

**TOWN OF GREENFIELD
PLANNING BOARD**

November 10, 2015

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:01 p.m. On roll call, the following members are present: Tonya Yasenchak, John Bokus, Michael Gyarmathy, Thomas Siragusa, John Streit, and Stan Weeks. Nathan Duffney and Robert Roeckle, Alternate are absent. Charlie Baker, Town Engineer is present.

MINUTES – October 27, 2015

MOTION: T. Siragusa

SECOND: S. Weeks

RESOLVED, that the Planning Board waives the reading of and approves the minutes of October 27, 2015, as submitted.

VOTE: Ayes: Bokus, Siragusa, Streit, Weeks, Yasenchak

Noes: None

Absent: Duffney, Roeckle

Abstain: Gyarmathy

PLANNING BOARD CASES

STEPHEN & BETH PODHAJECKI – Special Use Permit/Site Plan Review

Locust Grove Road

Stephen & Beth Podhajecki are present. B. Podhajecki explains that they own a 153 acre parcel which S. Podhajecki's family has owned since the 1940's. They plan to move here from Connecticut, build their home and open a bed and breakfast as their primary business and operate their horse and carriage ride company. This would be a semi-retirement business for them. The carriage rides are for special events and private rides by appointment.

A public hearing is opened at 7:04 p.m. Andy Taylor, Brigham Road, states that he thinks that this is a great idea and asks how far back the rides would go. S. Podhajecki states that they would be using the existing wood road/logging road and a portion of which goes to the back property line. A. Taylor states that eventually, one of his thoughts is that he would want to be even more secluded than he already is and might want to put a house way in the back of his property. He states that he would hope that that would not bother the applicant and seeing a sleigh ride go by would not bother him. B. Podhajecki states that they have a neighbor in Connecticut whose house is set way back on their property and in the winter, without the leaves on the trees, they go right passed that house. There being no further public comments, this public hearing is closed at 7:06 p.m.

T. Yasenchak reviews that this is an application for a special use permit/site plan review. The Board has received the letter from engineer Harold Berger regarding sight distance, stating that it is compliant and consistent with NYS. C. Baker states that he received the letter today, but questions what the posted speed limit is on this section of Locust Grove Road. If it is 45mph, the regulations are different. B. Podhajecki states that she had the same question tonight and they have called H. Berger and he will check it again. C. Baker states that the worst case scenario is that they would have to move the driveway location. T. Yasenchak questions approval with contingencies. C. Baker states that the Board should wait for that to be

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verified before proceeding. In reviewing the regs, if the speed limit is 45 mph, the applicant would need 635 to the left, which they have, and 570 to the right so they would have to gain 90'. T. Yasenchak states that if it does need to be moved, it should be noted on the plans. S. Weeks states that he is pleased with everything that has been submitted and the project. T. Siragusa states that the only open issue is the sight distance. M. Gyarmathy states that he thinks it is a great project also with the sight distance being the only unresolved issue. J. Streit and J. Bokus states that they are fine with the project.

UMH/Brookview MHP – Special Use Permit/Site Plan Review
NYS Route 9N

Mark Millspaugh, Marty Mancini and Alexandra Berstein are present for the application. T. Yasenchak reviews that we have seen this project before in 2014 and this applicant did have to go to the ZBA for an area variance for the lot sizes, which they were granted and are now back to the Planning Board for Special Use Permit and Site Plan review. Alexandra Berstein, colleague of D. Engel is present on behalf of UMH, reviews that they are seeking a 64 lot expansion to the property, the applicant had received site plan/special use permit approval for this same expansion in February of 2007 and at that time UMH had acquired all of the relevant approvals from State and Federal agencies including DOT, DOH and ACOE. They had also put in place a restrictive covenant to make a tract of land forever wild. Construction commenced on this project in 2007 and was halted in 2008 due to economic concerns. In 2014 the applicant came back before the Board requesting reissuance of this special use permit for the same 64 lot expansion. They appeared before the Board a number of times and continued to work with the Board to supply any additional information that has been asked of them. The Board did eventually determine that they could not act on the application at that time because of mobile home lot size requirements which were added to the code subsequent to the Board's 2007 determination. The applicant applied to the ZBA and was granted an area variance on October 6, 2015 and under that variance UMH can now seek the site plan approval and a special use permit, which they are now back to seek. Mark Millspaugh reviews that when approvals were obtained in 2007 one of the time critical elements was the US ACOE permit for the culvert crossing and drainage. This culvert needed to be installed under the wetland permit so the embankment and culvert were completed. Similarly there are a couple of drainage ways thru the expansion area. Those culvert installations were covered under the wetlands permit and were completed at the time. The ACOE permit also required the establishment of the protected area, which is the perimeter green on the map and which is all set forth in a restrictive covenant that has been filed. It was at the end of that phase when the housing market took the turn and the project was stopped. This expansion is 64 units, the design of sewer and water has been thru multiple agency review. They have the approvals that are needed from the NYS DOH and DEC. The storm water plan was the subject of a construction activity general permit and a storm water plan for the property, that C. Baker reviewed extensively, resulted in these small basins and other features that are shown and are part of the application materials submitted. M. Millspaugh states that in 2014 one of his colleagues appeared before the Board along with Jeff Yorick from United Mobile and filed an updated environmental assessment form. He states that the DEC has updated the form, it is a different form but it has much of the same information that is supplemented with some additional information. There were a couple of appearances over the course of 2014 where the Board asked for certain things and there was an exchange of documents. There was a request for some additional screening, etc. At some point the Board felt that they could not take action because of the change in the law and that is when D. Engel went to the ZBA for the area variance. That was approved by the ZBA last month. Their intent tonight was to refresh everyone's memory as to where they are and get direction on the next steps. M. Millspaugh states that he does not believe that anything was done with SEQRA. T. Yasenchak states that the Board did not get to that point. S. Weeks states that he was not on the Board in 2007, he has not seen the property. He went thru a lot of the detail. Especially as a result of the ZBA's discussions and the contingencies that they had, he states that he expected to see more detail about the buffer and landscaping in that buffer area than he saw. He states that he did not see a lot to indicate that the buffer was going to be changed or increased, and he is not sure what exactly is there now. M. Millspaugh indicates on the map that along the property line is a stand of trees

