

TOWN OF GREENFIELD
PLANNING BOARD
January 8, 2019

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: Tonya Yasenchak, Charlie Dake, Butch Duffney, Mike Gyarmathy, and Robert Roeckle. Karla Conway and Stanley Weeks are absent. Charlie Baker, Engineer, is present.

MINUTES

November 27, 2018

The minutes are to be reviewed at the next meeting.

MINUTES - December 11, 2018

MOTION: R. Roeckle

SECOND: M. Gyarmathy

RESOLVED that the Planning Board waives the reading of and approves the minutes of

OLD BUSINESS

Lally A. & L. Case #611
TM# 126.-1-20.111

Minor Subdivision
50 Ure Way

Andrew and Leigh Lally are present. T. Yasenchak explains that this case was in front of the Town Board and the ZBA. L. Lally states that they provided a survey and a letter from their engineer. C. Baker states that their engineer states that the bridge is capable of handling up to 27.5 tons. the only requirement that the Town has is that the keyhole lot requirement is 50,000 pound vehicle which is 25,000 tons, which meets handle the Town's requirement. He suggests that it be posted for that weight limit, but it is private. The Board is going to require a shared driveway agreement. It appears the driveway is 1,600' there are no provisions on the map. L. Lally states that currently if is not shared maintenance. They maintain the driveway/road themselves 100%. As they move forward to build, if they were to sell their current property they would make sure there was a maintenance agreement. They did talk about turn arounds and they did not make revisions. The survey is of the current property. It is not of where they would be putting the new structure or what changes they would be making to the road. Would it make more sense to do that when they go to build or now? T. Yasenchak states normally the Board asks for that at this point. Once they create a new lot, if they sell it or they decide to sell the lot, the Board needs to make sure everything is in order. T. Yasenchak states they should show it now, the 2 lots, the easement language, maintenance agreement and the proposed turn arounds. L. Lally asks if they should show the proposed lot also or at the building stage. A Lally states that they have a letter from the Fire Department. T. Yasenchak states that the Town has turn around requirements on each parcel. On the new parcel it can say proposed. For the whole driveway they do have requirements for pull offs where an emergency vehicle could safely pull off. M. Gyarmathy states when Mr. Lally was in front of the Board before they discussed having the road be 25' wide so that 2 vehicles could pass each

other. He thinks that typically a driveway is 10'-12' wide, so he wondering is if they should ask the fire department if that would be necessary. A. Lally states that they spoke to the Fire Chief and they were Ok with that, he is not sure if it is in the letter from him. T. Yasenchak states that the letter from the Fire Chief describes the grid, not necessarily the entire driveway. Her understanding is that it wasn't the entire driveway. Normally they have areas of the driveway where they would pull off so that another vehicle could get by. If the driveway was 25' wide would that still meet the requirements for the pull off plus the driveway? B. Duffney states he feels as though it is and it would eliminate the pull offs. The two reasons for pull offs is that if the Fire Department has to pumper or tanker on the road, they can pump from one truck to another at 500' intervals, besides the fact of possibly getting other emergency vehicles through. T. Yasenchak states that the driveway now is not 25'. That is quite expensive and a lot to ask. A 25' driveway all the way back is a lot. It's the driveway itself, it's not just the clearing it's the weight limits and so forth. L. Lally asks if the survey has the width of the driveway. M. Gyarmathy states no that is where all these questions are coming from. T. Yasenchak states that if they did have a full driveway that had that base that could support the vehicles per the driveway requirements and it was 25' all the way back or if the driveway is less the Board will ask for the pull offs. L. Lally asks what kind of documentation would the Board like to see. Should they have it put on the survey? T. Yasenchak states yes, it would need to be shown. C. Baker states that the Town technically requires 22' for a road. L. Lally states that she thinks they have 25'. T. Yasenchak states the parcel that was approved to have no frontage through the ZBA, is that parcel A? Does the driveway and the frontage all go to the new lot that does not have the house. L. Lally states the survey includes the house so that is the parcel with the house and the driveway is included in that so it would be parcel A. T. Yasenchak states the parcel B was approved to have no frontage. L. Lally states that is correct. T. Yasenchak states when they go through the driveway easement language, the Board (needs as well) as a maintenance agreement. It would show the new lot is the one that needs the easement over lands of the other. Just for them the way that works is that parcel A actually owns that. If they put their house on the bigger lot and they sell parcel A technically parcel A owns it. L. Lally states that is how it is now. T. Yasenchak states there are standard notes for a driveway that will need to be put on the plans. They will also need notes about the signage along the driveway at 500', 1000' etc. so that emergency vehicles know. Typically the Board asks for the setbacks to be on the map. She would like to see the bridge on the map and a limit of clearing. They are limited to one acre of clearing. C. Baker asks if the lot is cleared. L. Lally states no. C. Baker states that is something that would be done when they go for the building permit. The Board can ask for where the well, septic, and proposed house will be and to identify how much disturbance there is going to be and that would determine if the Board needs to ask for a SWPPP. M. Gyarmathy states that maybe the applicant needs to discuss that with their engineer. R. Roeckle states that depending on where the driveway will be it could be more than one acre cleared. L. Lally states that she would imagine it would be more than one acre. R. Roeckle asks if that is something that can be done when the building permit is issued. If it is more than an acre they may have to do the SWPPP and there could be a note on the map. C. Baker states technically it should be done with the subdivision because the NOI should be filed with the subdivision approval. It is probably something they should talk over with their engineer. Identify an area where they think the house is going to be and see how much disturbance there really is going to be. T. Yasenchak states the Board has to look at this at the parcels and the regulations. The Board does not have any issues with the project.

John Keyzer and Darrow Mansfield are present. M. Gyarmathy recuses himself. J. Keyzer states that the Board was concerned about several items last time he was in front of them. One of them was the sight distances and they are all within 500'. T. Yasenchak states there was a note added. This information was applied by Ernie Gailor for the sight distance from each of those lots. C. Baker states that typically the Board requests a report from the engineer and in addition to the report they want to see the actual driveway locations to be shown. He has the distances on the map, but he has no idea where they were measured from. J. Keyzer states that two of them are quite obvious. C. Baker states maybe because of the keyhole lots but that is another comment. J. Keyzer states that can be provided to the Board in the final map. T. Yasenchak states that is something that they will need to see in a letter format. C. Baker states that it should be in a written format and it should state the regulatory requirements that he is referring to. C. Baker states that E. Gailor has indicated that the proposed sight distance that are required for a 45 mph is 360' that is stopping sight distance that is not intersection sight distance. Intersection sight distance is 500'. Those are the types of things that should be in his report. J. Keyzer states that Ernie Gailor will be providing that to the Board. J. Keyzer states that as a matter of fact he gave the information on the map to the surveyor. C. Baker states that they need to see a written report from Ernie Gailor. J. Keyzer states that he did that last time. C. Baker states yes, he did and it is the same thing the Board is looking for on this one as well. J. Keyzer states that the second thing was travel distance for fire equipment into the site because the properties were on a skew, the common property line was on a skew which meant one of the sites had to be farther back to the house than what it is. They changed that and straightened out the line. So the houses are way within the 500' so they don't have to have a turn around. T. Yasenchak states that it depends on where the house is located on the lot. C. Baker states that it has to be within 100' for a keyhole lot. B. Duffney states he wouldn't require a pull off. B. Duffney states correct. T. Yasenchak states there are two different things. The turn-around is required for a keyhole lot, so at the house location they are required to put a turn-around. Depending on the length of the driveway where this 500' comes into play that is a pull off so that an emergency vehicle could pull off on the side of the driveway. There are two different things. J. Keyzer states that would be resolved at the final. T. Yasenchak states no they need it resolved at this point. J. Keyzer states they don't have any distances at this point. T. Yasenchak states if someone put there house all the way in the back she does not know if that would increase. Notes are needed on the map for driveways and notes regarding driveways longer than 500'. C. Baker states that it is already on the map. T. Yasenchak states that she did not see that. C. Baker states that it does not refer to 500' it refers to keyhole lots. It is required for a keyhole lot. T. Yasenchak states that is the turn-around. She is talking about the driveway note. If a driveway is more than 500' then a pull-off is required. J. Keyzer states that if he has a driveway 510' is that what they are talking about. T. Yasenchak states that the driveway requirement states more than 500' a pull-off is required as well. B. Duffney states that he did have this conversation with the fire department and he asked them when does this become (if allowable or not.) They told him it's a flat 500'. If someone has a house 520' then at 260' they should put the pull-off, or somewhere in that area. Somewhere within the 500' the fire department asked them to be put the pull-off for the trucks. J. Keyzer states that a turn-around is going to be 60' in diameter. T. Yasenchak states there are a lot of different configurations, the driveway rule is 500'. The Board is not going to get into splitting 5'. All he needs to do is put a note on the map. If the driveway is 500' there needs to be a note and a pull-off on the map. J. Keyzer states that there is no Code as to where the pull-off is. B. Duffney states that within the 500' there needs to be a pull-off for the fire trucks. T. Yasenchak states that they have requirements within the Town. B. Duffney states that it has to be drivable to hold the trucks. T. Yasenchak states that if he goes to the Building Department they can provide him with the notes. B. Duffney states that these are requirements that the fire department asked for. They were going in driveways in the winter trying to back out and the fire

trucks were going off the side of the driveways and other rescue vehicles, and they were calling to have the trucks towed out. If they have the pull-offs it is safer for everyone. There were a lot of homes that had no place for a truck to turn around. The fire department asked the Planning Board to help get this fixed. J. Keyzer states the signs at the road for the keyhole lots were on the map. House location is some place within the designated area. T. Yasenachak states correct he has put the setbacks on there. J. Keyzer states they are 50' for a keyhole. T. Yasenachak states in the keyhole lot regulations there is a requirement for a buffer. There needs to be a note on the plan. J. Keyzer states that it is 50' before he can build. T. Yasenachak states typically they would have a Building Inspector that would review this. Typically someone has a professional, either surveyor or engineer, who can go through the Town regulations and look to see what is required on the plans rather than the Board going through step by step and doing this level of review. It is in the Code and they have specific requirements for a buffer for a keyhole lot. It is something that is the responsibility of for the applicant. She reads the 105-137, keyhole lot Code. Typically they ask the applicant to put a note about the limit of clearing that would limit people from clearing all the way to their property line on either side, or actually show on the map a line that would be a limit of clearing. J. Keyzer asks what the Planning Board feels comfortable with, it doesn't say exactly. T. Yasenachak states in the past they have used 50'. R. Roeckle states that all setbacks should be a minimum of 50', he reads setback definition and asks if there should be a 75' setback. 50' is the minimum required. J. Keyzer states that they resolved this last time, it was set at 50' on both sides. B. Duffney states that he is fine with 50' buffer if that is what the applicant did with his last subdivision. J. Keyzer states that a 50' buffer from the neighbor would include his buffer. R. Roeckle states no it does not. The buffer is on each lot. T. Yasenachak states the buffer is where he would not be able to cut or clear within that area. J. Keyzer states that a 50' setback on both properties would make 100' buffer. Originally the Board said it needs to be at least 50' which means 25' on each parcel. R. Roeckle states no, that means 50' on each parcel. T. Yasenachak states the keyhole lots are really so that someone doesn't build their house in the front. J. Keyzer states that he is concerned about side lots. Both lots are 200' wide and the Board is saying that he has to have a buffer of 50' on each side and that makes 100' that no one can do anything on. T. Yasenachak states that is also what his setback is. J. Keyzer states that they can't build beyond their setback. T. Yasenachak is saying dependent on what the Board is looking at, they may be looking at a buffer in the front, not necessarily on the side. J. Keyzer states that the Board is saying that they can build up to the allotted line and the trees have to start right there. T. Yasenachak states if the Board asks for a 50' buffer. R. Roeckle states that the applicant could propose a buffer. The Board can request it to be larger. Propose what he feels is an adequate buffer for those lots. J. Keyzer asks if that can be done at the time of the Building. R. Roeckle states no it has to be done now. J. Keyzer states that he is going to suggest at least 25' on each lot. T. Yasenachak states that would be 50' all together. B. Duffney states if you clear property, naturally it will grow back unless they maintain it. Within 10 years they will have brush growing. T. Yasenachak states that they have seen it in the past and the Board has to look at everything. They have to document it. R. Roeckle states that before the home owner purchases the lot they would know this. D. Mansfield asks are they buffering against themselves or to protect someone that is living next to them. In other words, if they had a new lot and they didn't have buffers, should they provide a buffer for the neighbors. T. Yasenachak states that all the Board is doing is looking at the three new lots that are being created and the Board is allowed to ask for a buffer. It is something that needs to be on the plan if it is required. C. Baker states that they had this discussion last time and he didn't expect to see this so quickly. The Town has rules against segmentation. It should go in front of DOH. J. Keyzer states that is why he did it this way. He is proposing a 25' buffer and the Board can review and decide. C. Baker states that he thinks the Board had a discussion about what is going to happen with the remaining 43 acres. The Board wasn't expecting to see this subdivision this

quick on this property. The concern is segmentation when it comes to SEQRA review. If the Board had seen this when he first came in front of the Board with a 7 lot subdivision and 5 of the lots less than 3 acres, that would require the Health Department approval. It would have changed the way the Board looked at SEQRA when they reviewed this project. It would have required a SWPPP. There would have been a whole different approach. J. Keyzer states that is why he submitted the 4 lot subdivision first. C. Baker states he understands. T. Yasenchak states that there are actually regulations against segmentation so that people don't do little pieces here and there and get around the law. There is actually a law against segmentation. What the Board is asking the Town Engineer is at what point do they have to look at the whole when it comes to site testing and the DOH. C. Baker states not just that (general planning) in it. The applicant has a remaining 43 acres, what is his plan for the remaining 43 acres. J. Keyzer states that's down the road. C. Baker states those are questions that the Board needs to ask and look at. Do they really want to approve 4 out of 7 of those lots as keyhole lots when there are going to be more coming down the road? J. Keyzer states that there will be no more keyhole lots. He states that he will sign an agreement to it right now. T. Yasenchak states that as a Board they cannot ask or require or limit an applicant on their development rights in the future. J. Keyzer states that the only thing that works in the future is a road and that will determine if and when it will happen. Road costs are astronomical. He is not going to wait 5 years between minor subdivisions. R. Roeckle states that he believes it is. J. Keyzer states it will probably be longer than that. The only thing that will work there is one road in because of sight distance. There is a hill on the south west that goes down and there is a level area to the north east. The road would have to be placed at a point where they can see in both directions. No keyhole lots work there to any concept. T. Yasenchak states roads require certain sight distances. What does that do because it does fall into a major subdivision for the DOH? What does that require and what needs to be done. C. Baker states that because it is a previous subdivision he does not believe there is any reason to send it to DOH. What is before them is a 3 lot subdivision. R. Roeckle states that he thought that if a subdivision is done within so many years after the initial subdivision it was all inclusive. C. Baker states it could be. It's 5 lots less than 5 acres within so many years. R. Roeckle states that now it is 7 lots less than 5. C. Baker states they probably should refer it. T. Yasenchak asks C. Baker to look into that and see what needs to be done. C. Baker states that he will. The applicant is going to have to show perk tests. J. Keyzer states that he would have to show perk tests anyway. C. Baker states that they will want to witness those. J. Keyzer states that can be done by the Town Engineer. C. Baker states no, it is witnessed by DOH because they would be approving it. T. Yasenchak states that it is the process of him having his design professional there, DOH there and anyone else that needs to be out there. He should look into that as well as C. Baker. J. Keyzer states that there are no other concerns that the DOH has besides sewage. C. Baker states that sometimes with subdivisions, depending on the number of lots, they may require him to drill wells depending on the number of lots that are approved. J. Keyzer states that all of these lots have wells already. C. Baker states he understands and he could submit that as his evidence. J. Keyzer states that he will contact the DOH and arrange for the test. That should be the only sticking point. C. Baker states that he needs to see first if the Board is in agreement with his plan. Then the Board will require him to submit to DOH. T. Yasenchak states that the Board has a letter of interpretation from G. McKenna stating that he was looking at this as a major subdivision because of the 2 minor subdivisions in less than 5 years. This is something going forward in their review looking at a major subdivision they would need to have revised SEQRA information. C. Baker states that it appears that the amount of disturbance will be more than one acre. He asks for a SWM report and a SWPPP report. J. Keyzer asks what is going to be more than an acre. C. Baker states the amount of disturbance. J. Keyzer states each lot will be an acre. C. Baker states that it will be accumulative 3 acres of disturbance. J. Keyzer states that last time it was 4. C. Baker states then it should have been required before, for whatever reason it wasn't

done, it is required. T. Yasenachak states that she thinks why they didn't before was because it was a minor subdivision. She thinks in the past the Board has not required it for a minor subdivision. She will look back in her notes. Also, the SEQRA requirements have recently changed. That is something that the Board has not been updated on yet from the Town Attorney. She suggests that the applicant and his design professional look into to see what has changed. J. Keyzer states his surveyor is Ernie Gailor and he is sure he knows all about it. T. Yasenachak states that the Board does it all the time and the State does not send out letters. She is a design professional and she did not get a letter from the State stating that they have updated SEQRA. C. Dake states it seems like an awful lot of keyhole lots and the Code states only in instances when required do to unusual conditions of the area. Wanting to get more lots isn't an unusual condition to the area. Did the Board discuss at the meeting that he was not in attendance at what the unusual conditions are. T. Yasenachak states that they did. J. Keyzer states when they reviewed it there was almost no objection except for M. Gyarmathy. T. Yasenachak states no actually it was split. J. Keyzer states there is no way to use the back part of the lot without doing keyholes. It would be forever unusable. T. Yasenachak states without a road, that was the thing, without a road. There could be a road going all the way through. J. Keyzer states a road going all the way through would not connect to the site. Another site would interfere and that would require a keyhole lot to get to that one. If it is not a keyhole lot now it has to be a keyhole lot later. The road would have to be about 700'. (T. Yasenachak states that he is saying in his instance that requires the keyhole is that a road would be too long.) J. Keyzer states not only that, he has 1000' in corner to the edge of his property. There are 5 driveways across the street in that 1000'. This would give him 5 driveways. He has not exceeded the amount of driveways allowable for 500'. T. Yasenachak states that there is no requirement for the amount of driveways for 500'. J. Keyzer states that he is just saying. T. Yasenachak states that the Code states what the width of frontage needs to be. J. Keyzer states that if they had divided it up in 200' increments he would have had 5 driveways. C. Dake states that he is sure that there are a lot of lots that have parts in the back that they can't build on. That doesn't seem to him like a particular hardship in this instance. He asks if there is something he is not seeing. Right now he is not convinced. J. Keyzer states that he promised 2 lots to his daughters he gave one to his son. He has a keyhole lot and his daughters, are going to get keyhole lots. That is not a hardship but will certainly present problems in his family. It is primarily the only way to use that land. C. Dake states for example that lot could definitely have one house on it. The nine acres could have one house on it not 3. B. Duffney states some of the discussion was sight distance. That is why the keyhole lots were done. T. Yasenachak states for the existing lots. C. Baker states again, that goes back to the whole discussion of segmentation. There could have been a loop road built using those areas that were identified. That would have been an alternative. J. Keyzer states that the loop road would have exceeded the amount of distance that they are allowed to have on a dead end road. R. Roeckle states that if it is a loop road it would not be a dead end road. It would come out at 2 different locations. That is the definition of a loop road. J. Keyzer states that would have been almost 2500' long. R. Roeckle states that is also what he proposed in the late 80's, early 90's. J. Keyzer states that didn't work. R. Roeckle states that it didn't work because he did not pursue it because he chose to build single family homes on the property. It didn't work because he didn't want to pay for the road. T. Yasenachak states it goes back to what the Town Engineer was saying about segmentation. The Board does have to look at that because someone decides on a certain way to develop. If he has made his own hardship, it doesn't become the Town's hardship. The way that it has been subdivided so far created a certain piece of property and the way he can now fit 3 lots into that is his own hardship not necessarily the Town's. J. Keyzer states that is what he is looking for approval on. T. Yasenachak states that is what C. Baker is saying that the Board looks at. J. Keyzer states that he is looking for some sort of approval to commit to financing. T. Yasenachak states for the Board to make any kind of motion they would

have to review SEQRA, deem a certain portion of an application complete, which they may or may not do depending on the details that are required on the plans even for a concept approval. Then with only 4 Board members present he would need all 4 members to vote yes. J. Keyzer asks what about M. Gyarmathy. T. Yasenchak states M. Gyarmathy has recused himself. R. Roeckle states that he agrees with C. Dake. The original subdivision that was approved on the corner had 2 keyholes. Now they are adding 2 more and he is concerned that they are creating keyhole after keyhole with this particular subdivision. He knows there is quite a bit of wetlands on this property and it is not delineated on the map. He is concerned that it does not meet all the requirements of a preliminary plot plan for a major subdivision. He does believe everything is there. They don't have the location of the septic and well. J. Keyzer states that the septic is established by code. R. Roeckle states yes it is but it is required to be on the plan. T. Yasenchak states for a major subdivision. J. Keyzer states that the key is the keyhole lots. R. Roeckle states that the septic and wells are required whether or not they approve keyhole lots. J. Keyzer states what he is saying is that the Board all agrees with the Keyhole lots. R. Roeckle states that he just said he was concerned with the number of keyhole lots. He is not agreeing that there is not a problem with the keyhole lots. B. Duffney states that it is zoned for it and if there wasn't a sight distance issue he probably would have been able to put in 7 lots, not side by side as the homes are across the street. He understands with the sight distance why it was done that way. The Town does frown on keyhole lots. He has the acreage and keyhole lots are an allowed use if they have the frontage. He should show where the driveways are going to the 3 lots. It's within the zoning the only difference is it is keyhole lots. J. Keyzer states the only other way to do this is to change the width of the lots and then they are not going to be desirable lots. People want the keyhole lots because it gives them more privacy. He will also talk to the Town Board to see if he can get them to think about it in a general sense. T. Yasenchak states he is welcome to do that. All the Board has to do is go by the law that is actually in their Zoning Code and uphold the Master Plan and the Comprehensive Plan. J. Keyzer states that it does not say keyhole lots. T. Yasenchak states it does not say it is not permitted. C. Dake reads the keyhole lot Code. R. Roeckle states if he continues it states it is at the discretion of the Planning Board because it really is relevant to the proposal. T. Yasenchak states if he and his design professional can look at the regulations as R. Roeckle has stated, they have minimum submission requirements for preliminary sketch, there are items 1-5 that are required and it lists out what those items are. Because some of those items are not on the plan it would not be complete for preliminary or sketch review for the Board to actually make a determination or call for a vote or motion. She does not feel comfortable on calling a motion on sketch plan until they have that information. The Board would be out of process if they were to make a motion or vote because they do not have the requirements on the plan. It is in the subdivision regulations. If the minimum requirements are on the plan, at that point, if the applicant would like, the Board could make a motion before he continued on with final approval. A specific and part of that does include SEQRA and SWPPP. She cannot comment on what anyone decides in the future but the Board does look at segmentation.

Brittany Chase Case #531
TM# 126.-1-115

Major Subdivision
Brookston Drive

Ken Martin is present for the application. M. Gyarmathy rejoins the Board. K. Martin states that they are headed in the right direction. They are working on the mitigation plan. If their plan changes it will affect the amount of mitigation. He would like to know tonight that they are at least headed in the right direction with the right number of lots. T. Yasenchak states that she is not sure if the Board would make a determination or motion tonight because of SEQRA. SEQRA changed and it changed for any ongoing project. The last SEQRA form that was

completed may need to be revised or updated. The State does not require the Board to do a Public Hearing before they do SEQRA. The Board likes to do that because they feel it is fair to the applicant as well as the public. If additional information came forward that affected SEQRA they can go back. K. Martin states that he is not expecting the Board to make a motion tonight but he would like to know that they are headed in the right direction with the number of lots and that it is an approvable project. They have gone from 21 lot down to 9. Last time he was in front of the Board he talked about moving the cul-de-sac. There was a lot of discussion about the blasting in that area. His thought was if they moved the cul-de-sac they could do away with the blasting and he is quite confident that they won't have to do any blasting. He moved it 140'. It also reduced the wetlands disturbance. He adjusted lots 5-7 and made them 6+ acres. There are a lot of advantages to him moving it. He increased the road about 140'. The retention ponds, (both the east and west) were put in in 1997. They were sized for phases 2 and 3 to take care of the SWPPP and they are using them for that. They have been in contact with Christine Delorier and George Casey from ACOE and are working on mitigation with them. They have been taking ground water elevations since August. The area has been defined and has been cleared by C. Delorier. C. Baker asks if ACOE has agreed with the replacement plan. K. Martin states yes not the mitigation plan the area review. They are now in the process of getting the mitigation plan together. They probably won't accept it until June. He started in August and it has to go through the growing season. He is hoping for June or July. C. Baker asks if they have agreed with the areas identified. K. Martin states yes. C. Baker asks if he has something in writing from them. K. Martin states not in writing, they have the plan down there. C. Baker states that he feels that is something that will be very important for the Board moving forward. K. Martin states that so they can proceed to make any approvals contingent on the mitigation plan. He would like to proceed with everything and once they get the mitigation plan they can move forward. C. Baker asks if the revised plans show everything. K. Martin shows all the different plans that have been submitted throughout this process. C. Baker states that there have been several different plans submitted over the past few years and he has received copies of storm water reports and SWPPP and what he is asking for is whatever they are asking for to be submitted on the plans before he can say what still needs to be done. He does not know if the SWMP he has before him now is compatible with the plans that were most recently submitted. K. Martin states the SWPPP that the Board has now is based on this plan. The lots may have changed but the clearing/disturbance remains the same. The only thing that he has changed is moving a house. C. Baker states that from an engineering perspective he does not necessarily have an issue with what he is proposing. He is concerned with the storm water drainage. They have heard a lot of public opinion on it. Obviously the Board has to listen to the residents. They have to look at the information that he provided and try to decipher if there are problems there, how they can address it without making them worse by adding these lots. Moving forward he is going to look very hard at the SWMP. He knows that he made the statement that the basins were designed for phase 3. That phase 3 looks a whole lot different than what he is proposing now. He is going to want to see calculations of the waters in the basins to make sure they can handle what is being proposed. K. Martin states, to clarify, if he looks at the SWPPP they have done a comparison on the land. The difference from 21 to 9 lots. They have cut down on a lot of disturbance. They have taken out the road all the way around. They have taken out 12 lots. It is not being cleared anymore. C. Baker states that makes perfect sense. K. Martin states he wants C. Baker to review it. If they find something wrong now would be the time to take care of it. C. Baker understands and just wants to make sure it is documented. T. Yasenchak asks if there was a SWPPP given along with this plan. K. Martin states that was given with the other plan. The submission before this last one. This submission was not but he didn't change anything. T. Yasenchak states if there are not changes it all points to the same drawing, same date, same revision number and that way there is no question. K. Martin states he can review it and submit it with these plans to C. Baker. (C.

Baker states he will take a look at the SWPPP and compare it to what he has now and give the Board a one page document of a summary. Go through and bullet point what is different.) T. Yasenchak states that could be added to the document submitted. C. Baker states that could be added as long as it is referencing this plan with that document. T. Yasenchak states that they do need the updated SEQRA. T. Yasenchak asks about the test pits. There was a difference between the Town Engineer's and K. Martin's thoughts about them and that they needed to be re-done. It was from the July 31, 2018 submittal. Some look like they have been reviewed and some look like they weren't. They were done so long ago and do they need to be re-done. C. Baker states all the lots are 6+ acres. From a general stand point, the thought is they will be able to find a spot on the property to locate a spot for a septic system and meet those requirements. His concern might have been related to the road bed itself. Our concern is, and when he says ours he is speaking for Walt Barss as well, they know that soil conditions in that subdivision can vary quite drastically and ground water can. Their concern is if there are portions of the road that are going to need geofinder or structural strengthening they would like to know where that is and where it is going to occur. From what he is saying, and he can talk to W. Barss about this, it will be inspected by his office as well as W. Barss. As long as they have proper notes on the plan with the cross sections that say there is geotech's as required by the Town Engineer and the Town Highway Superintendent they can cover it. T. Yasenchak states during that testing the subbase would then be verified at that point. C. Baker states correct. R. Roeckle states that he wants to note that there is one keyhole lot (lot 1). The driveway to that lot is where Westminster Drive used to extend. He did note that the locations that are shown for homes, septic systems, and the wells are specific and would like it shown on plan. Is there a way to note that on the plan within a tolerance where anything could be built. There are also tree lines on the plans. He may need to put a note that states no clear buffer zone on the plan. It may be something that may need to be put on the deed. K. Martin asks if it would have to go on the deed or would it go on the plan. T. Yasenchak states typically they ask for it to go on the plan. R. Roeckle states that it would not hurt to go on the deed, people don't look at the plans, especially after the third or fourth sale. R. Roeckle states that he is moving the road so there is less impact to the wetlands and possibly no blasting. He just wants to make sure that everyone knows that this is the only spot on the lot that can be buildable. K. Martin asks if there is a requirement to have a buffer zone. T. Yasenchak states they do not have a requirement but with a subdivision the Board asks for some kind of limit of clearing. K. Martin asks what the limit would be. R. Roeckle states that he thinks that K. Martin should propose something based on the lots and how the lots are adjacent to the existing lots. T. Yasenchak agrees. R. Roeckle states that the wetland mitigation has to be completed. Does the mitigation have to be completed before the Board can take action on this project? C. Baker states that K. Martin mentioned earlier they would request the approval would be contingent upon the mitigation. M. Gyarmathy states that they have had issues in the past that took a very long time to be resolved. The Board cannot have that. K. Martin states because of phase 2 they are in that process. ACOE has been in contact. That is why it is important to them. R. Roeckle states if the Board was too conditionally approve it is only good for 180 days with the possibility of two 90 day extensions. That is why he wants it contingent upon ACOE. R. Roeckle states if they get to that point then he might need to have ACOE make that approval of the plan prior to the Board making any decision, if they get that far. T. Yasenchak states they are limited just by the Zoning Law by the subdivision law. How often they can give conditional approval for a subdivision. K. Martin states timing is a problem. C. Baker states that a road bond will be required with this subdivision because there are going to be Town roads proposed. He is wondering if they could put a line item in there to cover the many costs and the mitigation so that at least if it's bonded then there will be a guarantee that it will be completed. That is something the Board can think about. R. Roeckle states that he was under the impression that the mitigation needed to be completed before they could move forward with any new

construction. C. Baker states that may be, he is not sure. R. Roeckle states he thought that was an issue in the past. T. Yasenchak and C. Baker agree. R. Roeckle states that even if they get to that point and say the plan is fine, and he is not saying that it is, there still needs to be mitigation before he can go any further. K. Martin states that the subdivision can't proceed, at least with the infrastructure, without the mitigation being done first. Usually the way they have done it is the mitigation and the subdivision goes forward at the same time. R. Roeckle states he thought that is a wetland jurisdiction issue. C. Baker states that it is but is, this mitigation required as part of the previous phases of this project. K. Martin states 1.7 acres. C. Baker states that is what the issue is. He has not looked at ACOE correspondence but they are probably going to want that completed before the Board approves anything additional. K. Martin states what he would like to do because he does not know what the houses are going to look like at this point. M. Gyarmathy states right that is what he is doing. That is what K. Martin did on the site visit. He explained where the Town is huge. For them it's quality of water. He wouldn't want to see anything happen to that. T. Yasenchak states that they need the documentation from ACOE. That is the key, so the Board knows moving forward. K. Martin states and an updated SEQRA. C. Baker states that if he can get some verification that they are agreeable to the area that he has set aside. He does not think they can move forward without that. K. Martin states that he does not think that will be a problem. C. Baker states that also when the mitigation has to be completed by. T. Yasenchak states that once he gets that to the Board they can re-open the public hearing that has been adjourned. Typically they do not re-notice a public hearing on a project that has been adjourned. It's been so long she would feel more comfortable re-noticing the public hearing. Have a note on the plan that limits the clearing. If people see that it gives the neighbors security. K. Martin asks if there is to be a turnaround at each house. C. Baker states at keyhole lots.

DISCUSSION

T. Yasenchak states the Town Board will have an official organizational meeting and review the bylaws. She asks the Board members to review them so they can update them.

Meeting adjourned at 9:09 p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon
Planning Board Secretary