

**TOWN OF GREENFIELD
PLANNING BOARD**

August 29, 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, John Bokus, Thomas Siragusa, and John Streit. Nathan Duffney, Michael Gyarmathy, Stan Weeks and Robert Roeckle, Alternate are absent. Charlie Baker, Town Engineer, is present.

MINUTES – August 8, 2017

As J. Streit was absent from the August 8, 2017 meeting and would need to abstain, there would not be a quorum, so the minutes will be reviewed at the next meeting.

SARASPA ROD & GUN CLUB – Special Use Permit
Case#605, Porter Corners Road

T. Yasenchak recuses herself. T. Siragusa states that we cannot take action on this case as there would not be a quorum; however the public hearing will take place as it has been advertised.

A public hearing is opened at 7:50 p.m. Gerard Moser explains that the present operating hours for the outside ranges are from 9:00 a.m. to 8:00 p.m. except for the shotgun range. Years ago the hours got limited to the scheduled league days which were Saturday and Sunday from 9:00 to 2:00, and Tuesday and Wednesday from 6:00 to 8:00. They are looking to coincide all the hours so that they are the same. They do not expect there to be more activity but when they have certain events scheduled for a Saturday or Sunday and they need to cancel due to the weather or some other reason, or they need to push it back later in the day, that is what they are looking to be able to do. They would like to unify the hours so that all the hours on the outside ranges would be from 9:00 a.m. to 8:00 p.m. across the board. T. Siragusa asks if any other changes are being made. G. Moser states no, they are only looking to unify the hours and it makes it less confusing for everyone. T. Siragusa asks if there will be additional activities if they had additional hours. G. Moser states no because the range itself is set up and operated with someone there to operate the throwers. Presently they only operate Saturdays and Tuesdays. They are just looking for unity. They also do about 3 to 4 hunter education programs per year and there is a lot of firing component to that. They would rather do that in the afternoon but because of the limited hours to shoot shotgun they have to do it first thing in the morning. Hunter education is public, they are certified instructors through DEC and it is all volunteer. T. Siragusa asks if the hours for the shotgun range were the same hours, would the number of hours of actual activity or shooting increase. G. Moser states that he does not see it increasing. Right now they are not even using all the hours that they are allowed to use so he does not see that happening. What would happen for them is that there are other clubs that do similar events on similar days, so maybe instead of doing something on a Tuesday night they would be able to do it on a Thursday night. It wouldn't change how many hours they are operating but they might have a few more people showing up. Sara Lieberman, Porter Corners Road, states that she is a neighbor, about ¼ mile down the road and they have been subjected to the skeet shooting, the 200 meter range, etc. The noise is incredible. If they had young children that they had to put to bed in the early hours of the evening, she would not be able to use 2 of the bedrooms in her house because the noise wraps around the house so badly that a child would never be able to sleep. They have put all new windows in the house, they have increased the insulation in the house and they have to have some kind of diversion in the house in order to cope with the noise level. The skeet shooting, when they have it in the evening, is probably worse than a lot of the stuff that goes on during the day. Since the Liebermans moved

there, the applicant has been cutting down trees – they cut more behind the skeet shooting range, they have now cut down more between her property and the 200 meter range. Every time you cut down a tree the noise level goes up. In the wintertime it is absolutely awful, especially on a cool, crisp evening the noise is just astounding. She would ask that the members of the Board, before they make a decision, might want to spend some time on Porter Road when some of this activity is going on to get a feel for the level of noise. She states that she understands that the members are enjoying their activity; however they are there for a couple of hours. The people who live on Porter Road and some of the surrounding areas are listening to this sometimes 11 hours a day. She would also ask the Board to take into consideration how many of the members are Greenfield residents and if the number of non-residents far exceeds the number of residents, she would ask the Board to have some courtesy and consideration for the people who live here, pay taxes here and have been here for years, and perhaps the right to peace and quiet possibly outweighs someone wanting to be able to shoot 7 days a week until 8:00 at night. Lorraine Fiorino, Porter Corners Road, states she lives next to the Liebermans. She is probably the closest residential neighbor to the club, she bought a house next to the Rod & Gun Club, she is happy to coexist with the Rod & Gun Club, but a bunch of the neighbors did come several years ago to express that while we are happy to coexist with them, we did not want to see expansion. T. Siragusa asks what she means by expansion. L. Fiorino states that they do not want to see the hours of shooting expanded. She knows they have a long waiting list for membership. We don't necessarily want to see that they maybe double the size of their building or put in more outdoor shooting ranges - maybe indoor shooting ranges that we would not hear as much. T. Siragusa asks the reasons – sound, other reasons. L. Fiorino states that it is a residential area but the Rod & Gun Club was there when she purchased her home, she knew they were there, but it is a residential area. We don't want to hear it, we don't want the hours to be expanded, we don't want to hear more than we already do. Sandra Arnold-Spaulding, Porter Corners Road, states that her concerns are that the Club bought up a lot of property and are they going to increase the membership, and if they increase the membership, even though the applicant says they are not planning on shooting more, he can't be for sure. When they cut down the trees, the noise has gotten louder. She used to hear it when she was outside, now she can still hear it inside with the tv on and when she turns the tv up louder. She asks if they found out why the hours were decreased previously. She knew that the Rod & Gun Club was there when she bought her property, but she does live in the country and would like some quiet in the evening or to be able to enjoy a weekend without the constant noise. S. Arnold-Spaulding asks since they bought the property across the street, can they shoot there during hunting season. Is that open hunting? T. Siragusa states that he does not know. Leon Lieberman, Porter Corners Road, states that he would advise the Board to do their own investigating by parking on Porter Corners Road and hearing for yourselves what the sound is like. He can assure the Board that when they built their farm almost 30 years ago, the sound was nothing like it is today. It really got bad when the Club was given permission by the Town to build the 200 meter firing range. He states that his situation is kind of unique being that they manage a horse farm. You might not think of the safety of the people who work with the horses and the hazard that gunfire presents to these people. It has gotten to the point where they try to limit the time that they work with the horses to those times when firing is not permitted; even so there have been so many violations of the time that they are permitted to fire. He states that one time his wife had dismounted, the firing started at 8:50, the horse she was working with went straight up into the air and came down on her foot. They ended up in the hospital. Those things are not unusual when working with horses. To liberalize the hours when shooting is permitted, especially shotgun fire, which is much louder than most of the other weapons that they use, increases the hazards for which they, in their unique situation, face. He states that he does not want to hear that they should have known about it because the Club was there before he was, which is true, but the gun club in its present form was not there before they arrived. They arrived before the 200 meter range and before the application to increase the hours of skeet shooting and firing of shotguns. He thanks the Board for the opportunity and appreciates their consideration. Justin Burwell, Ballou Road, asks the Board to definitely look into allowing the increase in hours for the use of the shotgun field to mirror the rest of the ranges. Right now he is one of the volunteers who helps to run the skeet field and, more often than not this year, with the weather that we have had, they have had to cancel shoots and not been able to reschedule them. They do have a very active crowd of people who are very safety oriented, very detail oriented and they are not able to enjoy some of their hobbies. As a town resident, he is one of them. He also spends a lot of time at the Porter

Corners firehouse and more often than not he goes to the range and there are not a lot of people. He asks the Board to look into that to see how often people are actually there. They want to co-exist with the community but they would like to mirror the hours. Jama Peacock-Birsett, Young Road, Town resident states that she would like to respectfully submit that she understands the concerns of the neighbors. She is a member of the club and has been active for several years, and, in agreement with J. Burwell and G. Moser, she would ask the Board that they do consider the application to allow shotgun to mirror the other hours. Many of the people, as J. Burwell said, are not present the many hours of the club. She has been there several times and there may have been one or two people who were shooting intermittently. Many times because of timing of events, for instance those who work extended hours and are doing many things out of the area, are unable to participate in events that they would like to do. She understands that the neighbors struggle with some of the issues that come with this, but at the same time they would look to coexist and do the best they can to encourage meeting the needs of the members, operating within the confines of the regulations and trying to do the best they can for the community. Paula Shapy, Wilsey Road, Greenfield resident and member of the gun club, questions that she does not believe that the 200 meter range is at issue here, it is just the expansion of the available hours for shotgun. So the loudness of the 200 yard range is really not an issue. If the Board was going to consider this request due to the noise issue, she would invite the Board to come sometime when someone is shooting on the 200 yard range to listen to the loudness factor versus the sound of the shotgun. In her personal opinion, the 200 yard range is louder, but again, that is not at issue. This is not for the shotgun range to be around the clock, it is just to give them more opportunities to make up for rain, snow, when they have to cancel and she thinks it is a fair request. She is a Range Safety Officer, she is a certified instructor and she helps out at the club every week. Leonard Muller, Greenfield resident, states that years ago he used to run the skeet range and there were many times that they would rather have run it on a different night because of weather issues. On one occasion he didn't realize that you could only shoot on designated nights and a couple of guys showed up on a Monday night, it was his fault, he actually brought them out and shot a couple of rounds. During the shooting sessions he has been down to the creek, to the firehouse and gone down with a decimeter, and the noise down there is very slight compared to being up close. The 200 yard range makes a lot more noise than the shotgun, which is a dull boom compared to rifle fire which is much more sharp. He would ask that the Town fathers and mothers pass this resolution because he thinks it would make it better for town residents. He would think that as a town policy you would encourage folks shooting at the gun range instead of willy-nilly all over town. He knows that there were instances of shots fired early but it was people out hunting and the club got the blame for it all the time. The club is very adamant as to the membership not shooting before 9:00 and not shooting late. T. Siragusa reads letters into the record from: Sean Byrnes, in support of the application; Tom and Paula Hill, opposed to request; Matthew Musso, opposed to expansion of hours request. Dan Henderson, Grange Road, Greenfield resident and member of the club, asks the Board, even though we have heard a lot of opinion, if there is any additional information the Board would like from the club as far as facts or statistics, they would be happy to provide that. They would also like to instill the fact that they are all very professional as far how they go about their range safety and design of these courses. He does not live that far from the club, he works from home when he is not traveling, if he hears anything beyond the ordinary he has run over and checked it out. It can be frustrating at times, he can imagine for some of the local residents, but most times there really isn't a lot going on over there as far as large outbursts, it can be deceiving. As far as complete clear cutting for logging, that is not taking place and they can provide information on that as well. Board discusses closing or adjourning the public hearing. The public hearing is adjourned at 7:40 p.m.

J. Bokus asks if the applicant has any figures on how many members use the club on any particular day. G. Moser states that he does not have that with him. The busiest range would be the 50 yard range. The 200 yard range is probably the least used range on the property and it probably gets used mostly as we are heading into hunting season. It would pick up between now and October, as you have a lot of folks who are getting ready for hunting season. Generally the rest of the year is very quiet on the 200 yard range. T. Siragusa asks how much clearing there has been. G. Moser provides a map. They purchased 117 acres on the other side of the road, primarily to minimize the exposure of someone coming in and buying the property, building, and then complaining to the Town about the noise. It was solely for the purpose of building that

buffer to minimize the amount of residents who will be exposed to the noise. As far as logging, he indicates on the map how much of the property is used by the range and where the logging is being done. He states that a resident of Bockes Road came to the club's board and asked to get permission to cross the club's property to get into his property through the power lines. They granted that permission so that gentleman could log his property. Since then they have spoken to their logger and their logging was either on the property they purchased on the other side of the road, or in an area he indicates on the map. As he did state in the original meeting, there were some trees in the parking area that they did take down for the sole purpose of having the sun come through to help dry out the parking lot. Other than that, they have not taken down trees on their side and indicates on the map where trees were removed. G. Moser explains that the club has not expanded. He did some research and the hours changed on the shotgun range somewhere during the process of the special use permit being adopted for the 200 yard range. He believes that the league hours were somehow misinterpreted, although he was not present at the time. Those hours were misinterpreted as the total operating hours instead of being listed as the league hours of the shotgun field. Prior to that the shotgun was open the same hours. T. Siragusa asks what the future plans are for the property across the street that they purchased. G. Moser states that there are no future plans – their focus has been on what they have and what they are using right now. To the question about hunting – is it legal to hunt there, yes it is. As far as DEC is concerned, anyone can hunt on that property. He states that they have spoken to DEC, they run a youth hunt, and the club has offered it to them for that purpose. The Encon officers would be running the hunt. The Club does not allow hunters on any of their property. There are people who do hunt the property, they are coming into the property from the backside, but the members are very aware that they cannot hunt on the property. The only place they are allowed to discharge firearms is on the range. They have caught people hunting on the property and it has not been members. T. Siragusa asks what the club can do to appease the neighbors. G. Moser states that, as an example, he lives in Malta, very close to the raceway. When the races are going, on Friday nights they run from about 5:00 p.m. to about 11:00 or 12:00, his windows will literally rattle, but they were there first. He moved in, he can't go and blame the raceway for making noise. T. Siragusa states that you can if they added another raceway and added the nights. G. Moser states that the gun club is not looking to expand; they are looking to give themselves some options so that they can hold events on different days or different times. Having the volunteer base operate the shotgun field is still limited to the 3 or 4 people who are sitting in this room. The fact that they do not utilize the 4 days they have right now is tell-tale that they are not going to be able to expand because they are not even using what they have available to them. They just want the option so that when it does rain. Some folks want to be able, if they come out on a Tuesday night, to start at 4:00 or 5:00 rather than wait until 6:00. T. Siragusa states that his question has not been answered. Is there anything else that could be done rather than expanding the hours, which is a big change? G. Moser states that he does not know that there is anything because the neighbors' concerns are noise and there is really no way to mitigate all the noise. They are not adding any more shooting, they are not adding any more events, they are just trying to utilize the events that they already have out there and try to make them a little more applicable to the membership. About 1/3 to 1/2 of the membership are not Greenfield residents. He does not have the actual count as they are currently going through their membership period and the renewals are coming in. As of last year they were close to 500 members who were Greenfield residents. There will always be a certain amount of noise that will come from a range. He states that they have been brought into Court a couple of times for complaints that were not the club and it has come out that it was other people later on. It wasn't them and they have done what the town has asked of them – they have adjusted, adapted and tried to educate the membership to make sure that the club is not being at fault anywhere. The last time someone complained about the club they spent \$4,000 on signage to help mitigate that they do not have those problems. They bought the additional property to mitigate having more people build and develop near the range. They currently own 242 acres; they are trying to do what they can as good neighbors to minimize the exposure. He states that they have done some other things to try to minimize some noise – building berms, adding more dirt to existing berms, etc. He reiterates where the logging was done. T. Siragusa questions if the property that was logged is near the neighbor who wrote the letter, Musso. G. Moser states that it is near Musso and that there is a lot more to that situation than mentioned. T. Siragusa states that would then be west of the club. T. Siragusa states that regarding the letter from Mr. Musso not wanting any consideration of expansion because of an ongoing litigation, we did

have our attorney look at that. If there was a physical expansion in that particular area – a building, a new shooting site, etc., that might be a factor, but it was our attorney’s opinion that this is not really a factor. This is an expansion of hours not of use itself. The letter was entered into the public record and the Board will continue on with this particular project. We did discuss in the previous meeting whether a site plan was required and because it was a seemingly simple hours change, that probably looking at a site plan would not be required. T. Siragusa states that would be something for the Board to discuss. Personally he would like to know more about the tree removal, exactly where it is and understand better how that could affect sound. He thinks it would be unreasonable for the Board to hear that many concerns with noise and not look into it a little bit further. That might open the door to whether we really look at site plan or not, but he thinks a good thing to look at would be to understand on the map and submit to the Board, to understand where the logging is, even across the street, anywhere that it is happening. Since we adjourned the public hearing we can reopen that the next time so that the public can understand and see the tree removal better. T. Siragusa asks the applicant to think about some type of mitigation. They have already had the idea that they built the berms. He thinks that the club certainly has shown that they can work with the Board in the past. He is not so sure about being able to work with the neighbors, but that is between the Club and the neighbors. We will reopen the public hearing, see what the cutting has been, maybe some kind of before and after, so they can see over the time that logging has been going on. If they can think of some other types of mitigation, like they have the berms, maybe something on top of the berms, etc. He didn’t really hear anyone saying that they want the club to go away, they just want to enjoy some peaceful evenings, even if that means scheduling it. To the applicant’s point, about the racetrack, it is just as valid, he absolutely does have rights if the racetrack decided they were going to be open 24/7 and when you moved there they were only open on Sundays, for example. Or maybe it is hours that are flexible for rescheduling or other league times, that doesn’t mean 7 days a week. C. Baker states that he is a member of the club so he prefers not speak on this.

MICHAEL & ROSE McBILES – Minor Subdivision

Case #601, Spier Fall Road

M. McBiles is present. T. Yasenchak states that a public hearing is scheduled for this project as well. M. McBiles explains that they have 47 acres of which about 15 acres is a pond. The pond divides the property into approximately 2/3 on one side and 1/3 on the other side. They are attempting to sell the house and in order to facilitate that they would like to subdivide and keep about 12 ½ acres, the part on the other side of the pond and sell the rest. The surveyor has come out to make some corrections which the Board had questioned. The flood plain has been added to the map; DEC came out and pinned part of the wetlands, just north of the proposed house. He just got that information today. He was told that DEC will be sending a letter that there are no other concerns and that the map is accurate.

A public hearing is opened at 8:07 p.m. Armand LaFerrier, Spier Falls Road, questions that the applicant is taking 14 acres for himself and the rest will go. He questions if it is to build a house or many houses. M. McBiles states that the 13 acres that he will be keeping he does not have any real plans for right now, other than that it will have a buildable site on it. T. Yasenchak explains that this is for a 2 lot subdivision – 1 lot remains with the existing house and then there will be another lot that may have one principle building built on it. There being no further public comments, this public hearing is closed at 8:09 p.m.

T. Yasenchak states that she does see that the notes were modified. We had also asked for a notation about the sight distance which is on there, but we don’t have anything that says whether or not it meets the requirements. M. McBiles states that he thought it was corrected, but it is not there. C. Baker explains AASHTO requirements and that there should be some confirmation that the sight distance was measured in accordance with their standards and it meets the required standard for the 55 mph speed. The distances are shown, they do appear to meet the requirements, but we need that statement somewhere. He questions that the applicant is proposing a new driveway for lot #1 and they did not show the sight distance information for

that. C. Baker states that he has a concern with that because of its proximity to that curve. M. McBiles states that the actual entrance to the driveway does not change, there is a little section of what is actual a skid road right now that impinges on the wetlands and the only reason he put that proposed driveway in there is to not to have to hassle with DEC approvals. T. Yasenchak states no, she believes C. Baker is talking about the lot with the existing house on it. C. Baker states that if it is existing he would not question that, but it looks like there is a proposed driveway. M. McBiles states that the solid lines are designating asphalt. Nothing is changing on lot 1. T. Siragusa states that everything is addressed, just need the letter regarding sight distance. C. Baker is fine with this being a contingency. The Board reviews SEQRA at this time.

MICHAEL & ROSE McBILES - SEQRA

MOTION: J. Streit

SECOND: J. Bokus

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Michael and Rose McBiles for property located at 240 Spier Falls Road, TM#112.-2-63.1.

VOTE: Ayes: Bokus, Siragusa, Streit, Yasenchak

Noes: None

Absent: Duffney, Gyarmathy, Weeks

MICHAEL & ROSE McBILES – Minor Subdivision

MOTION: J. Streit

SECOND: J. Bokus

RESOLVED, that the Planning Board approves the application of Michael & Rose McBiles for a Minor Subdivision of property located at 240 Spier Falls Road, TM# 112.-2-63.1, with the following contingencies:

- **Provide the NYS DEC letter confirming the location of the wetlands**
- **Applicant provide an updated map that shows the flags for the existing wetlands**
- **Applicant to provide correspondence verifying that the sight distance at the new driveway meets the AASHTO standards**

VOTE: Ayes: Bokus, Siragusa, Streit, Yasenchak

Noes: None

Absent: Duffney, Gyarmathy, Weeks

SANDRA ARNOLD-SPAULDING – Minor Subdivision

Case #603, Porter Corners Road

Sandra Arnold-Spauldning is present. T. Yasenchak states that the only thing the Board had asked for was verification of the sight distance. C. Baker states that he has spoken to Ms. Spaulding. The applicant explains that she is proposing to subdivide her property into three 3-acre lots; she plans to eventually sell the house; get a handicap modular and putting that on the middle lot which would be behind the garage that is there now. She will be keeping the third lot for the time being.

A public hearing is opened at 8:32 p.m. Lorraine Fiorino, Porter Corners Road, states that she supports the applicant and she is directly across from this subdivision. There being no further public comments, this public hearing is closed at 8:33 p.m.

C. Baker states that he is satisfied with the information on sight distance.

SANDRA ARNOLD-SPAULDING - SEQRA

MOTION: J. Streit

SECOND: J. Bokus

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Sandra Arnold-Spauldung for property located at 255 Porter Corners Road, TM#124.-2-20.2.

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

SANDRA ARNOLD-SPAULDING – Minor Subdivision

MOTION: J. Streit

SECOND: J. Bokus

RESOLVED, that the Planning Board approves the application of Sandra Arnold-Spauldung for a Minor Subdivision of property located at 255 Porter Corners Road, TM# 124.-2-20.2, as presented.

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

WITT CONSTRUCTION – Bond/Subdivision

Case#506, Lester Park Road

The applicant has requested a postponement to the September 12, 2017 meeting

PRESTWICK CHASE – PUD AMENDMENT

Case#595, Denton Road

T. Yasenchak explains that at the last few meetings the Board has been having some discussions. The Planning Board has been asked by the Town Board to provide a recommendation for the proposed PUD Amendment for Prestwick Chase. We have had some discussion about the information that has been presented to us. We have also been in contact with the Town Attorney to make sure that we are following the correct process in our recommendation. We have a draft and would like to speak with the applicant about some of the things that concerned the Board. T. Yasenchak states that as part of the process that is outlined in our Zoning Law, it does require that we review SEQRA or make a determination. The options that we have are that we can determine that we don't have to reopen SEQRA or we can reopen SEQRA and do a review. The applicant has provided a long form SEQRA for review. We do still have an open public hearing on this.

A public hearing is opened at 8:50 p.m. Charlie Dake, Environmental Commission, states that he has a letter from Kathy Bazzoni, that they are going to be discussing at their next meeting. This is not yet an official recommendation of the Environmental Commission but since it might be timely, he has copies for the Board. Paul Bouchard, Denton Road, wants to clarify at what stage the Board is in. He states that the project is not in the spirit of the Town being rural and he still has a concern over the second exit. There being no further comments at this time, the public hearing is adjourned at 8:56 p.m.

T. Yasenchak states that the Board has had discussion about how the proposed application fits within the purview of what we need to review as well as the PUD objectives of the Town and the Comprehensive Plan. These are all items that are listed within the Code that we have to address in our recommendation and the report that goes with that recommendation. Whether or not the proposal conforms with the Town's Comprehensive Plan – part of what was discussed is that the Comprehensive Plan states that the plan for Greenfield is to remain largely rural with large residential parcels. This project represents an overall building coverage and additional coverages of over 2 acres in comparison with the existing PUD. It proposes to site 117 single family homes ranging in size from 1500 to 2600 or 2700 square feet. With the resulting density, the Board is concerned with the density of the buildings on this lot seeing how in the surrounding zoning district, this is MDR2, that residences in this district, even with septic and water, need to be on 2 acres each. There is concern that having 117 single family homes on 9.7 acres, that is not including the additional mixed use and multi-family buildings, and also not including the existing structure, but just looking at the 117 homes, it appeared that it was more dense than the rural character of the neighborhood. Whether or not it met the intent objectives of a Planned Unit Development and T. Yasenchak goes through those items. We looked at whether or not this project would create more open space and the applicant did provide information as far as the overall building coverage as well as the areas of forest land, grass, lawn, etc. However, there was an increase in the previous PUD and site plan. The increase in the number of proposed new buildings went from 38 to 130. In addition, the spacing between the buildings was very narrow and it produces an appearance of less open space and increased visual density. That was a main concern of the Board, the concern of the visual density and that it would no longer have a rural character as the buildings are so close. Whether or not there would be preservation of lands – the applicant has provided a concept plan which includes notations of future development that previously was noted as not being developed. The Board had concerns with that, more specifically on the southwest side. We had significant discussions at the last PUD review that there would be no buildings on that corner and the site plan that we now have says future development. The Board was also concerned about the proposed multifamily buildings that were on the south east corner that would be visible directly from the field across Denton, but we did have discussion during our review and the applicant had said that they would remove those buildings and possibly put some 2-story single family residences there. Regarding recreational areas, the project didn't propose any new or additional recreational areas and the Board did not have any issues with that beyond what the applicant had proposed before. Whether trees, topo and other outstanding natural resources would be preserved where possible – the Board was concerned about the density and the location of cutting that would be happening. It didn't seem that that was adequately addressed. That the land shall be used efficiently – there was concern that this plan was less efficient because of the additional development for the size of the houses, the size of the units have increased and there seemed to be additional road area. Yet there are less housing units, but the coverage and the buildings were increasing. Whether the proposal complies with the general requirements of the zoning law – area minimum, no issue; permitted uses, residential uses are consistent with the town zoning, however the proposed 117 is excessive for the density of acreage in comparison with the community and adjacent character. The Board felt that there were inconsistencies in the application as far as the commercial services and mixed use buildings. That was not covered in the modifications to the PUD. We received only 2 paragraphs of revised language that only dealt with the addition of single family homes, the removal of the 3 story buildings and the additional 12 months for phasing of the construction. The PUD amendment did address the mixed use. The site plan we are looking at shows all apartments and single family houses beyond the existing building, so the Board felt that it was vague as far as not knowing whether there would be commercial spaces in any of the 2-story buildings because that seems to be in the code language even though in the narrative the applicant seemed to say that there were not going to be commercial spaces on the first floors with apartments above. As far as the existing PUD location, it is unchanged by this project and its amendments. While the Planning Board believes that the inclusion of the single family residences and the removal of the previously proposed 3-story mixed use buildings better suits the rural character, there was concern that the 117 proposed single family homes with attached garages seemed excessive for the rural area. As far as density is concerned, because the land is typically used more efficiently in a PUD, environmental quality can usually be maintained with somewhat greater density than is usually permitted. Because the zoning in the surrounding neighborhood is for 2 acres per residence, the

Board felt that the additional 117 single family buildings or the addition of 92 additional buildings, beyond what was proposed at the last amendment, was excessive. The Board felt that there was not enough information on the location of the proposed homes. In most PUD's that would deal specifically with single family homes, there are area and bulk schedules that will often list out what the maximum square foot footprint of a structure can be, how far it should be from a road, how far it should be from the property lines, etc. The Board felt that that was not addressed in the PUD language and as we would go forward it would be difficult to know how to cite those houses as well as for the Board to decide whether the density was appropriate. We would like to see some kind of area and bulk schedule. The Board was not sure that the parking requirements were addressed appropriately. She reviews what is required in the code. It was very unclear about the intentions for the proposed commercial space as stated in the PUD and not revised.

Ownership – the applicant has stated that the ownership of all of these buildings will remain with Prestwick and/or as the PUD states, that it can be owned or operated by different business entities and the Board wanted to state that it is their understanding that these individual single family buildings would not be owned by individuals, that they would still be owned by a business entity and/or the owner of the project at large. Whether or not the uses proposed would be detrimental to the natural characteristics of the site or land uses – the Board will continue to discuss this and whether or not we feel that there are impacts from the additional buildings or density of this project, and whether we feel the need to reopen SEQRA. Whether or not the applicant addresses phasing – the application that we have in front of us does address that the one amendment to the PUD for phasing, but it only states that the owner will complete the construction of all improvements for all phases within 72 months. It did not include any additional revisions to the PUD language and in Section 8 of the existing PUD language, there are several paragraphs that address construction phasing and none of that was revised as part of this application so there are inconsistencies. The Board feels that that section needs to be revised as well to be consistent with the plan. Whether or not the proposal is conceptually sound – The Board had several concerns that they felt were not addressed in the application or the materials presented. How the attached and detached garages would be used, if there would be anything with the single family buildings limiting the use or saying that it could only be used for parking. Whether the parking requirements per unit were met and safe pedestrian access within the community. The applicant had stated that most of these homes would be 2-stories and the Board is concerned about opportunities of aging in place with the size of these homes and the 2-stories. The Board has also noted that there is an inclusion of sprinkler systems within each housing unit and the Board wanted to know whether or not there is adequate water included in the water usage, storage and pump systems to adequately provide the water needed in case of an emergency. There were questions about the lock-box notations within the PUD. There was no mention of whether there would be one on each of the single family residential units or whether that needs to be changed in the PUD as well. Whether there are adequate services or utilities available – as far as the public services for emergency services, the number of housing units were decreasing so the Board felt that there would not be a change in that, however, we did just receive some letters from our Environmental Commission and they are concerned about the use of the water and the amount of water that is going off site. Traffic generated by the proposal and whether it would have an adverse impact on existing transportation network – it was noted that the applicant did provide an updated traffic study. The existing PUD is accessed only from Denton Road and the most recently approved site plan does have restricted use, double-gated access to Daniels Road for emergency vehicles only. They felt that with the traffic study and inclusion of that there were minimal changes to the traffic operations. T. Yasenchak states that the Board is at a point where they feel that because of the inconsistencies in the information and the vagueness of some of the information, we can discuss whether or not we want to reopen SEQRA. These are the Boards concerns, they have had a lot of discussion about them, a lot of them were brought up during discussions with the applicant previously and the Board would ask how the applicant would like the Board to proceed. The Board has the option to recommend denial, to ask for more information from the applicant if they felt that they wanted to provide that information instead of the Board making a determination or we can make a recommendation to actually suspend the review pending the completion of the SEQRA. Luigi Palleschi states that he can give a quick update because he feels that they did address a lot of the concerns that are on here. The biggest change made here was the southeast corner where they revised it to be similar to the 2-unit cottages that exist. It is the same style footprint, the same size attached garages, and just a continuation to

keep that area consistent with what is existing there. The rest is a conceptual design that they had put together. They did note what the dimensions are of the maximum footprint they used. They discussed several times that some of them may be on the bigger side and they showed them on the bigger side. There is a 10' minimum which meets fire code. Many of these units will possibly be smaller which will provide more green space in between the units. You will obviously see this during site plan review. This is a big improvement from the PUD that is already in place that allows 3-story units. The surrounding is MDR2, 2 acres, and that is because they don't have sewer or water. T. Yasenachak states that the zoning is 2 acres with public sewer. F. McNearly states that when the PUD was originally approved in 1998 it was ½ acre lot for sewer, since then the Town rezoned the whole Town and that is when they went to 2 acres. L. Palleschi states that the residences are hundreds of feet away from what the proposal is. He indicates that they are keeping the green space which was part of the original PUD which preserves a buffer of that 2 acre zoning. The previous PUD approval allowed a certain number of square footage disturbance and they have stayed within those limits, plus or minus a couple of acres. He states that they can certainly go back to the 3-story units if that is what this Board is recommending to the Town Board, but this is what they want to propose. He thinks that a lot of the details that the Board is asking for is very preliminary and they will provide it at the site plan level. Let's get this improvement first, they can't do that unless they go to the Town Board and get the PUD amended to allow the single families because from the very start, this Board liked what was being proposed because he has heard it a hundred times that they like the intent of what is being proposed. Let's get the intent approved and then we can come back and work out the fine details that this Board is really looking for. T. Yasenachak states that several of the Board members who had questions about a specific area and bulk schedule incorporated into the PUD language are not here, but when you have a residential subdivision there often is. L. Palleschi states that this is a PUD and not a subdivision. T. Yasenachak states that in similar applications or even when looking at Saratoga Polo, not the subdivision that they wanted to do, but the other buildings, the large condos –in the PUD language that they were proposing it specified a maximum coverage of buildings. She states that the narrative is not PUD language and that is what the Board has been advised; that they need to have something in the PUD language because that is the zoning for this lot, not the narrative. There are also other inconsistencies between the narrative and the PUD language. The Board wanted to see it actually in the PUD language, the area and bulk schedule, saying that there would be a maximum square footage of buildings on the site. It would allow for larger and smaller homes, but that the Board would not be looking at all larger homes. D. Pentkowski states that we discussed the last time they were here that this is a reasonable request, but that they cannot do it now. If the Planning Board recommends it to the Town Board and the Town Board says that is a good idea, then it can be incorporated. T. Yasenachak states that they can do it now. D. Pentkowski states that it is inappropriate for them to amend the language of the PUD. T. Yasenachak states that she asked that specific thing of the Town Attorney. The Town Attorney stated that if the 2 paragraphs submitted make the rest of the PUD inconsistent, we do have the right to ask for additional information. D. Pentkowski states that there are not inconsistencies. T. Yasenachak states that there are other inconsistencies. D. Pentkowski states that they cannot appropriately put in a bulk and area schedule. The Planning Board can say to the Town Board that we would approve if this had an area and bulk schedule, that has nothing to do with inconsistencies. He states that they cannot revise the application that they made to the Town Board. T. Yasenachak states that she can ask the Town Attorney again, but he stated that if the Planning Board felt that the information that was provided is not enough for the Board to make an informed decision, we can also say, not use it as a condition for approval, we can say because we don't feel we have enough information we can recommend a denial. Then the applicant would be providing a new application. That is also an option that we can look at. D. Pentkowski states that there was a concern about these being individually owned, how could that possibly occur without coming for subdivision. It would have to be subdivided. Discussion takes place as to how this is done with condos. T. Yasenachak states that there was a concern because the PUD states that it could be owned by other business entities, that the individual buildings could be owned by individuals. T. Yasenachak states that the major concerns were density and the Board not feeling comfortable, the applicant keeps saying that it would happen at site plan, but the Board does not know enough, based on everything she just read, if it is adequate for making a determination. L. Palleschi asks what the Board's definition is of density. T. Yasenachak states that there was a lot of discussion about the overall square foot print/area of the total

amounts of the buildings as well as the visual density of greenspace between buildings and the ability to put other trees between buildings, etc. It was the density based on not necessarily housing units but the buildings near each other and spacing. L. Palleschi asks how the existing PUD language defined as far as density. He thinks that when we went through this we decided on a maximum number of units and they are below those. T. Yasenchak states that some of the single family residences are twice the size of the units that were in the apartments. As part of the language we wanted to see a maximum size of the footprints. F. McNery states that on the other approval of the units, there wasn't square footage that was required from the Board for approval, it was units. So for the Board to say that there is more square footage or less square footage, you cannot stand on that. T. Yasenchak states that from what the Town Attorney said, when we are reviewing this, we are looking at the PUD as a whole - the buildings are different. L. Palleschi states that the Board did not ask for it in the current PUD. T. Yasenchak states that we had specific site plan that showed a building footprint and we knew the square footage of those buildings. T. Yasenchak states that we had a site plan that showed a building footprint. L. Palleschi states that we now have a site plan showing a building footprint. He represents a lot of PUDs in a lot of other municipalities and they actually have a density calculation on a per unit. He explains how they are preserving greenspace, wetlands and providing a buffer. T. Yasenchak states that what she read was drafted by the Town Attorney based on the meeting minutes of what was discussed. T. Siragusa states that there have been a number of meetings where the Board has asked for a number of things, asked an enormous amount of questions, and the only response that we have gotten is that we will hear about it in site plan review. He asks what else we could possibly discuss because the applicant heard a really long list of concerns. The original PUD language does not match what the applicant wants to do now, the phasing is a super example - it just doesn't match at all. The Board feels that there isn't enough information and L. Palleschi's responses have consistently been that the Board has everything that they are going to get from the applicant. They have not given one additional thing. To the attorney - the narrative and the PUD language don't match, and if you can sit there and say that they do, you are wasting your client's time. The applicant should probably go look at some of this because otherwise what the Chair is telling them is that we cannot move forward. D. Pentkowski states that you seem to think that the Planning Board has the ability to redraw the legislation and that is not what happens at this stage. The way the process works is that they make an application to the Town Board, there is a proposed legislation that goes to the Town Board, maybe it is not perfect and may have to be amended along the way, that is referred to the Planning Board. The Planning Board does not get to change that legislation. T. Siragusa states that the Planning Board is telling the applicant what our concerns are and asking for more information, and the applicant is saying no. D. Pentkowski states that what he is suggesting is that if the Planning Board has changes that they think should be made in the legislation, then one option is to recommend those changes. The other option is to recommend denial. The Planning Board is asking for something in between - you are asking for the applicant to change it here, but we can't do that. T. Yasenchak states that what we have been told is that we can't just look at two paragraphs that have been changed; we have to look at how those relate to the rest of it when doing our review and recommendation. D. Pentkowski states that you can look at that and make the determination, make recommendations back to the Town Board, but we cannot change that legislation here. If there is something in there about phasing that doesn't fit, you can recommend that that be modified. T. Siragusa states what about the two paragraphs that they did change. D. Pentkowski states that they made a simple application to the Town Board. They made very modest, minimal changes to the existing legislation deliberately to make it as simple as possible. Then that was referred to the Planning Board. He agrees that the Planning Board is not supposed to just look at those changes in those words, you look at what that could result in, but the law that was proposed to the Town Board cannot be changed by the Planning Board. T. Yasenchak states that per Mike Hill, the Planning Board can ask that the applicant submit revisions. D. Pentkowski states he is wrong; the Town Board did not refer something else to the Planning Board. T. Yasenchak states that M. Hill said that the Planning Board can ask for revisions since it is not consistent so that the applicant does not have to start the process over again. We could just write up a denial saying all these items haven't been addressed. D. Pentkowski reiterates that he disagrees. If that were the case they could make an application to the Town Board for one thing, come here and completely change it. The Town Board did not recommend it to the Planning Board and now we are acting on something totally different going back to the Town Board. L. Palleschi states that additional information was provided to the

Board. He asks if the Planning Board has not deemed the application complete. T. Yasenchak states that that does not mean that it is consistent. L. Palleschi states that the Town Board is asking the Planning Board to look at this PUD amendment and you have to deem it complete. You did not deem it complete for several months because the applicant kept providing information and revising. This Board did deem this application complete and the PUD law says that you have so many days, that they agreed to extend, to get back to the Town Board with the recommendation. Since the application has been deemed to be complete the applicant cannot provide more information. T. Yasenchak states that the Planning Board came to a recommendation of denial based on all those items, the attorney said why don't you have discussion with the applicant so they don't have to go back to square one. Perhaps the applicant could give you additional revisions so that you could provide a more positive recommendation. The Board is really trying to be helpful, not just recommending a denial. D. Pentkowski reiterates his position. J. Streit states that in speaking for himself, he shares the same concerns that have been shared by T. Yasenchak and T. Siragusa, and the same concerns raised by other Board members. His sense is that we don't want to deny this project, but we feel our responsibility is to have certain questions answered as has been expressed, before we take a vote. He has not heard one member of this Board, and he certainly does not feel that way, we don't want to deny this project but there is information that we think we should have been provided with that would address questions. He does not know if maybe it is appropriate for the applicant's attorney to speak with the Town Attorney to resolve some of the legal issues that have been raised tonight. We don't want to just arbitrarily have this project fail, but we do feel very strongly that there is some information that we want. Personally the idea of the single family houses is a vast improvement from warehousing seniors. We like that idea. There is a density question, etc., which raised concerns as to whether we are truly representing the Town in what the Town wants to remain like or not. This is resolvable, but requires more information for this Board. T. Yasenchak states that she may be remiss as far as that process goes. She can ask the Town Attorney as he may have meant that once the Board gave the applicant their concerns, they see the direction that the Planning Board is heading, giving the applicant the option of not necessarily making the law change or the change in the language here, but saying it may be that the correct process for that would be the applicant understanding the Planning Board's position and request adjourning discussion on this so that the applicant can present amended language to the Town Board to pass back to the Planning Board. L. Palleschi states that he feels that this Board should not have deemed the application complete. J. Streit states that complete does not mean acceptable. T. Siragusa states that the Board keeps asking for things and the applicant says no. We have been really clear that the applicant is tying our hands. J. Bokus states that he is a little overwhelmed by the process. He believes that J. Streit brought up some good points. We don't want to turn it down, he believes. He is confused about what our lawyer has said; maybe we are not understanding what he meant. This is an involved project. We did deem it complete, but that doesn't mean it is accepted. F. McNeary asks when the time line is up for this. T. Yasenchak states that the Board had asked for an extension. Typically it is 35 days but because of when our meetings fall, that tends to not work. At the meeting we deemed it complete, it was agreed to extend to the 31st of August. The Board could ask to extend that time period or just make a decision tonight. F. McNeary states that we can put our heads together and try to come up with something tonight. He would like to suggest that they give the Board an extension of a couple of weeks, whenever the next meeting is, and let the attorneys talk about this because as J. Streit stated, we are at a logger head and it is more of a legal logger head. He knows that the Board would like to see less density and we are getting to the magic number of where this project is not going to fly if we shave too much more off of it. He suggests an extension to the next meeting in the spirit of working together. T. Yasenchak states that an extension would help because she may not have verbalized the process correctly. D. Pentkowski states that they would extend the time to the Planning Board's next meeting, September 12th. T. Siragusa states that the only thing we are extending the time for is for the attorneys to speak. If the attorney advises that we should learn more about what we are asking for so that we can make the recommendation, we are going to need more time. T. Yasenchak states that with the Board of only 4 members tonight, she does not think it would be appropriate to discuss reopening of SEQRA. We can discuss that more at the next meeting. Knowing our concerns, that is something for the applicant to think about too.

WITT CONSTRUCTION

T. Yasenchak states that their bond has come due and we have a letter from our Code Enforcement Official asking for a recommendation to the Town Board, on his behalf, as he feels that the trees were not planted correctly. Cornell said that they did not necessarily meet the plan.

DISCUSSION

C. Baker states that he does not hear any of the Board saying that they are against the Prestwick project. He thinks that a lot of the problem is in the way that it is being presented. He suggests what if the Planning Board makes a recommendation to deny based on all the items spelled out, send it back to the Town Board and at that point, the applicant is going to rewrite their legislation. To him, based on those points, it is going to get voted down. What is the harm? T. Yasenchak states that she originally drafted it as a denial but M. Hill rewrote it to be a recommendation to adjourn it because we should give the applicant the opportunity to make the changes. Discussion takes place regarding the discussion with the applicant. T. Yasenchak states that she believes that the Town Attorney was just trying to be nice about it. C. Baker states an Article 78 can be filed by any of the neighbors if the proper procedure is not being followed.

Meeting adjourned, 10:04 p.m. All members in favor.

Respectfully submitted,

Kimberly McMahon

Rosamaria Rowland