and he has no funds available. They ended up spending ¼ of a million dollars on wetlands restoration and they are out of money and have been for a while. Lot 16 has already been approved as it exists on the subdivision map with this area in question. He is almost doing this strictly as a favor to Clemmy and Hill, to go back there and try to resolve this issue, otherwise he would have no choice if the purchaser did not want to buy it as is, where he owns the right of way, and subject to an easement that already exists for Clemmy and Hill. That is all they have right now, an easement, and he thought that this would be a better solution for them. If he has to go thru something that he does not have the money to do, then he will tell the guy he has to buy it with the road, or let him off from the deal and put it back on the market. M. Gyarmathy states that maybe the funds could be taken from the sale. M. Hannah states that there is a mortgage on there that has to be satisfied where the person has already taken less than 100-cents on the dollar through this deal. M. Gyarmathy states that he is just stating some things that the Board did not cause. Sarcom sold lots to these people and they did not follow through on the road as proposed. He understands that M. Hannah is trying to do the right thing but he is wondering if he will have to go a little farther. M. Hannah states that he absolutely has no money to do it. He states that they got absolutely blindsided by the ACOE and what they were made to do there. There is not a homeowner in that development who does not think that this was the biggest waste of money that they ever saw, but they had absolutely no choice. M. Gyarmathy questions that we are going to need some type of variance to allow this. We are creating a keyhole lot that does not have the proper access. M. Hannah states that the keyhole lots were created and approved by the Town a long time ago so these people have been operating with these easements. T. Yasenchak states that the lots were approved and that is why they were built. M. Gyarmathy states that they were approved with a 60' access not 30', which is now being proposed. M. Hannah states that with the cross easements they would still have a 60' area for ingress and egress. He states that if the Board would prefer that he give the land to one person and have the other person have an easement over it, that is a possibility.

He states that he has gotten to know the people involved and he is trying to minimize the conflicts. In his discussion with G. McKenna, Clemmy has to have access to his lot and so does Hill, and you can't take it away from anybody. T. Yasenchak states that G. McKenna did not comment on a need for a variance. R. Roeckle states that his concern would be that the lots that were built on were built on what was called a paper street and the paper street then had the adequate frontage requirement and now we are getting rid of that paper street and creating an easement and those lots now have 60' of frontage. Those lots are no longer pre-existing; they are going to be new lots with new frontage that don't meet the requirement. This seems to be a fairly decent way to solve a problem, but is it something that we can legally do if these new lots that are created only have 60' of frontage. That would be his biggest concern. Discussion takes place regarding the width of a keyhole lot and the way this area is depicted on the map. In Definitions, it states that a keyhole lot is to be 40'. T. Yasenchak states that she does not have a problem with it being 30' because it is a unique situation; that we are actually making a situation better because we are having pretty much 2 landlocked parcels on a paper street that is not developed. She does not think that the Planning Board can look at this unless it meets the zoning and then if it meets by way of a zoning variance, then that would settle everything for her. B. Duffney states that the only question he has is that when the Hills bought their property and the Clemmys bought their property, did they buy it under the pretense that a road would go through there. Do they know that now they are never going to have a road through there and it is going to be given to them as a right of way? M. Hannah states that they are both aware of this. He has spoken to Clemmy on the phone and he will not speak to Mr. Hill on the phone due to some previous conversations. He did copy them on the letter that he sent and sent them a copy of the map. This has been discussed at public hearings here in the past. They could not get an agreement the last time so that is why they ended up holding it at title with lot 16. That was the only way they could get the map finalized and start selling off some of the lots. T. Yasenchak states that we will ask our code enforcement official for an interpretation because she does not think that we could approve this if we wanted to because it does not meet our zoning for 40' so it would need a variance to approve keyhole lots that are substandard. Discussion takes place regarding the previous approval of the lots. G. McKenna will be asked for a code interpretation and we will also ask the Town Council about whether there was something said or perceived at the granting of that easement. T. Siragusa asks if M. Hannah is saying that Hill and Clemmy have seen this proposal in the past and not come to an agreement. M. Hannah states that Mr. Clemmy is in favor and Mr. Hill thought that he could get a better deal somehow. He made this proposal to both of them a long time ago and he wanted to get their agreement so that it could have been done that way when the new map was approved. T. Siragusa asks what M. Hannah thinks would happen differently this time. M. Hannah states that now we are down to the last lot which happens to be the lot that affects them and he thinks that Mr. Hill has had an opportunity to consult with his own lawyer and look at what alternatives he has. Now when it is down to the nitty gritty and someone is going to buy that lot and own his driveway, other than Sarcom, he thinks that Mr. Hill realizes it is not a perfect solution but it is the best solution he is going to get. Mr. Hill's problem is not with M. Hannah, his problem is that he feels that he wouldn't want Clemmy to be able to build on his vacant lot. The problem is that it is an approved separate lot and that Clemmy will have the right someday to build on that lot – whether he ever does or doesn't – but Clemmy's rights cannot be cut off. M. Hannah believes that if he had given Hill the whole road, Hill would have been very happy to take it, but M. Hannah wouldn't do that. M. Hannah states that he did speak to Mr. Hill several times and they did get to a point where Hill said that if he were given 40' and Clemmy 20', he would agree to it. M. Hannah states that he figured 30' for both of them with the cross easement is just as good. No one can ever build on that road, it is a meets and bounds description for the right of way, it would be in the deeds so no one could ever move it or build on the 60'. It has to be for right of way purposes. T. Siragusa asks if we need an authorization of agent from the purchaser of lot 16. M. Hannah states that Sarcom still owns it. T. Yasenchak states that we will need the easement language so that both owners understand the shared responsibilities. S. Weeks comments that he does not like shared driveways. B. Duffney states that he does remember this project and he is unsure about the cross easement between the two land owners. He thinks that each having separate pieces on which to put their driveways would be better for all involved. T. Yasenchak states that the applicant needs to provide something from the neighbors as well as the easement language. M. Hannah states that he did send G. McKenna the proposed deeds. R. Roeckle asks if we need to concern ourselves with restricting access to Lot

16 from that area off Walker and Ericson Drive, because they do have a substantial amount of frontage on 9N. There are wetlands there and they probably couldn't access it from there. We are removing an access onto Ericson from that lot, should we stipulate that it has to come off of Ericson and Walker. T. Yasenchak states that the application is just for this lot line adjustment and if someone wanted to get access from 9N, they would have to do so legally with a curb cut from the State. M. Hannah states that there are restrictions as to no further subdivision of lot 16 in the restrictions on file with the ACOE. C. Baker states that he is wondering if, for negotiations sake, if M. Hannah were to offer Mr. Hill the 40' that he wants and kick the lot line over 20', that would give both of the lots a 40' access. It sounds like Mr. Clemmy is willing to work with M. Hannah. That would solve the variance issues. R. Roeckle questions that there could be a setback issue for Clemmy. M. Hannah states that he would talk to Clemmy about it. M. Hannah will do some homework and get back to the Board.

PRESTWICK CHASE – PUD Amendment

Denton Road, Case#595

T. Yasenchak states that we are under the clock right now to provide an advisory opinion to the Town Board on the amendment to the PUD for Prestwick Chase. At the last meeting T. Yasenchak asked the Board to review the requirements of what is under the purview of the Planning Board when we review an amendment for a PUD, and also make any notes and comments of what we would like to see in our advisory opinion. In providing an advisory opinion, we can provide a positive advisory opinion with no amendments to the PUD as the applicant has submitted it and the Board has reviewed it; we can provide a favorable advisory opinion contingent on changes being made and we can outline those changes; we can also provide an advisory opinion, not necessarily a denial because we wouldn't be voting on it, but a negative advisory opinion that the PUD needs to be amended and returned to the Board for additional review; or we can just provide a negative advisory opinion that just says we suggest that it not be approved as submitted. We did have a lot of questions or comments about the PUD language that were discussed at the last meeting. T. Yasenchak states that she is thinking that the first option of providing a favorable opinion on the provided submittal, she is assuming that is not an option without any contingent changes. J. Streit states that at the last meeting he was under the misconception that if the PUD language went forward, the Planning Board would still have the right to address the issue of density on the site plan review or at some later stage and C. Baker educated him that no, they would be entitled to build up to. He states that the only concern he has and the one thing that all of the Board was unified in, was a concern about density. He would like the PUD to be worded in such a way that we do not give away our right to be able to make some adjudication upon density at some point. That we don't give away that right. M. Gyarmathy agrees with J. Streit. He thinks that as we write this advisory opinion to the Town, we need to provide a negative approval unless the items that we suggest are met because if you word it to them as we approve with these contingencies, he does not trust them to meet those contingencies. T. Yasenchak states that one of the options is that we can provide a favorable advisory opinion based on the contingencies or we can provide a negative opinion because of certain items we don't feel have been addressed. M. Gyarmathy states that he would like the Board to all agree that first step #1 is whether we should proceed the first way or the way T. Yasenchak just mentioned, because he thinks that is important. R. Roeckle states that he thinks that the larger question is that there were "X" number of units to begin with, they are proposing "X" minus, less density in the number of units, not in the number of buildings. He states that becomes the issue more than the number of units because how those single family units they are proposing are on that property can have a big impact on how things are done. M. Gyarmathy states that he totally agrees with what everyone said, he thinks we need to start at the beginning. He thinks we all need to agree on how we are going to approach the Town Board with our advisory opinion. T. Yasenchak states that the first step would be if this Board wants to provide a favorable opinion with contingencies. T. Siragusa asks what a contingency would be. He does not understand the concept of contingency at this stage. M. Gyarmathy states that we are talking about the PUD language and all the Board members expressed at the last meeting that we would like to see some of the things in the narrative actually put into the PUD language. T. Yasenchak states that 'negative' may not be

the right term. She states that the advisory opinion could be that the Town Board not approve it unless things were changed. M. Gyarmathy states that his opinion is that if we don't approach it with a negative advisory opinion – none of our items that we list will be paid attention to. T. Siragusa states that he really needs more fundamental advice than that, he needs to know where we are because this sounds further down the road than it did at the last meeting to him. What is a contingency at this stage if they are going to go back to the Town Board and then it ends up coming to the Planning Board for site plan review? M. Gyarmathy states that maybe 'contingency' is not the right word, maybe revision. T. Yasenchak states that maybe revisions to the language that they are proposing. T. Siragusa states that that is the Town Board, the Town Board is asking for those changes. Aren't we making recommendations for changes? T. Yasenchak states that the Planning Board would be making the recommendations. So maybe the word 'recommendation' versus the word 'contingency'. T. Siragusa states that now it is a 'recommendation', what is the difference then between a positive and a negative here. He states that he has a list of 14 things that he thinks are really important that they should consider. When does he lose his opportunity to address those? T. Yasenchak states that is what she believes would happen if we said to the Town Board that we would be favorable towards this amendment if these items were addressed in the language. The Town Board would have the ability to ask the applicant to change that and they wouldn't necessarily have to send it back to the Planning Board, or if we were more stronger with our language than just saying that we feel it is lacking and that it needs to be modified, and that we advise for a denial until this has been revised and resubmitted. The Town Board can do whatever they want to, but we can be stronger with our language. M. Gyarmathy states that he thinks the starting point should be that we all agree as to how we are going to approach this. J. Streit states that the proposed language says that they can build up to whatever that number was. What J. Streit would like to have in there is that they cannot build up to that number without Planning Board site approval. We are all concerned about density and we just tell the Town Board that we are not going to approve anything unless it retains our ability to review the plans in terms of density. S. Weeks states that we did that in the original PUD and whatever comes back comes back for site plan review. J. Streit states that he was told at the last meeting that if we approve the language that they propose, they would be able to build up to that amount and we have no further purview. S. Weeks states that is not the case. T. Yasenchak states that is just the maximum that they could do. S. Weeks states that we downsized the original PUD. They took a number of units out at our request. C. Baker states that it is a theoretical maximum if all the stars aligned and they could prove that they have storm water management; that they can prove that they weren't disturbing wetlands; if they can prove that they weren't impacting well protection zones. That would be their theoretical maximum number of units that they can build but the only way that that can be determined is for them to go through detailed site plan review before the Planning Board and prove all of that. S. Weeks states that the only strong comment that he made, and he wishes now that he hadn't, was pushing on the square footage issue. He thought that would help the Town Board understand the size of these units some more. He is not sure how important that is; he wouldn't fight to the death that that needs to be included in there. He just wanted the applicant to give the Planning Board a better understanding of how big these units were going to be. He did it in 2 different ways and he is still confused. One was the living space square footage and the other was the footprint square footage. Those are different numbers. L. Palleschi hasn't gotten back to anyone saying these are the numbers that they are absolutely proposing that they will live with. He just thought that would be helpful if we had a better understanding. M. Gyarmathy states that he appreciates everything that is being said, but he thinks we need to back up and need to know how we are going to approach the Town Board with the advisory opinion. He wants to know if we are going to get their attention by saying initially that we are not in favor of this unless these conditions are made, or are we going to say that we are favorable to this project with these recommendations. T. Siragusa asks if we are saying that we are unfavorable to the project or to the PUD language as presented. M. Gyarmathy states that what he would like to say is that he is unfavorable to the project with the PUD language that they have provided us right now. He thinks that we got ahead of ourselves here and we already started saying the issues that we have and he thinks a majority of us have all the same issues. He just thinks that the way you approach the Town Board – first you have to get their attention and to get their attention, he thinks you need to say that we are not in favor of the PUD language as it is written. Because we all want them to look at these projects more than they have in the past and to do that he thinks we all know what needs to be done. Approaching it in a stronger manner is going to get them

to look at this better and do their homework before they go rushing along here. J. Streit asks T. Siragusa if he actually has his points written out and that it would be helpful to him to hear those points. Start with that list and then see if it represents what the rest of the Planning Board thinks should be included in the PUD language, then we could tell the Town Board we will not approve it unless the PUD language addresses these. T. Yasenchak states that is the difference between what M. Gyarmathy is saying. She states that what J. Streit is saying is that we wouldn't approve it unless – then that gives the opportunity to say ok, here is the list, go revise it and the Planning Board doesn't get it back. What M. Gyarmathy is saying is that we can say, we are not favorable towards this language as presented because – so that takes it away from let's just change it and approve it and the Planning Board is ok with that. T. Yasenchak states that it is recommendations for an amended approval or it is reasons why we feel it should be denied. So our list of items could be reasons for denial or they can be recommendations for approval. It does matter which way we craft the advisory opinion. J. Streit asks if copies can be made of everyone's lists and provided to each of the Planning Board members to take home for further study. T. Yasenchak states that once we discuss them if public forum, we can make copies and give them to everyone. T. Siragusa states that this was just the thought process that he had and things that he thought were important, they probably fall into different categories like how he would like to see things presented all the way to things that he thinks need to be covered; things that probably are covered somewhere in the old amendment, but he thinks are important and should be addressed or verified. T. Siragusa reviews his list. Discussion takes place regarding the emergency access to Daniels Road. S. Weeks states that we assume that if they only, in the amendment, tell the things that are going to change, we assume that what is in the original PUD is going to stay the same. He states that there is no real reason for the applicant to restate that. T. Siragusa states that it sounds like we could make that assumption, he just was uncomfortable having combined the change with the narrative, which seemed to open everything up to him and that is why he would like the whole thing restated so that it is completely clear. R. Roeckle states that from an enforcement point of view, clarity in the PUD language helps a lot. B. Duffney states that regarding the statement that "it is anticipated that each unit will be occupied by seniors", there should be no anticipation – it is 55 or over. M. Gyarmathy states that as far as density, S. Weeks brought up a good point at the last meeting about how close the units were together. He is wondering if something should be put in there to limit that. S. Weeks states that he did not bring that up. J. Streit states that if we have the power of site plan review, we can at that point say no closer than a certain number of feet apart. T. Yasenchak states that is true, we can do it at site plan and it is also something that can be put into the PUD language if the Board felt unsure or wanted to be more sure that when a proposed site plan comes to us the applicant is more defined on our expectations – it helps them and it helps us. She states that it is not uncommon for PUDs to have dimensional requirements that are listed that say that the house or buildings 'shall be' no closer than a certain number of feet or the total number of the foot print of residential units shall not be more than a certain number. C. Baker agrees with T. Yasenchak because when it comes time for site plan review and he is the one who is going to be making these comments, if he can refer to the PUD language and say, it is identified in the PUD where you have a minimum side yard setback of "X", then we will be able to enforce it. T. Yasenchak states that at that time then it becomes arbitrary and then it gets very close to Article 78's where they say that you are being arbitrary with your choices. Discussion takes place that it is not up to the Planning Board to craft their PUD language; we are saying we need to have this number – come back and give us some options. S. Weeks states that the thing that got his attention was the narrative and it clearly did not go along with the plan. That was always his issue, that the narrative was not consistent with the drawings that they were showing us and the way they had things laid out. He does not know how much impact the narrative itself has in terms of the PUD amendment. He is still a little unclear about how important the narrative is, how much attention is paid to the narrative, etc. R. Roeckle states that once the PUD language is set, whatever was in the narrative – we don't care. T. Yasenchak states unless it becomes an appendix. S. Weeks states that they need to be consistent. The narrative was interesting, it was helpful, but he is not sure that it is consistent. T. Yasenchak asks if the Board would want to see things that were in the narrative actually listed in the PUD. Board consensus is if they want them. B. Duffney states that he is looking at two different things. T. Yasenchak states that then he is saying that he would not be able to approve this two page amendment to the PUD because of the differences in what the narrative says and the information we have been given. T. Yasenchak states that we can only give an advisory opinion on what has been given to

the Planning Board to advise on. Our advisory opinion can say this is our opinion because this list of things haven't been addressed. We are not telling them to go change their PUD to fit all this in; we are just saying this is our opinion. We are not writing their application or their language. It is up to the applicant to bring us back revised language to review again. M. Gyarmathy states that they won't bring it back here; they will bring it back to the Town Board. T. Yasenchak states that the proper process would be that we give our advisory opinion, the Town Board takes action on that, and then if they did not approve it, it would be up to the applicant to provide them with maybe revised language that they would bring back to the Town Board. Then it could go through the process all over again. M. Gyarmathy states that it is in our best interest to be as detailed as possible. R. Roeckle feels that we should also state that any amendment that the applicant is proposing, even if they are based on the Planning Board's recommendations, we would like to review it again for another opinion, because you never know if they come back with new language and then the Town Board would say that it addressed everything and is fine. B. Duffney states that he would like to be able to read the whole thing page by page and to see everything covered. T. Yasenchak states that if we give an opinion based on a list of reasons, would the Board be comfortable having a statement that we would like the Town Board to consider resending that back to the Planning Board for continued review. R. Roeckle provides copies of his list for the Board and states that his concern, in addition to the comments that T. Siragusa made, he did not look as much into the legislation as he should have, but when it comes back to the Planning Board for site plan approval, we would have to approve every single building on the site unless we do it in some other format. He is not sure how we would do that with single family units, because doesn't the PUD language reference an approved site plan? So how would they locate buildings on a site without every building being located on the site plan and the applicant was very hesitant to do that because they didn't know the design of the building, they didn't know what they wanted to do. What he is proposing is some language that may need to be in the PUD as under the 'Applicable to the construction of Single Family Dwelling within the PUD' on his list. So the Planning Board would not have to approve every single dwelling unit, it lays out basically dimensional requirements that the applicant would be able to provide. He states we had talked about 2 car garages; does every unit need a 2 car garage? One of the areas he proposes possibly is if we are going to allow 'X' number of units, such as 100 units, we are only going to allow 150 garages spaces. So they would have to intersperse 1 and 2 car garages into those single family units. Then there is the issue of the setbacks and dimensions between the buildings. We need to figure out how close they can be and they need to be measured perpendicular to the roadway. These are basic things he threw in there because a lot of things aren't really covered in what they are talking about in their PUD. We talked about there being no dimensions, no descriptions. There is a footprint, but what does that footprint include. Does it include a deck, a porch, a stoop – what does it include? We need to have something that shows that we have taken all of that into consideration and the language should have that. Then there were a couple of things such as they mentioned that they were not going to have basements – that needs to be in the PUD because they could decide to put them in just because they want to. If they are going to be sprinklered, it needs to be stated in here. He states that he looked more at how you are going to get the units, if we approve 'X' number of units up to 'X' number of total units. The multifamily units and the townhouse units are pretty much going to be dictated by an approved site plan, but the single family units themselves may be able to be adjusted on the site as they are building depending on the size of the individual units they are doing, but there is always going to be a limit to how many they can have. Will there be a maximum number of bedrooms on a second floor; do we want a lot of two story residences; should there be a maximum height for the buildings, lower than the Town's maximum of 35'. These were ideas he had on dimensional requirements that may help to create a single family area within the PUD that could be adjusted, so we don't have to go through every single unit. As long as they meet the requirements, they can build what they want. If they build this over a number of years, they could have a number of designs that may not meet the footprints that we have approved. If they meet the dimensional requirements that we have set forth – do we really care? C. Baker states that the only problem he sees with that is if we don't have a detailed layout of the single family homes, there is no way to figure the impacts on storm water management, grading issues, etc. R. Roeckle states that he didn't think of storm water. He states that as to these not being public roads - what are we going to allow them to be, is there going to be parking on the roads, etc. As long as there is access for emergency vehicles. B. Duffney states that the applicant stated there would be no parking on the

roads. T. Yasenchak states that realistically, that age group, they will have visitors and people will need to find a place to park, or there is pedestrian access. That is a huge thing with keeping your health is to be able to walk and there is no pedestrian accommodations or is the road even wide enough to walk safely along the shoulder. It is very different; the applicant hasn't proposed any of those things because he is thinking with the mind-set of his 90 year olds in the building, who don't walk. There are a lot of people out there who are continuing to be very active and that also needs to be, as part of the road configuration, addressed. B. Duffney asks when we have to have the advisory opinion done by. T. Yasenchak states 35 days, but we asked for it to be extended to August 31st. Discussion takes place regarding when we would be able to get the written opinion to the Town Board. M. Gyarmathy states that he agrees with J. Streit in that he appreciates everyone here and what we bring to the table. He approached his list from the Town's Comprehensive Plan aspect. We all agree that the density of this project is an issue, so we have different ways to address that. Suggestions have been made regarding setbacks, footprints of livable space and also total square footage. He thinks we have to narrow that down or come up with a definition, or include all of those things. Regarding the closeness of the homes to each other, that is a concern of his. As a mobile home park owner, they require mobile home lots to be a certain size and maybe we should require each one of these homes to be put on a, maybe the term would be, 'paper lot'. The average distance between mobile homes is 45 or 50'. He is wondering if we could come up with a way to keep them a little farther apart. What we have to remember here is that our Comprehensive Plan, over and over, talks about the rural nature of our community and what we are doing here is we are having an urban development within our community. He states that he believes that is in the back of the minds of all the Board members in the suggestions they have made. J. Streit states that the whole point of a PUD is to write something that can be an exception to what the zoning laws are for an entire community. This dense community would be well within a wooded area that you cannot see from the street and would only have a single access, so he does not think that we are setting a mode to be different from how our rules apply to the rest of Greenfield. He does not feel that we are setting a precedent. M. Gyarmathy states that he understands that this piece of property has the infrastructure there to do this and somewhere in the Comprehensive Plan it talks about the southern part of our town having more moderate density, but primarily the Comprehensive Plan talks about keeping the density to the town centers. C. Baker states that regarding the closeness of the buildings, he thinks he was the one who raised the question early on and his concern was for fire protection. They are responsible as the buildings are going to be made of non-combustible materials, they are going to be sprinklered, and they comply with the NYS Building Code. If that is something that the Board feels, density wise, you don't like the look of them being close together, he thinks it is something in the Board's purview to recommend maybe wider side yard setbacks and separation between the buildings. The applicant feels they are complying with the NYS Building Code. C. Baker states that the minimum distance is not much for sprinklered buildings. J. Streit asks if we can find out what the State code is. This will be requested of G. McKenna – the minimum distance between two residential buildings that are sprinklered. M. Gyarmathy states that his other concern is regarding the 55 or older and T. Siragusa addressed that. He has trouble with the traffic reports. There are communities like this in Saratoga and the people are active people – they both have cars, one or more may work, they are volunteering, etc. There are no sidewalks on the plan. T. Yasenchak states that it is hard to tell. M. Gyarmathy states that there is a community much like this in Saratoga and they do not have sidewalks – Interlaken. He feels this is a safety issue. He states that some people feel that development in our town occurs without any pattern and he does not know that he believes that. Every Board member brings different things to the table and we thoroughly investigate each project. We and the Town Board should be mindful of that. He feels we are considering a bit of urban development within the town. Discussion takes place regarding the traffic and how to possibly deal with it. C. Baker states that the thing you have to consider is that you have a traffic report prepared by a traffic engineer. The report does not say that there is not going to be any increase in traffic, there is definitely going to be an increase, but it is not going to change the level of service on the road. You don't typically get into highway or roadway improvements such as adding a lane until you start to change the levels of service of the road. He understands the concern and there is going to be an impact, but based on the numbers and studies that have been done, it is not going to be an impact that is going to push it over the limits to require improvements to be made. It may be within the Board's purview to request an additional traffic study by a separate agency. T. Yasenchak states that it is a

hard balance. That was her concern also. The perception of the realized impact of the traffic vs the level of service of a road. The level of service has to do with the width, the sight distance, the alignment, the side areas, etc. and that road can take a lot. However, the way that people drive on that road and the sight distance at the corner of Locust Grove, people are coming along there pretty quick. C. Baker states that can be said for any road. T. Yasenchak states that the number of cars being on that is not going to change what is already there. She has struggled with that because of the number of cars and whether people really would turn right if it were made a right exit only. R. Roeckle asks if we know if the traffic levels for a multifamily, senior apartments is different than a single family residential for people of similar age, or do they even take that into account. C. Baker states that we do have a revised traffic report which is based on that. J. Jayco states that there is only one entrance and he does not know if that has been taken into consideration. In other developments there is more than one entrance. T. Yasenchak states that it was discussed and it actually limits the impact because people have to go in one direction. P. Bouchard states that California requires 3 deaths before a traffic light is considered. He wonders what NYS requires. T. Yasenchak states that a lot of the things on her list have been addressed. She states that the entire PUD should be reviewed and amended as there are several inconsistencies. She feels that the 2 paragraphs that they included that they are asking for in their application is not enough and that they need to revise the entire PUD because of the inconsistencies between the new plan, the existing plan, all the commercial uses that they listed out which are not showing in the site plan and which they have stated that they are not doing anymore, but they have not been taken out of the PUD language. She agrees with her fellow Board members about having some kind of stipulation about some form based code, an area and bulk schedule of some sort, something that would give specifics that would give the Planning Board a tool when reviewing the site plan because she does not feel that we have that. Maximum number for building footprints, maximum number for footprint of common areas. One of the PUD's she looked at for Saratoga actually gave a range such as 20,000 square feet of community space and 20,000 square feet of residential space and you could buffer that 15% either way as long as the total number of square feet didn't change. For example, the number of two families could increase and then the number of single families would decrease. Maybe number of bedrooms, something that would regulate stories or height, number of garages, etc. It could include some kind of buffers between areas to make it seem smaller and more community like. In the PUD actual language something for walking areas and safe pedestrian access, parking accommodations, as well as the parking that is happening and the access to the community building. She has no problem with the move of the community building; however it is now on the wrong side of the boulevard. It seems that it could become more of a commercial thing as well as there is not safe pedestrian access to get to it. Some specifics for setbacks and an actual percentage of greenspace that could be included in that. L. Palleschi had provided something regarding the difference between what the original proposal was for greenspace and what it is now, etc., but if there was actually a percentage of greenspace that we could count so that it doesn't get overdeveloped with even a large parking lot. She states that there is one whole area that is listed as future development and she does not know what that means. She would like to see the PUD language, when it refers to site plan to refer to it as sketch plan to further verify or denote that it is not an approved site plan, it is not the site plan, but it is a sketch plan that we have looked at. She states that she has concerns; it is in the PUD language about the egress – that boulevard vs the emergency road. Just inconsistencies between the narrative that is really great but once the amendment is approved, unless this narrative becomes an appendix or reference, this goes away. Everything in this would have no meaning unless it is put into the PUD. Also, definitely need to change the PUD language, they did not address at all the phasing and the original PUD was very specific. There were two or three pages of just phasing details. She would like to see consistency and specifics. T. Yasenchak states that we will have those written up and obviously this will also be in the minutes. If anyone has a written list, please get it to K. McMahon so that she can copy and get those to everyone so that we can formulate at the next meeting a specific list of whether there will be recommendations or reasons. In going back to the application that we have for a PUD amendment, it is literally those two pages. That is what they gave us and they are proposing. That is what we are supposed to give our advisory opinion on. She tends to feel that they have not provided enough information within the amendment for her to provide a favorable opinion. She would feel that these lists would be reasons why it needs to be change or reapplied. T. Yasenchak states that in the advisory opinion section of the Code it says what the Planning Board is to comment on and she thinks everyone's list

was good, concise and fits within those categories so that when we provide that advisory opinion we can actually go through that to be a format for us. Section 105-129, talks about Planned Unit Development – T. Yasenchak reads from that section. T. Yasenchak states that we can make sure that everyone gets a copy of the PUD language that was approved in January 2015, Local Law #1 of 2015. S. Weeks states that he will not be at the next meeting but that he will get his comments to the Chair.

DISCUSSION

T. Yasenchak states that there will be a Form Based Code meeting on August 3rd.

Meeting adjourned at 9:30 p.m., all members in favor.

Respectfully submitted,

Kim McMahon

Rosamaria Rowland

DRAFT