

**TOWN OF GREENFIELD
PLANNING BOARD**

November 28, 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, Nathan Duffney Michael Gyarmathy, Thomas Siragusa and Charlie Dake, Alternate. Stan Weeks and Robert Roeckle are absent. Charlie Baker, Town Engineer, is present.

MINUTES – October 31, 2017

MOTION: J. Bokus

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of October 31, 2017 as submitted.

VOTE: Ayes: Duffney, Bokus, Dake, Gyarmathy, Yasenchak

Noes: None

Absent: Roeckle, Weeks

Abstain: Siragusa

MINUTES – November 14, 2017

The Board will not vote on these minutes tonight as T. Yasenchak and C. Dake must recuse themselves. Correction to be made to vote for SaraSpa Rod & Gun Club as T. Yasenchak did not vote on these minutes. T. Yasenchak asks the Town Attorney what the proper term would be, as to the vote, as she and C. Dake had recused themselves and were out of the room for that. J. Grassi states that those names do not need to appear anywhere in the “VOTE” section.

OLD BUSINESS

RODERICK CORELL – Minor Subdivision

Case #593, Locust Grove Road

Brett Steenburgh is present and explains the project.

A public hearing is opened at 7:06 p.m. There being no public comments, this public hearing is closed at 7:07 p.m.

T. Yasenchak reviews that the applicant made some revisions to the plan as was asked. C. Baker states that he is satisfied with the revisions. T. Yasenchak states that we will need to see that deeded easement language for the Town Attorney to review. The Board reviews the short form SEQRA at this time.

RESOLUTION – R. Corell, SEQRA

MOTION: B. Duffney

SECOND: T. Siragusa

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered with some minor corrections and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Roderick Corell for property located at 800 Locust Grove Road, TM#125.-2-25.

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

RESOLUTION – R. Corell, Minor Subdivision

MOTION: C. Dake

SECOND: B. Duffney

RESOLVED, that the Planning Board approves the application of Roderick Corell for a Minor Subdivision for property located at 800 Locust Grove Road, TM#125.-2-25, per the information submitted and contingent upon:

- **Deeded easement language to be submitted and reviewed by the Town Attorney**

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

PRESTWICK CHASE – PUD Amendment/SEQRA

Case #595, Saratoga Blvd.

Dave Pentkowski is present. T. Yasenchak states that at the last meeting we did go through the long form SEQRA, checking a couple boxes that we said might be moderate or large. We did not discuss the impacts of significance; we did not go through the Part 3. We need to do that and then at that point we can come up with a draft document. T. Yasenchak explains what is required for discussion on the Part 3. **Impact on Land** – the ‘yes’ box was checked with items “c” and “e” being checked as ‘Moderate to large impact may occur’ because we understood and know that there is blasting that will be taking place for this. T. Yasenchak states that in the previous amendment’s Part 3, part of the discussion was that there would be written notice that would be provided at least 10 days in advance to the Town Clerk and the owners/occupants of property within 500’. She believes that is actually part of the PUD. Section 8, J of the existing PUD states that, “It is believed that the blasting of rock may be required to complete this project and any such blasting work shall be consolidated in time to the greatest extent practical and shall be performed by employing a large number of small blasting charges rather than a few larger blasting charges, whenever possible. It being the intention of this provision to minimize noise, dust, vibrations, disruptions and disturbances to adjoining and nearby property owners and their structures and improvements. Written notice of the date(s) and hours of blasting shall be provided at least 10 (ten) days in advance to the Town Clerk and to owners and occupants of all parcels of property within 500 feet of the perimeter of the Prestwick Chase PUD.” T. Yasenchak states that since that is already in the PUD language and it is not part of the amendment that we are reviewing, she asks J. Grassi how they would correctly state this. We know that it is going to be mitigated. J. Grassi states that if the Board feels it is going to be mitigated, for purposes of magnitude they may determine that the magnitude is low because what otherwise might have been a very severe blasting, because of the diluted hours, notification, the small charges, that is reduced, so it is not a significant impact. The proximity of the neighbors would be taken into account also. For purposes of importance, the Board might be inclined to say that there would not be significant impacts due to the duration, as it is going to be a phased project and the blasting may occur during the daytime while people might be out of the house. It is almost certain that the blasting will occur but because of the mitigation measures it is not going to be as impactful. T. Yasenchak

states that we should all have the information from NYS DEC from J. Grassi explaining ‘significance’. T. Yasenchak states that the blasting should only be occurring in that one back portion. M. Gyarmathy states that, not to complicate this, but it sounds like our attorney is asking us to change our answer, which he does not think we should do. He thinks that we should list a few of our concerns. Such as, the duration of the blasting could take a period of 72 months, so that is a concern. Then we can note the mitigation aspect of it as well and the attorney can put it into the correct terms. J. Grassi states that he is not suggesting that the Board change its answers. The answers in Part 2 remain. When you get to the Part 3, you have a deeper discussion as to why potentially it does not have a moderate to large impact – it doesn’t rise to the level of significant adverse environmental impact because there are mitigating measures. The Board has used a lot of the language that we would have to go through anyway, but we want to make sure that we talk, briefly, about magnitude, severity, size, extent, etc. for just the 4 items that have been identified as moderate to large. He states that it is also their recommendation that the Board draft that language. T. Yasenchak states that we do have a previous SEQRA document that we can use as a template. B. Duffney states that we discussed the blasting in great detail even to the extent of the size drill that would be used, which makes a huge difference. J. Grassi states that that could be a mitigating measure that would reduce the severity of the impact. T. Yasenchak states that we have checked moderate to large and explains the meaning of this from the State information. She asks if based on that explanation, do we feel that it is more moderate or a large impact. Board feels it is moderate because of the limited area where blasting is needed, they are not proposing basements and because of the mitigations. T. Yasenchak states that as to the duration, she thinks it would be a moderate/medium impact. There is an end date in site, the blasting should not be taking place over the entire 72 months and it is a limited area. T. Yasenchak states that she does not believe that the blasting was not defined as being in a specific phase. The likelihood of this impact occurring would be that it probably would. The level of importance is discussed. C. Dake asks if we were to determine that this was important is this the point where we decide that it needs an Environmental Impact Statement. J. Grassi states yes, if it were determined that it is important and it is of large magnitude, then it could potentially be a significant adverse environmental impact and require the EIS. T. Yasenchak states that she thinks it is important to address, but knowing that there are mitigating efforts that will be taken as part of the existing PUD, we know where it is going, she does not think that it is very important because of the location of the blasting sites and that there is a forever green space to the north of that area, so this will be taking place at least 50’ away from the property line and also the forever greenspace buffer before one gets to additional properties. They will not be blasting directly adjacent to where there are existing houses. There will be neighbors who will feel tremors during that construction. There were specific construction hours. Regarding project changes - the project in the PUD amendment as proposed, does not include any changes to the areas of blasting that were approved in the previous PUD and the Board feels that helps to mitigate that item. T. Siragusa states that some of these things seem somewhat overlapping; it is not frequent, etc. J. Grassi states that going through the magnitude and importance, that is the criteria as to why we are reaching the potential determination that it is not important and has a lower magnitude. Then it seems that it might not be a significant adverse environmental impact because of those mitigating measures. T. Yasenchak states that because of the mitigating measures, she believes that the Board does not find that it would be important. We think that it is somewhat important, but it has been mitigated. J. Grassi states that he would suggest recognizing mitigating efforts, mention that it has lowered the importance and reduced the magnitude resulting in no significant adverse environmental impacts. J. Grassi states that if the Board is in agreement, that would take care of 1, c and then you can go on to 1, e and do a similar analysis. J. Grassi states that ‘construction that continues for more than one year or in multiple phases’, one of the things that we are considering about the construction is the blasting which the Board went into great detail on, so now we want to discuss what other construction impacts may occur and talk about those and move through it in the same manner. **Impact on Land** - item 1, e – T. Yasenchak states that the magnitude of the construction happening for over a year has to do with noise as well as traffic of construction vehicles. The Board feels that would be moderate due to construction vehicles, the actual work, etc. T. Yasenchak states that regarding duration, medium for a few years. She refers to the workbook. J. Grassi states that to add to that, he thinks that what they are trying to say is that if we are talking about just construction related activity that is likely for a large residential construction to be a

medium impact. If we are saying the aesthetic view of that, what was a beautiful hill or river which is now a large residential neighborhood, that impact would potentially be forever until those houses were removed. T. Yasenchak states that item e does state, 'involve construction' so she would say medium. Board concurs. The likelihood is probable. The next would be the importance and severity – C. Dake states that we almost only did moderate to large because it is included by definition, it is more than a year, but he is not worried about that. It is relative to the old PUD and what is going to happen. T. Yasenchak states that she thinks it is important but knowing the next step because of the way that the existing PUD has been proposed and is not recommended to be changed, the amendment we are looking at is only the change from 60 to 72 months. Although she thinks that the impact of construction, the vehicles, the sounds, etc., she does think that is important, however when we get to significance, she thinks the impact is not significant because we are reviewing only an increase in 12 months. Board concurs. T. Siragusa asks if we expect that construction vehicles would and is there any notation of how much and how long they would share the same existing infrastructure with current residents? M. Gyarmathy states for the duration. T. Siragusa states that there would be new roads. T. Yasenchak states that the access road isn't changing, that is the only road that they will share. Discussion takes place about internal traffic flow as the construction takes place. T. Yasenchak states that the existing PUD does state and have specific times for construction. Board feels that is a mitigating factor to this not being significant. **Impacts on Surface Water** – 3, b was checked as moderate to large impact because it was an increase of over 10%. Magnitude is moderate, going from 2 to 3 acres. In relation to the amendment we are reviewing, it stays at the 3. Duration is long term because it is irreversible and knowing how it will be designed. The likelihood of it occurring is probable due to the conceptual plan and information provided. Importance/severity – M. Gyarmathy states that it is not important as it will be covered by the SWPPP. T. Yasenchak states that there is also no increase from the previous PUD. J. Grassi states that the only other thing to talk about would be any mitigating measures due to storm water management which will ensure correct practices. **Impact on Energy** – was checked as a yes, with a – d being checked as small to moderate. Therefore, J. Grassi states that this does not require doing Part 3, but you can certainly discuss it under Part 3. T. Yasenchak reviews the items but Board concurs that no further discussion is necessary. **Impact on Noise, Odor, and Light** – same as above, items a – e were all checked as small to moderate. **Consistency with Community Plans** – 17, a was checked as moderate to large. T. Yasenchak states that was checked because of the surrounding zoning as well as what the existing PUD includes as larger apartment buildings that are multi-family and the number of buildings in contrast to the surrounding land use patterns. The last PUD had a certain number of larger buildings and these have several smaller single family. Magnitude – M. Gyarmathy states that he would say that it is a large impact because it is so diverse from the surrounding land uses. It is really dense, the number of buildings. T. Yasenchak states that was discussion that we had at the last meeting, being able to correctly identify that during our discussions for the record, that it is not the number of units, the density, that we had significant discussion about but the number and size of the buildings. T. Siragusa asks what is the difference, just number of buildings, between the last PUD and this amendment. He does not see it. He sees it as a lot more buildings but overall impact, it does not seem large to him. He thinks it is different, but if we are looking at from a consistency with community plans that allow for PUD's and allowed for this PUD in the last iteration, he does not see the large difference. T. Yasenchak states that what was discussed at the last meeting was that the difference was not necessarily the density in the number of units because that is actually reducing but in the number of structures and the size of those structures and how they compare to the last PUD and how much land is covered by those structures. T. Siragusa states that is not really the question, the question is whether it is different in contrast to current surrounding land use patterns. T. Yasenchak states that surrounding land use patterns being two-fold – one being on the property, the site being a PUD and the current land use pattern of that property being larger multi-family structures that cover "X" amount of square footage of the land versus the number of homes now that cover more than what was originally covered. The second being surrounding land use patterns outside of the PUD being homes that are on larger lots and the units per acreage. She states that would be the sharp contrast in that the existing PUD had 20 apartment buildings and 18 mixed use buildings and the coverage of those buildings was 223,700 square feet with 397 units. Now we have 221 units and covering 312,390 square feet. We have reduced the number of units by 176, which is significant but we have added 88,000 square feet, almost 2 acres of coverage. In that case, she

finds that being a strong contrast between the development of property where there is space between buildings and greenspace rather than buildings that are all lined up and cover more. J. Grassi states that the NYS DEC Workbook states that the analysis says that we should be looking at what is the scale and size of the project site in comparison to current land uses; are the structures larger, taller, on a different lot size or in very different land use, or an architectural design that is in sharp contrast; is the intensity of the proposed similar or different from surrounding uses; will there be more people at the site than surrounding uses, more traffic, more structures on the lot, less green space than others. T. Siragusa states his main question there would be what vs what? Since this is an amendment to a PUD are we comparing it to the existing PUD or the surrounding community, which we have already done once before. M. Gyarmathy states he has the same question. T. Siragusa states that obviously it is significantly different than the rest of the properties on Denton, but it isn't, in his opinion, significantly different, at least not in a large sense, to the existing previous PUD plans. M. Gyarmathy states that another thing we have to take into consideration is that PUD hasn't happened, so when you physically look at the site, there is going to be a dramatic change to it. T. Siragusa states that if you don't look at what was previously planned and only look at what exists there today, which is essentially one large building, but there are cottages so there is precedence for individual buildings. J. Grassi states that what we are looking at are the new and different changes in circumstance or impacts. If there are buildings already on the site, would we say in comparison to what is being proposed. What we might find is a proposal with an impact, are they vastly different than the majority of the town or for purposes of the PUD they might actually blend in which might mitigate that impact. We are looking at the impact of the cumulative PUD, so we are looking at what is there, what could potentially be there with the remaining language which is not being modified and what is being modified. T. Yasenchak states that she still believes it is large. When she looks at the map from the previous PUD and looks at the size of each of the units that were proposed, these are all individual town homes. The units are significantly larger than what was previously proposed. She has no problem with single family residences and that they definitely meet the goal of the developer as well as our intentions as to be more community oriented, more residential in nature, not commercial or not feel like stacking people in apartments, but the existing coverage or the amount of space that each unit took up there is a significant difference in the size of the units. She compares the square footages again. Most of the previous units she does not believe were more than 1200 square feet per unit and with these homes the square footage is closer to 1900 square feet, just the coverage, not including second floors. She feels that if the units were smaller and consistent with the size of the units that were proposed before, that it would be more consistent and less of an impact. T. Siragusa states that he thinks that is the key – if it is consistent with what they have now, which he points out on the plan, because the previous proposal never existed. T. Siragusa states that he can see it being different and that we appreciated the previous proposal because it was more like what exists there, but he has a hard time comparing the new proposal to the old proposal except for just a matter of judgement. For him, given the total number of acres of the entire property, although 2 acres is a big difference in coverage, overall for the project site it is not a big difference to him. He thinks it changes the whole character and he can see why they did it, but he thinks it is super dense in the number of units no matter what it is compared to in Greenfield and maybe less actual units washes the increase in coverage per acre. B. Duffney asks what the percentage would be of the 2 acres compared to the entire parcel of approximately 115 acres. That is less than 2%. M. Gyarmathy states that the biggest thing for him and it says in the end of the question – 'land use components may be different from, or in sharp contrast to current surrounding land use patterns'. To him this is a sharp contrast to surrounding land use patterns. B. Duffney states that there are farms, fields, pastures, a few residences yet up the road about ¾ of a mile you have a pretty large plant. M. Gyarmathy states that he can say it is a large impact and it is mitigated by the use of a PUD, but it is still a significant change to the surrounding area. B. Duffney states that you can look at this 10 different ways. T. Yasenchak states that it is in sharp contrast to itself. They significantly reduced the number of units. She looks at the cottages and they are 2-families and what is being proposed is a one-family with almost the same size footprint. The previous are townhomes with garages and she compares the units on the map. She would like to see consistency with size that they have homes that are twice as big in just the footprint, not including the second story. What is shown is the maximum. What we had discussed was that if there was some sort of limit on the size; they are all 10' apart and none of the previously proposed buildings were 10' apart, they were nicely spaced. She states that if we

had something in the PUD language that gave us a maximum. We had discussed prior to SEQRA if there were some conditions that were placed on it so that there was more consistency between the units and more space between the units so we don't end up with huge homes. She believes that is a way to mitigating it. She states that if these were 1200 square foot homes it would be very cute. What is proposed seems significantly different. J. Bokus states that he does not see a problem. You can call it large or moderate, but he does not see a problem with it. The surrounding area has large homes which are spaced far apart, but the PUD that is approved and could be created – he thinks this proposal is a better alternative than what was previously approved. He states that we are trying to fit this into words on a form, which he understands, and that is what he takes objection to. He looks at it as what the project actually is and whether it is good for the community and he believes that it is. He believes that it is a better project than what we previously approved. B. Duffney states that the only way to mitigate is to put smaller sizes on the homes. They have already cut the number of residents. C. Dake states that he was thinking moderate but T. Yasenchak makes a good case for large and he does not think at the end of the day that that is going to be the big question. He is comfortable with large. 4 Board members concur on large impact due to the size of the buildings and proximity in comparison to the existing building and the surrounding community. T. Yasenchak points out an area on the map that indicates 'for future development' and the applicant was asked to remove it, and now it is back on the map. She feels that with consistency with the community plan, there is an approved site plan but we asked for it to be taken off and now it is back. She believes that falls into the inconsistency of its own land use. It can be mitigated by removing those words. Duration – any impact would be long term when it is built out. Likelihood – it is the developer's intent to build it all out. Importance – J. Grassi states that he believes this is a Type 1 so the only mitigating issues would be those that the applicant has proposed or which are already included. C. Dake asks if that would include statements such as this is important but it was important the last time to and there hasn't been much change. M. Gyarmathy states that part of the existing PUD legislation, such as we discussed, hours of blasting, etc. T. Yasenchak asks if it could be provisional. J. Grassi states that he understands that site plan approval is still required so you could say that there would be other mitigation measures that would be considered – setbacks, etc. The Board discussed the blasting. T. Yasenchak states that we have a plan that has been submitted that shows setbacks on it but it is not part of the actual PUD language, it is just a plan. J. Grassi states that he understands that the plan is conceptual so there is no requirement that the applicant puts forth that plan when it comes back. T. Yasenchak states that when we were going through the review of this prior, the applicant said it is on the plan. The plan is part of the PUD language because they show setbacks on this plan but not in the language, that would be the setbacks. Some of hesitation is that this is a conceptual plan, so we would feel more comfortable if those setbacks were actually stated in the PUD language and not as part of a plan. J. Grassi states that even if there is a plan that is referenced in the PUD language, it is not necessarily that plan, it is just a plan that would be approved so the conceptual plan is not controlling as to that. T. Yasenchak states that if there were setbacks shown on the plan, but because it is conceptual only in nature, we don't have any setbacks listed out in the PUD, so at that point J. Grassi is saying that the setbacks on the plan would not be controlling because they are not in the language of the PUD – it is just a conceptual map. J. Grassi states that if the applicant is required to go through site plan review, that would be the time that that would be controlled and that could be a mitigating measure. C. Baker states that he believes that was how it was handled the last time too. That the Board said that during detailed site plan review that is when that issue would be addressed. T. Yasenchak states that for her it is important because she felt the PUD language was vague and did not state setbacks, coverage, setback from the road, etc. – the language itself does not state that. That vagueness is important to her because that helps this structural density balance with the smaller units versus larger units. M. Gyarmathy states that we discussed a number of mitigating factors so he thinks we can say that this is important but not significant enough to warrant an EIS. T. Yasenchak states that we have to state the reason why and she would state the PUD language. M. Gyarmathy states that during site plan review we will actually go into the PUD language as well and the last time we made changes to that. J. Grassi states that the PUD language can only be modified by Town Board approval. The PUD language that the Town Board approves may say that you need site plan approval or specific factors. T. Yasenchak states that the last time they came before us first for a PUD amendment and we went through the whole process; we sent it back to the Town Board, it was approved; and then they came back for site plan review and then we

worked out the locations, etc. Prior to that, the phasing, the blasting restrictions, all of that was worked out during the PUD amendment portion. T. Yasenchak states that if we could word it correctly, she does think it is important, but wording it in some fashion that the PUD amendment is not specifying setbacks, coverage, etc. and that is something that would be worked out during site plan review; noting that the plan is conceptual in nature and that this plan is not part of the PUD language. That would give us the ability. M. Gyarmathy states that the PUD is a zoning law. T. Yasenchak states that typically you would want to see listed in there the maximum stories, the maximum height, the setbacks, etc. We are looking at a conceptual plan that hasn't had all the bugs worked out of it yet. We don't even know if this many houses can fit because of the drainage which C. Baker has mentioned a lot, but because of that vagueness, she has had a hard time and she does not want that to become the PUD. She does not want us to be locked into all these houses can be 10' apart because this is a site plan that we haven't approved. She reiterates that we have before us the PUD amendment which is to allow for single family homes and 72 months instead of 60. B. Duffney states that that amendment says nothing about setbacks, distance between houses, etc. T. Yasenchak states that the amendment is literally those 2 paragraphs – it does not take out mixed use. She states that she knows that it is not their intention to do mixed use, but it is still in the PUD. Technically, someone could come back and have buildings that have mixed use, that is what the PUD says right now. It is that ambiguity that makes it difficult for her to balance the consistency with itself as well as the surroundings. B. Duffney asks if they could add to their PUD language the Board's concerns before we act on it. T. Yasenchak states that we are just reviewing SEQRA right now. C. Dake states that the question is whether or not we think 'The proposed action's land use components' being 'different from, or in sharp contrast to, current surrounding land use pattern(s)' is important and what we think the significance of that is and whether we think it is well enough mitigated. He states that he liked what M. Gyarmathy was saying – yes, he thinks that is important and he thinks that due to the process of site plan review, etc., that it is not significant enough to cause an EIS, maybe. M. Gyarmathy states that he said it is important but the significance doesn't warrant an EIS. T. Yasenchak states that we have to give a reason. M. Gyarmathy states because it is a PUD. T. Yasenchak states that typically PUD's have that language in it. M. Gyarmathy states that it never had before – he does not know how we get there. T. Siragusa states that we can't see what the mitigation is, we don't know any different, it can't be provisional, we can't say that we are going to ask for smaller single family homes during site plan review. T. Yasenchak states that when we get to site plan, if we don't address that at this level, someone can come in and have huge homes. We don't have anything in the PUD that says that they can't have 5000 square foot homes, 10' apart from each other – it doesn't say that in the language. J. Grassi directs the Board's attention to Section 10 of the existing PUD and reads that site plan review is required. He also reads "The owner shall construct the project generally as show on the Map" – this may be the map that they are referencing. "However, the exact location and size of the buildings, location of parking areas, green areas, pedestrian walkways and other related matters may be changed, altered or amended during the Town of Greenfield Planning Board Site Plan review process." "...prior to the issuance of any Building Permit for construction within the PUD, proposed Site Plans for any buildings, recreational facilities and/or infrastructure proposed to be constructed on the site shall be submitted to the Town of Greenfield Planning Board for its review." J. Grassi states that the PUD does provide for that oversight. Whether or not that is enough to mitigate is up to the Board. T. Yasenchak states that in going forward how much would this Board have our hands tied by someone coming in – the applicant or someone different – and saying this is the map and I want to build significantly to this and you have to let me build my homes 10' apart. Because we don't have anything in the PUD that says that the structural density issue is large, we are just looking for something that we can later on down the road address this or will someone come in and say I'm going to do it just like this. M. Gyarmathy states that in comparison, in construction we have a set of drawings, we also have a spec book which is similar to this Town Law, and the spec book always supersedes the plans. Are we getting ourselves into that same kind of situation because this is very general or will the plans ultimately be the law? J. Grassi states that the best he can say is that that is difficult to predict. It does appear that the PUD is drafted as detailed as it can be. It is difficult for him or the Board to say whether or not they would be locked in and it may be up to interpretation. M. Gyarmathy states that the Board's comments throughout this process are they going to have any kind of impact. When the Town Board reviews this, can they ask the applicant to change certain aspects of this amendment to reflect the concerns that the

Planning Board has. J. Grassi states yes, the Town Board can always review what the Planning Board tells them. No, they are not required to. They are going to get the decision that we have a SEQRA determination. As far as this discussion and what we are saying is wrong, what can be improved, etc., they would not necessarily receive that as part of the SEQRA review. There is the secondary recommendation aspect that we have also discussed, that has expired, technically as he understands it. Nothing ever stops the Planning Board from also saying, we have serious concerns here – that is always appropriate. You can always send recommendations to the Town Board, there is nothing necessarily enforcing the recommendations. T.

Yasenchak states that she knows that in the PUD language it does state that the Planning Board continues to have lead agency status over this project and she believes that if the Board feels they can reevaluate or review SEQRA as we find appropriate during site plan review. If we make a determination of importance based on and put in our determination that it is not necessarily, unless the Board wants to, accepting the location of the buildings, is there a way that we can draft our decision based on that so that at Site Plan Review that if those things aren't changed, we can reopen SEQRA. J. Grassi states that the PUD does say exactly that. It indicates that the 'Planning Board as lead agency and may either amend or rescind its initial SEQRA Negative Declaration in accordance with 6 NYCRR Part 617.7(e) and (f), and any other applicable SEQRA regulations, as they may be amended from time to time.' What that is indicating is that we can amend a negative declaration at any time prior to the decision to undertake, fund or approve an action. A lead agency has discretion to amend a negative declaration when substantive changes are proposed to a project, new information is discovered or changes in circumstances related to the project arise that were not previously considered. He states that we are limited to those 3 instances. The question is that if the applicant comes forth with the exact plans that are before the Board, that is not likely to be a change to the proposed project, new information or a change in circumstances. M. Gyarmathy states that if something comes back with a storm water issue, that is a possibility as well. T. Yasenchak questions that at that point would we be limited to just addressing those items that are new, not necessarily the items that haven't changed. J. Grassi states that you would be limited to the changes in circumstance or the new or different impacts. We can still look at cumulative impacts. T. Yasenchak states that she is trying to find a way to be flexible but yet it is hard when it is vague. She still finds that it is important because it is not consistent with itself or surrounding properties because of the size, because of the location and proximity of the buildings together. She still thinks that is very important. If this was sized differently, if the structures were further apart that would be significant to the surrounding community as well as itself, she would be ok with that but she does not see any mitigating elements right now. She would like to try to find a way that we could be more flexible but she is hesitant because there is nothing in the PUD language that says otherwise. It also doesn't say what the maximum square footage of a building should be. She does not want to have to go beyond that with a full assessment; she wants to be able to find a way to make this....she does not see consistency. M. Gyarmathy states that he agrees and for all the same reasons that T. Yasenchak stated. Does he think that it warrants an EIS, no, but it is of great importance to him. T. Siragusa questions that we fill in the blanks to see if it does require an EIS? M. Gyarmathy states that he sees it simpler than that. He sees that there is a way for the applicant to mitigate this versus going through that other process. To him, it is simple – put in some numbers that the Board has been suggesting right along. T. Yasenchak states that we have all asked for those numbers to be included, it can be on the map. Obviously the PUD language included only the revision of those 2 paragraphs but it is including this map and she thinks that information, if the applicant doesn't want to change the PUD language because that is what is in front of us, they have obviously changed the map and she thinks that could be included on the map. B. Duffney asks if we could stop where we are at now and if they gave us numbers, a map or something, could we move on from there. T. Siragusa states that he does not think that is our purview because that is just guiding the applicant. We either come out with a determination or not based on the information that we have. B. Duffney states that we could sit here and beat this up for the next 4 hours or what he is saying is that we stop at this point, give the applicant the opportunity. T.

Yasenchak states that she and M. Gyarmathy have both stated their opinions, if everyone else states their opinion and it seems that it is going in a certain direction, instead of making a determination that may be detrimental to the applicant, all supposition, and being in good faith, we could say we will give you the opportunity to modify this, mitigate it before we move forward, then we may be able to revisit that and find that the additional information is placed on the map, the map is part of the application and the PUD, we feel

more secure about it and then it may not be important. T. Siragusa states that we have said all of these things over many meetings. He does not think that it is our purview to wait and suggest. Our job is to make a recommendation to the Town Board – period. If it is a positive declaration with a recommendation, then that is what it is. C. Dake states that we are just doing SEQRA. B. Duffney states that as to the importance, it does cover a lot of area, so it is a large impact. The importance of it, the people who are living there are going to be the ones who have to deal with it so it would be important to them. His thing on these places being so close together is fires, safety issues. They are supposed to have sprinkler systems but if you have someone drive through the side of the house with a car and it catches on fire on the outside, that other house is 8 feet away. If there is someone home, that is a safety thing, so that is important to him. C. Dake states that he does not know that that is included as part of the question that we are asking right now. In 17, a we are not talking about the importance of the whole thing. T. Yasenchak states that we are talking about the importance of the consistency. C. Dake states that he agrees that what B. Duffney said is important, but that is not what we are talking about in this question. J. Grassi states that if we are considering the reason behind why it is inconsistent, if we are saying that it is inconsistent because it is likely to create fire hazards, emergency response issues and things of that nature, then we are saying it is inconsistent with the rest of the plan and the impact of it being inconsistent is this. B. Duffney states that brings up another thought for him – with those places being so close together, the firemen trying to get in between. So is it important, yes at this point it gets very important that it is different, it is in sharp contrast with everything around it with these buildings being that close which brings him to the other issues so yes, it is in sharp contrast to the current surroundings. C. Dake states that he thinks the issue is important and he does not think that it is significant enough to warrant an EIS because with site plan review and such in place, he thinks that will cover the difference and he does not think that it needs to be smothered for that. T. Yasenchak states that she thinks that the difference is if this is what the plan says we are being told that most probably we are going to have to live with that. So how do we handle that in site plan review? If we could say that we can handle it in site plan, she would be all for that. She just does not see how we handle that because this is the plan that is in front of us. J. Bokus questions is that issue part of the SEQRA and that is what we are trying to do. T. Yasenchak states it is. B. Duffney states that if at this point we finish the SEQRA and we give a positive declaration and don't approve it, it is dead. T. Yasenchak states that however we continue on, we have been advised that we don't make it on the fly and be making that motion. We need to have it all written out and document the reasons why, which would be the next step. However, the question is if we are going towards that path instead of going through that, if there is a way for something else. M. Gyarmathy asks J. Grassi, he has heard this Board and most of us seem to be under the same inclination that this is important, but we don't think an EIS is going to do anything to mitigate this for us, what is his advice to the Board. J. Grassi states that the EIS is designed to do exactly that. It is designed to evaluate the potential impacts based on what was discussed and found. It is going to take a closer look at each of those impacts and evaluate possible solutions, mitigating measures and alternatives. It is over the course of months and significant expenditures generally and comes up with new ideas. That new idea may be that you have setbacks and that can mitigate it. The EIS, while generally results in finding those successful mitigating measures, as the Chair pointed out, often times applicants are not going to go down the road because of the significant time and expense. They generally rescind the application and resubmit what they think would be proper mitigating measures and try again. It is possible that that happens while carefully crafting what we are going to deem to be our draft Part 3 responses. He reiterates that the language is a little vague regarding site plan and how much authority the Planning Board is going to have. That is likely something that is going to become an issue and challenged or not. J. Bokus states that it is important but he does not think that it should be a killer. He understands that the site plan review is to get these concerns narrowed down. T. Yasenchak states not if this is part of the plan, we can't change some of this. T. Siragusa states that he thinks it is important, he does not personally see a way to mitigate based on the information that we have and we leave that as it is, and this is our tool of communication so let's use it. He believes it is significant because he does not see a way of mitigating it, we are going back and forth on how to rectify it and he thinks that the way to rectify it is to say that we have no way to mitigate it. J. Grassi states that what we would do from here is to carefully craft, generally what our responses are and then at the next meeting we would have what would be potentially a final resolution determination of the significance and then vote. He states that since two members are absent and we don't

know their opinions, we may want to craft different responses. M. Gyarmathy asks if we will be writing a recommendation to the Town Board as well as this information that we are completing now. J. Grassi states that is up to the Board to do. T. Yasenchak states that it is her understanding that we have passed the time of recommendation, however there is nothing that says in our Planning Board bylaws that we cannot provide a letter to the Town Board at any time for any particular reason, project or concern. We can still draft a recommendation to the Town Board and then it would be up to them whether or not it was relevant or wanted to consider it in making their decision. M. Gyarmathy states that he has some suggestions to the PUD language, he would like to see it more consistent with the rest of our zoning laws and he thinks that is important to bring to the Town Board's attention. Does he do that or do we do it as a Board? He definitely thinks that the current legislation is very loose and he thinks it needs to be tightened up a bit. T. Yasenchak states that dependent on our determination at the next step, so if this Board were to determine that that last step is significant and that a positive declaration would be made, then the Town Board most likely would not be reviewing. We have to go through the EIS so it stops with the Town Board so any kind of comments one would want to make would just be moot because we would be going down the EIS route. M. Gyarmathy states that it depends on if the applicant chooses to go that route or the applicant could resubmit. If the applicant had our recommendations via sending that to the Town Board and that being public record, maybe the applicant could resubmit something that would be more congruent with the Town's Comprehensive Plan and the thoughts that the Planning Board has had. T. Yasenchak states that the other side of it is that if this Board would move in the way of a negative declaration, then at that point if we wanted to craft a letter to send to the Town Board, we could do that as well. To make that determination we need to have everything written out as to the reasons, so when we are making that motion and voting it is very specific and not on the fly. She believes it appears obvious the direction that we are heading on that last point. J. Grassi states that if we end up with a positive declaration then what we are writing is going to be published, etc. If we have a positive declaration, the Planning Board is going to be involved as the lead agent in the drafting of the EIS process. Whether the Board does it or the applicant does it is something that we can determine as we continue. Then we evaluate the EIS, this can continue for some time. If we make a negative declaration and this kicks back to the Town Board and they require some changes, then it will kick back to the Planning Board again for whatever changes are made. It is likely you will see this again. T. Yasenchak asks if the Board feels we need any more discussion. She states that, for the record, number 18 had been checked as no.

WITT CONSTRUCTION – Amendment to Subdivision/Site Plan Review

Case#506, Old Stone Ridge

The applicant has asked for postponement.

DISCUSSION

C. Dake asks J. Grassi if there is a source that he would recommend for guidance on under what circumstances one is supposed to say yes or no on certain questions. What constitutes good enough mitigation for something to qualify as wanting it or not – in general, not regarding any specific case. J. Grassi states there is not, it is subjective and what we went through today is intended to try to get us to that point. T. Yasenchak states that it is subjective and that is why we have diverse people on a land use board.

Meeting adjourned, 9:33 p.m. All members in favor.

Respectfully submitted,

Kimberly McMahon

Rosamaria Rowland

DRAFT