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which would remain, there is a setback building line around the whole perimeter. He indicates that they have moved the park in from the setback line, they could be out further. He indicates where the house is on the neighboring property and it is quite some distance to the house, there is also a stand of trees on the land of the neighboring property. He indicates that that house existed at the time of the 2007 approval. It is set quite a distance in from 9N and there is an aerial photo in the information. S. Weeks asks if the trees are evergreens. M. Millspaugh states that there is a mix. J. Bulmer states that they are not evergreens. S. Weeks states that he is interested in the type of trees that are there, the type of buffering and/or screening that they provide, especially in view of the ZBA saying that they want the Planning Board to take a hard look at the buffer area. M. Millspaugh states that the ZBA didn't feel that it was within their purview to discuss buffering. They were focused strictly on the variance. That was the extent of the discussion, that they were not going to get into it and leave that to the Planning Board. S. Weeks states that he looked at the landscaping plan in the information that was provided. T. Yasenachak states that was under 2014 correspondence. That was, from her understanding, where we left off in the discussion in 2014. S. Weeks states that it is proposed to plan some additional hemlock trees, but is that it? M. Millspaugh states that in the prior approval the units themselves have lighting that conforms to the Town Code and that the light from the individual units has to stay on the individual lots. T. Yasenachak states that we do not have a lighting code for any specific house or residence. That is something that is within the Board's purview to ask for as part of the landscaping. M. Gyarmathy states that he recalls discussion about a lamppost in front of each home. M. Millspaugh states to mark each driveway, the light is to be downcast and not a flood light lighting up the whole yard. He states that those commitments were made as part of the prior record and if they need to be reaffirmed, he does not foresee any problem with that. During the summer it is fairly thick when the leaves are on the trees. He can't speak for the particular concern of the property owner, but he would think that it is lighting and being able to see thru the trees and actually see the units. He indicates that there is over 300' of trees between the units and the house. T. Yasenachak states that the applicant is not suggesting anything different. She states that M. Millspaugh made the comment to S. Weeks that they have a different setback than what was required, but they haven't changed it since the 2014. M. Millspaugh states that they haven't but as part of the prior park layout they did come in from the building envelope line. The original submission was over 120 units and that has been reduced in scope several times. S. Weeks states that he would like to see what is actually there for light and sound buffering. M. Millspaugh states that the Board is welcome, but it is difficult to get back there. R. Rowland states that the ZBA did recently visit the site. M. Millspaugh states that arrangements can be made to visit the site. There is an area that was cleared to do some of the prior work. S. Weeks questions that Manor Court is going to be extended out to 9N. M. Millspaugh states that there was a back and forth as part of the prior approval with DOT and with input from C. Baker where the ingress and egress thru the existing park was to be improved because there is a mish-mash of roads that access in the front. The commitment was that where Pinewood and Maple come out at 9N would be closed off in favor of Manor Court and Parkwood. There was discussion with DOT, options evaluated and that was what was arrived at. These connection points that exist were too close and it is not a good situation. A condition of this approval was to consolidate these entrances and to have fewer points of ingress and egress. They also went to the fire department to make sure that they were ok with all the turning radii, etc. They also went to the school district because there was concern with making sure that the school district was ok with how their buses would come in to pick up students. The information that has been provided includes the correspondence with DOT, the school district, the fire department, etc. This was the preferred option by DOT and C. Baker. C. Baker states that there was a traffic report that was done for this. S. Weeks questions that the school bus does now pull into the park. M. Millspaugh states that they pull in to where the mailboxes are. S. Weeks asks if that is still going to be true. M. Millspaugh states that it is, but they wanted to make sure that with the reconfigured entrance they were on board. He states that they recognize it as an improvement over the existing condition. T. Yasenachak states that she did not see a letter in the correspondence. M. Millspaugh states that he will check into that. S. Weeks asks if the sight distance has been checked from Manor Court and do we have a letter to that. M. Millspaugh states that it was all part of the traffic study. C. Baker states that that was all reviewed and approved by DOT. S. Weeks asks if DOT certifies sight distance. C. Baker states that it is a State highway. S. Weeks asks if they make that statement or just said it was ok. C. Baker states that State DOT approved the traffic improvements that are being

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presented in this project. M. Millspaugh states that they were happy that there was to be a consolidation of entrances. S. Weeks questions that the new basketball court that is being proposed will be fenced and maintained better than the existing one, as the existing one appears to not have been used in who knows how long because if the ball goes off the court it will be on 9N. T. Siragusa states that he is also interested in continuing the discussion on the buffer, he would like to see more of what the views are. It is going to be a concern, it is going to come up in the public hearing. M. Millspaugh asks if T. Siragusa has been to the property. T. Siragusa states that he was there originally and would like to go again. He asks C. Baker if everything else is up to date – storm water, wetland permits, water and sewer – does anything have to be updated because of time going by. C. Baker states that the only thing that he hasn't seen is the signoff letter from DOH. The storm water was designed prior to the changes that were made in 2010. Because the project received Town approval, site plan approval in 2007, they fell under a directive that was put out by DEC which allowed the development to proceed as it was approved. They had also filed their NOI with the State, so they were already covered under the general permit before the changes came about. To answer the question, storm water does comply with the regulations that were current at the time. DEC is aware of that and DEC is ok with that. As far as sewer, they did document that the existing plant has adequate capacity to be able to accept the new units. One of the things that the Town did ask for and he would suggest as a contingency would be for the mobile home park to provide the Town with a yearly report on the sewer documenting the yearly flows and the effluent discharge, which they certainly have to file a yearly report with DEC so he would suggest that the Town also be copied on that because the Town is an MS4. Water was a question that he had. He knows that one of the previous contingencies we asked for was DOH approval and the applicant has indicated that they have received that, we just need a copy of that. The wetlands were done prior to the 2007 approval. The wetland crossings are in and completed, he believes, so they are in compliance with the permit. M. Millspaugh states that the restrictive covenant, which is the wetlands, the adjacent buffer area and even some areas that were not wetland, were put in. So they are confined, their limit of disturbance moving forward is high and dry, it is nowhere near the wetlands. C. Baker states that the applicant has indicated that those covenants have been filed. M. Millspaugh confirms. C. Baker states that is something that we may want to talk about because there may be limitations in those covenants that would restrict the applicant from being able to do anything as far as screening goes or disturbance within that area. M. Millspaugh states that he will look into that. He knows that they are restrictive in terms of future use, ground disturbance, etc. He does not recall that they are precluded from posting it, removing trees that are diseased or falling down. C. Baker states that he is thinking more towards adding trees or that type of thing. M. Gyarmathy states that regarding the screening, it is one of the contingencies of the Zoning Board and it appears that the screening starts and then stops behind the second home and it doesn't continue on. He did not understand why that is. M. Millspaugh explains that there is some topo where this is a low spot where you could see thru at certain times of the year. If you are at the back of the neighbor's property looking towards the site, based on the topo, this was a location where additional screening would be a benefit. He indicates a location where if they added screening, it wouldn't accomplish anything because the view in was thru a low spot. J. Streit asks if it would be acceptable for the Board as individuals to drive up there and take a look. M. Mancini states that you could park where the new road crosses over, then you have to walk back – you can't drive – and it is quite a distance, but everyone is welcome to visit the site. He states that if the Board would like to make an appointment he would be glad to walk them back there. T. Yasenchak states that she would like to see a little more on the buffer. She states that the applicant has what was discussed before, but that was a contingency on the ZBA approval that a strong buffer be reviewed. The applicant has received a variance, based on the law, and whether or not something was there before or not you still had to go by the law to get a variance and it was contingent. When something is contingent, it is not fully approved until those contingencies are met. She would like to see that area revisited as far as some additional type of buffer. She requests that the applicant provide some options to make sure that we are shielding that neighbor and we have maybe a variety of things that can grow there. She states that a rail was supposed to be at the stream crossing and is that something that was done. M. Millspaugh states that it is not done, it is still in the plans, and they only did the earth work. T. Yasenchak questions the fencing around some of the deeper storm water areas. M. Millspaugh states that nothing has been taken out of the plans. C. Baker states that both of those items are on the plans. Discussion

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takes place about setting a site visit for Saturday, November 14 at 9:00 a.m. J. Bulmer states that if the Board wants easier access thru the Mulder's property they would be glad to allow that because then the Board can get into the back corner. The Mulder's are out of the country but have told J. Bulmer that anything the Board needs they would be happy to help with. S. Weeks states that he was intrigued with the traffic study and it is a 2005 traffic study based on numbers from 2003, which is getting to be awhile. His question is that in 2003 they said the traffic volume on that road was 7950. He asks if it is easy to get an update so that we know the latest number. It was based on a 3% increase per year and he has no idea how accurate that was. M. Millspaugh states that he will look into it. A public hearing is discussed and set for November 24 at 7:00 p.m. We will contact the Mulder's about the site visit on Saturday. T. Yasenchak asks that the applicant get us the additional information that has been requested as early as possible. M. Millspaugh asks if anything was done with SEQRA, lead agency, etc. C. Baker states that he does not know why it would be any different than it was back in 2007, a reaffirmation of the results. The only thing that is different is the form.

WITT CONSTRUCTION – Amendment to Subdivision
Old Stone Ridge

T. Yasenchak states that in an effort to be pro-active we put Witt Construction on tonight's agenda to help in their pursuit of a re-approval of the amendment to the subdivision. We have not received any additional comment or paperwork about being on the agenda, so we will not discuss it.

Meeting adjourned 7:48 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary