

TOWN OF GREENFIELD

PLANNING BOARD

August 12, 2014

REGULAR MEETING

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

MINUTES – July 29, 2014

MOTION: S. Weeks

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board waives the reading of and approves the minutes of July 29, 2014, with a minor clarification.

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

Noes: None

Absent: Duffney, Streit

Abstain: Siragusa

GERALD FERRIS – Minor Subdivision

North End Road

Gerald Ferris is present and explains the location of the property. This is a 20 acre parcel that he would like to subdivide into two lots. He explains that there will be a 50' right of way to the existing road this is next to a piece that was split a few years ago. T. Yasenchak explains that the applicant has an application before the Zoning Board as they do not have frontage on a public road and they will also be going to the Town Board for an Open Development permit, therefore, the Planning Board cannot take action until those are taken care of. R. Roeckle questions that there are two ROW's shown on the plans. G. Ferris states that there is an existing right-of-way and a snowmobile trail. The right-of-way is going to be moved over to the southern area and he is in agreement with G. Pilkey, who owns the piece of property that the ROW goes thru at this point. This will move the ROW further from G. Pilkey's house. The ROW will then cross the front of lot 1 for access to lot 2. M. Gyarmathy questions that there is no frontage requirement for these lots. T. Yasenchak explains that there is and that is why they are going to the Zoning Board. This is a pre-existing, non-conforming, land-locked parcel as it is so it can be developed but they need a zoning variance and the open development permit from the Town Board. T. Siragusa asks if G. Ferris' intent is to subdivide it and sell it. G. Ferris confirms. T. Siragusa asks if they are going to do any of the clearing, any prior development, prior to the sale. G. Ferris states that he is not. T. Siragusa asks if the applicant has already discussed this with the Pilkeys. G. Ferris states that he has and with his daughter who lives on the other side of this property. S. Weeks questions that the existing ROW extends to the lake and this new one will also extend down to the lake. G. Ferris states that is correct. T. Yasenchak questions that North End Road is a private road and also asks about the snowmobile trail. G. Ferris states that it is private and there are deeds from and to each property owner who lives along that road. The snowmobile trail is not an easement. Each year he receives a request and each year he grants permission. He states that he does not know what will happen with the next owner, that will be up to them. They have had problems with ATVs coming thru there and they are trying to discourage that. T. Yasenchak asks if there could be some kind of note on the plans noting that there is no easement so that a future buyer would know that they would have

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to deal with that. She states that we would also need to have the driveway and/or easement language for the ROW to review and specific language for the area where the ROW crosses lot 1 for access to lot 2. C. Baker states that he would like to see topos, any streams, wetlands, limits of disturbance, proposed house locations and how much area would be cleared and graded. This could be done after the Town Board makes their decision. He explains that there are storm water requirements depending on how much is going to be cleared.

LPC PROPERTIES – Minor Subdivision

Greene Road

Paul Pileckas is present for the application and states that he would like to subdivide this property into 3 lots - 2 lots at 6 acres each and 1 lot at approximately 6.79 acres. T. Yasenchak states that this appears to be pretty straightforward. T. Siragusa asks if this property is undeveloped and he questions whether there is adequate sight distance for lot 3. P. Pileckas states that it is undeveloped however he believes that there was a mobile home on the property at one time and there is a driveway and clearing. He states that the existing driveway is on top of the hill on what will be lot 3, where he believes the mobile home was. T. Yasenchak states that that was her questions, also, what the sight distance would be and often when we do subdivisions we do ask for the proposed driveway locations to be shown to prove for our records that it meets the requirements. The surveyor needs to label the setback lines. T. Yasenchak states that this does indicate a stream in the back and we normally ask for that to be delineated or for a line noting that there would be no developing past that line. C. Baker states that he would like to see the topo, streams and/or wetlands, proposed house locations, driveways, septic, the amount of clearing for each lot. T. Yasenchak points out that these items are listed on the application. A public hearing is set for August 26, 2014 at 7:00 p.m.

ACTIVE SOLAR DEVELOPMENT – Site Plan Review

Kilmer Road

T. Yasenchak recuses herself as her company sometimes works with Active Solar although not on this particular project. Dave Rojek, property owner is present along with Neil Curwen and Frank McCleneghen for Active Solar. S. Weeks states that a public hearing is scheduled for this application and asks the applicant to review the project. F. McCleneghen explains that this will be a ground mounted solar array which will be set back behind a berm and trees. The property owner's home is across the street on a separate lot. They have discussed going under the road with Walt Barss, Highway Superintendent and have a letter from him. This will provide 100% of the power for D. Rojek.

A public hearing is opened at 7:23 p.m. and closed as there are no public comments.

T. Siragusa asks if this is purely a home use or is it energy development and what the kilowatts are. F. McCleneghen states that it is 100% residential and N. Curwen states that it is 21.6 kW. NYSERDA requires that they limit it to 100% or they would be rated as an energy producer. T. Siragusa states that he thinks that he is understanding that these are fixed panels and asks where the inverters will be. F. McCleneghen states that they will be inside the house in the basement. T. Siragusa asks if there has been any discussion with neighbors. D. Rojek states that he has not spoken to all of the neighbors but about 85% of them and some of them offered to attend tonight. He states that there were no objections from anyone and he really worked hard to position them so that they won't be seen. T. Siragusa asks what the intention is for the use of the remainder of the lot that the panels will be on. D. Rojek states that he bought the property so that he would not be looking at another house. In the future he might want to maintain that as a building lot so that down the road when he retires he could sell the lot for a home to be built on it. T. Siragusa states that the frontage for that lot is where the solar array is going to go; that would make access to the rear part difficult. D. Rojek states that he is open to modifying the location. F. McCleneghen states that they could certainly

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shift that back to give D. Rojek some other options. T. Siragusa asks for clarification on the map. F. McCleneghen reiterates that it is over 100' from the road. T. Siragusa states that he believes the application states that it would remain as trees and asks if there would be additional screening. F. McCleneghen states that it would, they have the array shifted back that far because they are trying to get the sun and he does not believe that you will be able to see them from the road with the berm and the trees. D. Rojek states that the berm is probably 8 to 10' tall. T. Siragusa asks about the lifetime of the panels and maintenance. F. McCleneghen states there is a 25 year warranty and 30 year design life. There are no moving parts, after 10 years you may need to replace an inverter. You would keep an eye on them for snow, which usually melts off. T. Siragusa asks about the ground, will it need to be mowed, etc. F. McCleneghen states that there would be a radius around them and you have to use Round Up or brush hog around them, etc. D. Rojek states that he will not be using pesticides. T. Siragusa questions if it is part of the package and one of the things that people were concerned about, in the Skidmore project, is what the panels are made of, are there any heavy metals used, such as cadmium. F. McCleneghen states that they are American made panels, there are no toxic metals and this is far from the Skidmore project scale. M. Gyarmathy asks the distance between the panels, are they in rows. F. McCleneghen states that it is one row. N. Curwen states that it is 109' x 15'. M. Gyarmathy questions the relation of this property to Lester Lane and what kind of access roadway will be used. D. Rojek explains the location. F. McCleneghen states that there is already some natural access into there. There is an area to the side of the berm where you can easily drive a truck in. Beyond that, there is no need for an additional road. R. Roeckle asks if this is a separate parcel from the house parcel and is that going to be an issue. D. Rojek states that it is. S. Weeks states that there is an issue. R. Roeckle asks if need be, would the applicant be willing to combine the lots. D. Rojek states that he would. J. Bokus questions G. McKenna's notes and whether the lots have to be combined. S. Weeks states that his understanding from the Code Enforcement Officer is that the property should be joined as one property because we do not have a mechanism for dealing with solar panels that are located on a separate lot. C. Baker states that he had previously asked for a detailed site plan. He would still like to see something that shows topography, he would like to see the arrangement of the panels, the access road, the berm, etc. F. McCleneghen states that then he is looking for a full land survey. C. Baker states that while the applicant is saying that this is not a large project, it is a very large project as far as solar goes and what this Board has seen. F. McCleneghen states that may be but they do nothing but 15 to 25 kW projects and any large 3,000 to 5,000 square foot house is going to have that kind of demand. C. Baker states that he understands that, but the people in Town deserve the right to see what it is going to look like. F. McCleneghen states that it is certainly an expense for a residential installation. S. Weeks states that it is part of what we need for this project. R. Roeckle suggests that there might be a survey from the subdivision that may be able to be used. D. Rojek states that if he needs to move an acre of that parcel to make it part of the residence lot, he has no issue with that. If down the road he were to sell that lot, it would be a much cleaner deal for him. He is unsure of what would be involved. After some discussion of options, the applicant is advised to discuss the matter with G. McKenna. M. Hill states that it would be best to speak with G. McKenna and get all the issues taken care of at this time so that if it is necessary to leave access for the remainder of the lot that would be taken care of now. C. Baker states that he is not asking for a boundary survey of the lot, he is asking for a detailed site plan for the location of the solar array. F. McCleneghen states that typically this is not the way of installing solar and they will do their best to accommodate. M. Hill reiterates that solar panels are not, under the Town's code, an allowed separate use on a separate lot. There needs to be some way to join either the entire parcel or part of it so that the solar becomes an accessory use on the residential parcel. N. Curwen asks if he understands that G. McKenna has the final say in what can be done or are they to reconvene with this Board to discuss G. McKenna's recommendation. S. Weeks states that they should have a discussion with G. McKenna and then come back here with their best approach.

BALLSTON MOURNINGKILL – Site Plan Review

Maple Avenue (NYS Route 9)

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Eric Carlson and Brett Steenburgh are present. B. Steenburgh states that they are here to present the conceptual plans and to get the Board's input before submitting the final plans. He indicates that there is an existing house on the parcel which will be demolished along with the garage and they are proposing a 1 ½ story, 3400 square foot office building on the front portion of the parcel and an 8 unit apartment building on the rear portion of the parcel. Utilizing parking around the outside they were able to get 27 parking spaces. By code they would be required to have 28 parking spaces and there are provisions for shared parking. They are only asking for the one shared space as they are anticipating that the office will be closing around the same time that the residents would be coming home. He explains that they are proposing an Arenco Advantex style sewage treatment system and how that works. They have used this system successfully elsewhere and it has been approved by NYS DEC Region 4. They will be using porous asphalt on the site, it has a very high perc rate and it is a green practice under the NYS SW Design Manual. The building runoff will be handled by drywells located along the northerly property boundary. B. Steenburgh states that they are going to be doing a Type B buffer along the northern side. There is currently a residence there, but they believe it is going to be used for commercial property in the future based on recent occurrences on the site. To the south they will be using a Type A buffer as it is currently a commercial space. They are proposing a 4 stall parking garage which would be rented with 4 of the apartments. S. Weeks states that he is intrigued by the Advantex system and asks if there is monitoring that is required. B. Steenburgh states that there are DEC requirements for the discharge and it is going into the ground much like a septic system, but much cleaner. You are getting a septic tank treatment but then you are also getting a filtration system. T. Siragusa states that this plan has changed over time and he asks if B. Steenburgh has been involved thru these changes. B. Steenburgh states that he started working on the plan with E. Carlson some time ago, they have made some modifications with a big part of it being adjusting the plan for the required buffers, decreasing the size of the garage so that they can get a little bit more parking on the site, etc. T. Siragusa states that he notes that the parking had increased and the location of the septic changed. Is that a change because of the engineering or the setbacks, the type of system? B. Steenburgh states that it is as a result of the location of the septic system on the neighboring lot and well to the North. M. Gyarmathy asks about site lighting. E. Carlson states that he has not thought about it. He asks if the Board has a preference as he does not but he would like people to be able to get from their cars to their apartments without tripping and without lighting the community. T. Yasenchak states that we do not design the plans, but we do ask for the details to be on the plans. R. Roeckle asks what the maintenance requirements are for the porous asphalt. B. Steenburgh states that it has to be vacuumed, not swept; there are requirements regarding de-icing materials and the use of sand. He states that there is a list and he can provide the detail sheet. R. Roeckle questions the water supply. B. Steenburgh states that there is an existing well which is located along the rear of the proposed garage, there will be some chlorination involved because of the apartment building and there will be an area to house that at the rear of the garage. R. Roeckle asks if there will be an issue with the distance separation to the adjacent septic systems. E. Carlson states that they meet the 100' requirement. R. Roeckle states that public water supplies normally have a 200' requirement. E. Carlson states that before he proposed this, he went to the DOH and had this discussion. There is a private water system, there is a public, and there is an in between for this amount of flow. This amount of flow falls into the 100'. R. Roeckle asks if they are going to have enough flow and/or supply to provide the sprinkler system he believes is required. E. Carlson states that the well was tested when the property to the south was modified with a septic system. He states that yes, he has discussed this with 2 well providers - a series of tanks, chlorination system, etc., will satisfy the uses. T. Yasenchak states that that is documentation that we will need to have. R. Roeckle questions that the office building is going to be 1 ½ stories. E. Carlson states that it will be a cape type design. R. Roeckle asks if there is handicap parking for that as it will need to be handicap accessible. E. Carlson states that it is not required due to the size. R. Roeckle states that he knows there is a size limit but was checking. T. Yasenchak reviews items that need to be on the plans, such as – lighting, sidewalks, signage, handicap accessibility. Details for the porous asphalt would also be required. B. Steenburgh states that that will be in the SWPPP. T. Yasenchak states that we will also need a landscape plan with a list of suggested plantings and trees. There is a note on the plans that states 'stockade fence'. She asks if that is going to remain or is it coming down. E. Carlson states that he prefers not to do fencing. T. Yasenchak questions that there are going to be

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restrictions on the apartments which will be renting the garage space that those are to be used for parking because the applicant is counting those garages as parking spaces. E. Carlson states that he understands. T. Yasenchak also states that we will need larger plans. C. Baker states everything has been hit on; his main concern is still that this is a very ambitious plan. He would not be as concerned if we had municipal water and sewer on this site. He is really curious to see the full plans. S. Weeks states that he has one note from a previous discussion regarding trash/dumpster area. E. Carlson states that they will add that to the plans. Public hearing is discussed and the Board will wait for a more formal plan.

UMH PROPERTIES – Site Plan Review
Brookview Mobile Home Park (NYS Route 9N)

Peter Kelleher, Jeff Yorick and Marty Mancini are present for the application. P. Kelleher states that they have submitted a landscaping plan to the Board and that they met with the neighbors and there will be some modifications to that. They will be filling in the row to the south a bit thicker, more along 5' spacing so there would be around 44 trees with the Mulder's input on the type of tree and the spacing. T. Yasenchak states that depending on the type of tree, they should not be planted too closely together. P. Kelleher states that they will engage a landscaper/tree expert. T. Yasenchak states that we will need to see a plan. She states that we want the neighbors to be happy, but we want to make sure the trees don't die. P. Kelleher states that they discussed with the Mulder's some of their other concerns regarding lighting on the 5 homes closest to theirs. UMH has agreed to specifically restrict any flood lights in the back yards and have offered that the Mulder's should let management know if there are lighting issues when the homes are installed. They have had meetings with the school district and will copy the Board with their final plan with the district. They will be entering in on Hilltop and exiting through Manor Court with one bus stop where Manor Court ends right now. UMH will provide as many off-street parking spaces there as possible to make it safe for everyone. T. Yasenchak states that trees were added to the middle of the lots. P. Kelleher confirms and states that with the grading, they are not sure if there are going to be wet areas or dry areas to provide a healthy home for certain types of trees so they would like to reserve a decision as to what type of tree goes there. T. Yasenchak states that the Board would like to see a few types and sizes of trees that may be used so that the Board would have an understanding of what that would be. T. Yasenchak states that the public hearing was adjourned because we were waiting for additional information. C. Baker asks if there are any updates from DOT. P. Kelleher states that DOT provided the markups of the suggested minor revisions which he provided to the Town. They were very simple changes which will definitely be incorporated into the plans that they will submit for the highway work permit. He states that they are still waiting for the DOH approval but he suspects that they are really busy. T. Yasenchak states that C. Baker would like to see that as part of the application. C. Baker states that we do have the markups, but are they developing a formal plan with those markups. P. Kelleher states yes, when they apply for the highway work permit. He questions if that can be a building permit contingency. T. Yasenchak states that that is something that C. Baker needs to see and make sure that those are done as part of the Planning approval. C. Baker states that we could probably make it somehow contingent upon building permits.

A public hearing is reopened at 8:15 p.m. Jen Mulder, NYS Route 9N, thanks the Board for hearing their concerns and UMH for meeting with her prior to the meeting. She states that one of the Board members had noted that there was minimal spotty year round evergreen foliage along the border of UMH and the Mulder's property, which was discussed earlier tonight. He encouraged the addition of a natural buffer zone. She states that from the inside of her house she can clearly see the proposed site where clearing has occurred when the project was originally proposed. She states that in the 7 years they have been there, the clearing is still visible. In the winter it is an even starker wide open area. The 6 units on the south side will be clearly visible when she pulls into her driveway, from her living room and from numerous vantage points on the property. She states that UMH has stated that the wetlands will be a deterrent to discourage trespass on their property. He may have walked certain areas but if you cross the stream you have direct access any time of the year and it is easily accessible by foot. They have never argued against implementation of the park, but they are asking the Planning Board to preserve their way of life, quality of life and to protect the privacy that

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they have enjoyed since 2007. They are requesting the creation of a buffer zone that will maintain their physical property and the quality of life from the sounds and visual impact from 64 units, specifically the closest 6 units which are less than 360' away from their residence. They were thinking that a natural 5' berm with the trees planted on top. The berm can be created from recycled material from the excavation site to reduce any type of financial impact. Canadian Hemlock are a good choice because they are branchy and dense. The drawback is that according to Bob's Trees in Galway, they take about 1 year to grow less than 12". They are concerned with the construction noise impact over the next 2 to 3 years. J. Mulder states that the berm will add sound blocking and be an effective and natural way to maintain the value of the property. They are also concerned to impediment to trespass on their land because as they have previously mentioned there have been different types of campsites and other things that were left in that area. She states that this is a massive project that is forever going to change the Town of Greenfield. She understands that the Board has the obligation to preserve the quality of life for every resident of Greenfield and they respectfully request of the Board to preserve the quality of life that they have worked and invested in since they purchased their property. She states that they did discuss the barrier going in in phase 1. UMH also mentioned that they would be brand new homes as of 2014 and later. She is concerned about the rip rap apron and how that will affect her property, how the water will affect the buffer/tree area. T. Yasenchak states that since we are waiting for additional information, we will adjourn the public hearing at 8:21 p.m.

P. Kelleher states that a berm is not realistic because they only have a 10' rear setback and they are up against the restrictive covenant protected zone. He explains that a berm would end up being 20' wide. He states that the protective buffer area was agreed to as part of the ACOE restrictions. They are willing to work on landscaping with the Mulders. The topo will also work to help block. T. Siragusa states that he is wondering if anything else is possible in terms of the barrier and seeing some ideas on the plans for how to keep trespassers out. M. Gyarmathy asks about the size of the proposed lamp posts at the driveways and depending on the location of those, whether the units will block them. P. Kelleher states that they are not proposing bright lights and they will have a shield to the south. They are rather short. J. Bokus states that regarding the trespass issue, maybe the applicant needs more than 1 system – perhaps a fence. P. Kelleher states that there is a reporting process with the park management; he reiterates that he does not see the draw to the area once the residences are in place. C. Baker states that he is not sure that the applicant understands that a professional landscaping plan is what is being asked for. A conversation is not necessarily a professional landscaping plan. What should be presented to this Board is something that is done by a professional so that the Board can react to it and comment. J. Yorick states that they can come back with a revised plan and he thinks that a vegetative buffer will take care of most of the sound impacts. Trespassing, short of putting a fence around the property, he does not know that they can prevent anyone from leaving the property. They can post signs along the property lines and at the buffer. T. Yasenchak states that the tendency, if there is a fence just along that one property line, would be to go around it. The applicant has mentioned that once there are houses there, that will be some sort of a detriment where kids tend to go to where there is nothing, they also do not tend to go thru difficult areas. She requests that the applicant give some more landscaping ideas so that the Board can make a better judgment.

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

Luigi Palleschi, ABD Engineering, and Dave Pentkowski, Attorney, are present. T. Yasenchak states that at the last meeting the application was deemed complete for SEQRA; an informal poll was taken regarding SEQRA and the PUD language; and the Town Attorney was to review and draft language for a negative declaration, the amendment to Prestwick Chase and the amendment to Country Squire green space. M. Hill states that in addition to the items just mentioned, all the Board members received a letter from Greenman-Pedersen dated August 12, 2014. It is an updated analysis that takes into account the fact that the proposed secondary access connecting to Daniels Road is not going to be for regular traffic. It is going to be for emergency vehicles only. It seemed to that it would be beneficial to have some updated information that

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would address that fact. That came about as a result of a discussion that M. Hill had with C. Baker and then with D. Pentkowski. M. Hill states that he does have some minor revisions to the drafts that he sent to the Board and he will distribute the changes as we discuss them. He states that he had not heard from D. Pentkowski by the end of the day so he is unsure that D. Pentkowski has had the opportunity to fully review. T. Yasenchak states that the Board needs to address SEQRA and asks if any of the proposed amendments to the PUD language affect language that is in the SEQRA action. M. Hill states that he does not believe so. He states that the revisions that they drafted are all consistent with the Board's discussions. D. Pentkowski states that for the most part they have no great issues. They would like to discuss Section IX dealing with the phases. He states that there were items added dealing with hours of construction, blasting, etc., and they do not have any problem incorporating those. He states that the way this is drafted, there is the presumption that the infrastructure is going to be installed in three phases. He does not anticipate that that would be likely. They don't want to have to start/stop three times for something like the infrastructure. T. Yasenchak states that from what she recalls, the comment had been made that they did not want to do all the infrastructure ahead of time because then you have all this money in the ground until the applicant sold or rented a portion. Yes, as far as construction management, which we are not getting into, it hastens the project if you do it all at the same time, but then the developer puts all his money in the ground. D. Pentkowski states that would certainly be the applicant's risk to do that. T. Yasenchak states that the reason we are saying that is because the way it has been phased up to this point, even the last PUD had developed in phases. It gives the Board an opportunity to make sure that things are going correctly and things are moving along, no violations, etc. They are things that typically don't fall under the Code Enforcement Official's purview. L. Palleschi states that his major concern with the way it is written is that it is too specific. During the construction of those phases they could change or during the site plan review they could change. Right now they have X-number of units and X-number of feet of road and infrastructure to be built as part of phase 1, but as we are going thru the site plan design, we may want to change those things a little bit and say maybe it makes more sense, for example, to put this fire hydrant in and this sewer manhole so that it is easier for us to connect the next phase. The way this is written is a little too specific. T. Yasenchak states that the Board is just now seeing this also, but we definitely want to have some kind of tool that the Board is not just giving them carte blanche to build for the next 9 years, that is what the Board is trying to limit. The Board wants it to be 5 and not 9. If we do it all in one phase and 6 years down the road something is not done appropriately, we want to have some kind of tool. M. Hill states that in drafting this for the Board, the thought that he had in mind was that the applicant probably would not want to invest in all of the infrastructure up front. The goal here was to make sure that there was enough infrastructure to support, assuming that the applicant would break up the installation of the infrastructure for financing reasons, the goal was to make sure that there was enough infrastructure accompanying each phase to make each phase a workable phase. They used the word 'approximately' in many places with regard to those infrastructure items with the intent that that affords a measure of flexibility. If the Board thinks that it is appropriate, we could have a paragraph that would address infrastructure and say that to the extent that the applicant wants to build infrastructure for more than one phase that with an appropriate site plan submitted, the Board could provide approval. D. Pentkowski states that that is kind of what he was suggesting that he could see, he could see a situation where a water line or sewer line might benefit the applicant to put it in now for whatever reason and he did not want to be precluded from incurring that expense and doing it. C. Baker states that he understands and from his own perspective when he has developed site plans like this, in the phasing process you try to foresee the utilities and a stopping point, a starting point, and then you try to develop that as you go thru the plan. C. Baker's concern, and it always has been, is that if we are going to be doing a detailed site plan review for each one of these phases, it is beneficial to the Town to know what the phasing includes. If we grant an approval for phase 1, but the applicant is going to be building utilities that go thru phase 2 and phase 3, then the Board hasn't looked at that. That is his concern. When you develop the phasing plan you typically look at the utilities and the layouts, and say we have to build to this point in order to make this work. L. Palleschi states that that is pretty typical for a subdivision application. He states that we have had the discussion that the applicant wants approvals for the entire project for the financing, because they wouldn't get financing unless they have all three phases approved. Financing for construction is different. He believes that is where the confusion is, he thought they would get approval for three phases but then go thru a construction phase as

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part of the site plan review. T. Yasenchak states that we are trying to figure out where we do that. L. Palleschi states that they are seeking approval for all three phases and then in the legislation come back for each construction phase as an update to the Board, but not necessarily gaining approvals because they would already have it for the entire project. If there were any changes, then they would need approval for those changes. T. Yasenchak states that the Board wants them to come back for each phase. T. Siragusa asks what the Board would be reviewing if there were no changes, we would want to review regardless of change. L. Palleschi states that the applicant could come back and say the plan is still what you see here, what we have completed to date and what the plan is to move forward. He understands the Board's side of it too, if the applicant is in violation the Board wants to have that authority. D. Pentkowski states that if they come back after the first phase and there have been any issues, then they know that they do not get the next building permit into the second phase, but the project is approved for purposes that any lender would know that they have an approved project as long as they do as the Board has directed. T. Yasenchak states that, as has been mentioned, the Town does not give building permits for the roads or infrastructure. C. Baker states those are controlled by site plan review. D. Pentkowski states that he does not think that is an issue, where we are caught up is if we do everything that the Board has asked and approved in phase 1, then we come in and say that we are going to start phase 2. Not let's talk about what we are going to do in phase 2, it has already been approved. T. Yasenchak states that she thinks we are talking about the same thing. She thinks that's construction phase vs. site planning phase. M. Hill states that with regard to the applicant's concern about what is necessary to get financing approval for the overall project, he tried to address that in the opening paragraph of Section IX, and maybe there is different language, maybe there is something that can be added. The Board can appreciate that the applicant has a concern about being able to present something to a lender and for the lender to have confidence that this is something that the Town has to some extent given approval for, recognizes what the applicant wants to do with all the different uses, the total maximum number of residential units, all the rest of that, and the lender can have confidence that that is what the Town is indicating can be done there, but by the same token, this Board needs a mechanism to exercise oversight at certain distinct points in the development process. That is what we are trying to do from the Board's side with site plan review. That is the way that this Board is accustomed to doing things and reviewing things. While we want to try to get the applicant to a place where he needs to be with the financial side of this, by the same token, the Board needs to address its needs to have the oversight. C. Baker states that he would go back to the original PUD approval and how it was broken out into specific phases and they came before us for site plan review, the same process. M. Hill states that when the office drafted this, they did go back to the existing PUD that specifically calls out each phase and in the diagram that was prepared for construction phasing, they noted that it identified construction phases, and they tried to identify in very general terms and leaving a lot of blanks, what might be associated with those phases so that we could have some level of detail in the PUD legislation and understanding the need for flexibility have used words like approximately. L. Palleschi states that they are going to have a full set of plans designed for each phase. They are not planning to just design phase 1, they are designing the entire site. It will be fully designed with profiles, etc., so that it can be constructed from that set of plans. They don't want to come in after phase 1 is built and then start discussion on phase 2, they've already got a full set of design plans ready to go, and then there would be discussion points. R. Roeckle states that the plan shows three different construction phases which L. Palleschi has said are going to be completely designed so they know what is going to happen in each one of those phases. Then the third paragraph on page 6 of the PUD language says that prior to construction the applicant needs to get site plan approval for each phase as they come before the Board. Could that be changed to say that you need site plan approval for the entire site and then as per the next paragraph, you come back after each phase or if they want to do construction outside of the original phasing. S. Weeks states that he believes that the applicant's attorney and the Town Attorney really need to hammer this out and so that the Board can see this in advance. We are doing a lot of talking but he is not sure we are getting very far. D. Pentkowski reiterates their view of getting the complete approval and then coming back in phases for review. M. Gyarmathy states that he thinks that this is an important part of SEQRA and that is why we came up with the answers, because of the phasing. He would really like to see the language first. M. Hill states that if the Board feels that we need to have the PUD language nailed down in order to move forward with the SEQRA, that is appropriate. He will work with D. Pentkowski and come up with a revision that is consistent

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with the discussion that we had here tonight. T. Yasenchak states that for her, for purposes of SEQRA, knowing that we are going to have that language in the PUD and we are not actually making a recommendation on that yet, it seems to her that having construction phasing meets it. S. Weeks states that he believes that we can do it all in one more meeting, that is his goal and he does not see why we cannot do that. M. Hill states that if the Board doesn't feel that it would be appropriate to move on with the recommendation at tonight's meeting, then having the SEQRA determination really doesn't advance the applicant's goals very much so doing it all together as S. Weeks suggested makes a lot of sense. He asks the Board to have further dialog with the applicant's representatives about the proposed PUD legislation, if there is anything else in there that jumped out as a concern that requires revision. Having discussion about that tonight could be useful for informing the applicant. T. Yasenchak states that since the Board is just seeing this, we won't be able to comment specifically, but maybe if the Board knows of things that were issues for them, they we can ask how they were addressed and go right to those. She states that it would be appropriate for the Board to take a look at this and then send comments back. M. Hill states that realizing that the Board members are just seeing this for the first time, he could talk thru the major revisions if that would be useful in the Board's perspective. M. Hill reviews the first page, Section IV, they are addressing the age question that was raised. S. Weeks asks how we define a guest. T. Yasenchak states that it would be someone who is not part of the family and not on the lease. M. Hill states that someone who does not claim it as their residence would be considered a guest. D. Pentkowski states that this would be a serious enforcement issue. They are comfortable in modifying that ever so slightly to prohibit it in the lease. On page 2, paragraph 1 discusses the existing PUD language, the proposed PUD language and what will remain in effect and what will be new. There is language dealing with the buffers and setbacks. Discussion takes place that the word 'buffer' and the word 'setback' are not interchangeable and that there should be specific language as to what each is. M. Hill states that a buffer would be a vegetative area and a setback would not necessarily be vegetative. T. Yasenchak states that you do not build anything within that setback, no structures. R. Roeckle states that he has a question on the uses. It states that, Section IV, 'such other accessory buildings and structures customary and necessary to serve the new principal structures and uses set forth above.' If we are not going to allow any other structures than what they are showing on the site plan, why do we even need that? M. Hill states that utilities might have transformers and transformer pads, etc. He was not thinking buildings per se, but they still might constitute structures technically. T. Yasenchak states that something like that would fall under site plan review. If they want to build a structure that is not on the site plan, then they would have to come back. R. Roeckle reads the definitions of structure vs building from the zoning code. Further discussion takes place that it would be ok to grade within a buffer as long as there is restoration of the vegetation. Page 6 revisions are reviewed. R. Rowland states that there is a requirement in the Town of Greenfield to notify the Town Clerk in advance of any blasting. Discussion takes place regarding the last paragraph on page 6 and beginning of page 7 regarding the Town Board granting extensions. The phrase 'providing, however, ...based on good cause' will be omitted. C. Baker states that on page 6, the Town Engineer typically does not do inspections on private property. The design engineer will provide certain certifications based on requirements of DOH and DEC. R. Rowland states that every building will not receive a Certificate of Occupancy; some will receive a Certificate of Compliance. T. Yasenchak asks that the Board members read thru the document and forward any comments, as soon as possible, to the Building Department and then we will forward them to the Town Attorney. There are no comments at this time regarding the draft resolution regarding the Country Squire green space at this time. T. Yasenchak states that in the draft negative declaration, she questions if the construction phasing is listed as mitigation. There are no comments on the draft recommendation unless there are changes that need to be made based on the changes discussed tonight to the PUD language. T. Yasenchak states that the PUD will incorporate the construction phases. Page 4, Draft Recommendation, she states that it almost states that the second access was eliminated and made emergency access only because of the traffic study but she thinks that the Board felt that they took that out because of the inferred danger. This section will be revised based on the updated traffic analysis from Greenman-Pederson.

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ZBA REFERRAL

HARVEY ZIROFSKY – Temporary Use Variance

T. Yasenchak states that she has worked for the applicant and designed a septic system, but not for this property. The applicant is requesting a temporary use variance to allow him to reside in the existing house while building a new one. No Planning Board issues.

Meeting adjourned 9:40 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary