

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**September 24, 2013**

**REGULAR MEETING**

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

---

**MINUTES – September 10, 2013**

MOTION: A. McKnight

SECOND: T. Siragusa

RESOLVED, that the Planning Board waives the reading of and approves the minutes of September 10, 2013 as submitted.

VOTE: Ayes: Bokus, Duffney, Gyarmathy, McKnight, Siragusa, Weeks, Yasenchak

Noes: None

Absent: Streit

---

**PLANNING BOARD CASES**

**SKIDMORE COLLEGE – PUD – Referral**

Denton Road

Stephanie Ferradino, Dave Carr and Mike West are present for the application. T. Yasenchak explains that the Board has been going through the long form SEQRA and at the last meeting we did go through a majority of the questions. We are going to revisit the visual impact question, #11. She asks M. Hill to explain the process for the Board and for the audience. M. Hill explains that the Board is doing the SEQRA environmental review, reviewing the environmental assessment form for the purpose of determining whether there are one or more significant adverse environmental impacts that would result from the action. In this case, the action would be the creation of the Planned Unit Development and all of the uses within it, which would also include the citing and construction of the proposed solar panel array. The Board has to consider that in its totality. In considering that and arriving at a conclusion, determination of that, we are going to be considering the magnitude of the potential environmental impacts, which is to say the size or severity or extent. Part 2 of the environmental assessment form is intended to help guide us through that process of determining whether or not any of the potential environmental impacts are potentially large in size. That part of the environmental assessment form is devoted to focusing on the magnitude of potential impacts. Part 3 of the environmental assessment form is where we determine whether or not any impact, which has been identified as potentially large in size, whether that impact is important. There are criteria by which you evaluate whether a potentially large impact is important. For purposes of considering the magnitude of environmental impacts, we take the application as it has been presented to us including any mitigation measures that the applicant has included as part of the application or that the applicant has committed to during the course of our meetings and proceedings with the applicant; and use that as a basis to determine whether or not a potential impact is small to moderate or potentially large. If there is an impact that is found to be potentially large then we would ask the question, is there a potential mitigation measure that has not already been offered and identified that could be used to mitigate whatever that potentially large

September 24, 2013

environmental impact is. As we begin tonight to review, we are considering the visual aspects of this, if there are any aspects that were previously considered and if any Board members were not quite certain about the approach to be used in evaluating those, now would be the time to suggest to your fellow Board members that you would like to go back and review anything that has been previously discussed. M. Hill states that he is not in any way suggesting that the Town Counsel sees a need for the Board to go back and change anything. He is only saying to the extent that if someone had a question in their mind about the methodology to use here and wants to reopen the discussion on anything, we haven't made any decision yet and you can certainly ask that something be looked at again. From a procedural standpoint, the only other thing that M. Hill thinks would be appropriate to point out is that Dr. Streit is not present tonight and John Bokus is present. He does not know whether J. Bokus was at any of the earlier meetings about this application but he hasn't been here for at least the meetings that M. Hill has been in attendance for. This is obviously an application that has gone on for quite a long time and there is quite a volume of material, and if J. Bokus has been receiving all of the materials, been reviewing them and keeping up with them, that is fine. If he is fully up to speed on the application, reviewed all the meeting minutes of the past proceedings, then it would certainly be fine for him to participate in any decision making on this. If he hasn't been able to do that, then this would be a circumstance where J. Bokus would want to recuse himself. J. Bokus states that he has read some of the minutes and materials, but is in no way totally familiar with the project. He will recuse himself from voting on anything on this project. T. Yasnchak reiterates that the Board had said that they would revisit item #1, which is Impact on Aesthetic Resources. The first example had been marked as a potential large impact with the yes box indicating that it could be mitigated by project change. The mitigation would be the bond that the applicant had agreed to as far as decommissioning or additional plants that needed to be planted, additional screening. The Board had asked the applicant to fill out the visual EAF addendum. The Board reviews the visual EAF. Some additions are made to question #4's responses. S. Weeks asks if roof mounted solar would be considered visually similar for question #5. Board consensus is that it is not the same because it is on the roof. Discussion takes place as to how the numbers were arrived at for question 6. S. Ferradino states that they got the information from their traffic engineer, Wendy Holsberger. This is based on her experience and based on the 600 trips in the report. W. Holsberger stated that if you have 600 trips in the Town of Greenfield trip count, then it is reasonable to assume X number of users every day are going to be on that road and over an annual basis with a few new users on that road, 365 days would get you roughly at that range of 2500 – 5000. T. Siragusa states that the number seems high, but he is comfortable with that number because of that. M. Hill states that the purpose of going through the visual EAF addendum is to help the Board when you get back to considering question #11 on the long form, this will help you gauge the magnitude of the potential visual impact of the project. The information that you have gained by this process will hopefully be helpful to the Board in considering the magnitude of potential visual impacts. The Board goes back to question # 11. Board consensus is agreement with the response to the first example. In the second example, T. Siragusa states that the phrase in question is "eliminate or significantly reduce"; he believes it to be small to moderate. A. McKnight states that he sees it as the number of people for whom it would be eliminated or significantly reduced, and then determine how big the impact is. B. Duffney states that it is not going to eliminate it, you are going to see a fence there, or significantly reduce it. He states that there are no hills in the back and you are not looking out over a lake, river, etc. M. Hill states that the enjoyment is what would be eliminated or reduced. S. Weeks states that we are looking at the entire project and not just one piece, and that is why he thinks it is small to moderate. Board agrees. A. McKnight states that there is a lot of green space, which is not being changed. M. Hill states that while we are looking at this in its totality, the question also directs you to consider the proposed land uses or project components. Board consensus is that the response be small to moderate. Item #3 is discussed as not having any scenic views. T. Siragusa states that the key piece to him would be the "known to be important to the area" phrase, which he took to be differently than a neighbor who is going to have a personal view about that. It is subjective and it's real but it's not a community view. T. Yasnchak states that the Board has checked the yes box for questions #1, 3, 5, 8, 11, 15, 19 and 20 with 11 and 19 being checked as potentially large. M. Hill states that in part 3, the Board will be looking at those questions, which were answered with a potentially large impact. The purpose of part 3 is to evaluate whether any potentially large impacts can be mitigated to a small to moderate impact and if not, to consider whether any potentially large impacts are important. There are a

September 24, 2013

series of criteria that the Board would consider in order to evaluate whether or not a potentially large impact is important or not. For question #11, the Board indicated potentially large but also noted that the impact can be mitigated by project change which was identified as requiring the applicant to post a bond for additional vegetative screening that would be over and above the vegetative screening that has been proposed in the application. The initial question for the Board would be to consider whether or not that would reduce the potentially large impact to a small to moderate impact. T. Yasenchak reiterates that the question would be whether the Board believes that the mitigation of the bond would reduce that large impact to small to moderate. A. McKnight states that if he remembers right, the offer of a bond was for maintaining the screening for the life of the project. S. Ferradino states that it would be for maintaining and for additional screening if necessary. T. Siragusa reviews this in the previous minutes. M. Hill reiterates that it seems that the applicant is stating they are agreeable and it is their understanding that if additional screening is deemed necessary by the Town that the applicant will either provide that or will allow the Town to draw on the bond in order to provide that additional vegetative screening. S. Ferradino states that is correct and the other caveat that she hadn't heard discussed tonight was that that bond would be in place for a 20 year period of time which mimics the initial duration of the solar panels. T. Yasenchak asks if there is something in place as far as what happens after. We have discussed that and there is something in the PUD language, but she asks the applicant to review what happens after the lifetime of the solar panels. S. Ferradino states that they anticipate that the solar panels will continue after the initial 20-year period. The 20-year period has been derived from the lease terms for the panels. They believe that in year 21, etc., the lease will be reupped. She states that if the question is what happens if they stop using the panels, they are required to remove those from the property. T. Yasenchak asks if in the language do we have any kind of bond for that. S. Ferradino states that there is and she will locate it. T. Yasenchak asks if the Board believes that having a bond in place for additional screening and maintenance of the screening for the life of the project then mitigates the large impact to a small or moderate. Discussion takes place regarding the cost of a 10' tall pine tree. D. Carr states that installed it might be around \$400. A. McKnight states that you can get 83 pines out of that and that his question would be if you were to completely screen it to make it totally invisible, would \$25,000 cover that. There are only 2 visible sides. T. Siragusa states that there is already screening there, so 83 pine trees seems reasonable to him. A. McKnight states that he thinks that for the neighbors, the fence would be part of the negative impact. It's better than solar panels, but it is definitely part of the negative impact because it's not forest. T. Yasenchak states her question is, worse case scenario, what if some horrible thing happens and all of the trees die. Is that something that is renewable? All the trees are replaced and the bond gets used. That maintenance needs to be continual or is it just a one-time thing. M. Hill states that the PUD contains a section entitled Performance Bonds. Those bonds are typically for construction related concerns. In this case you have the ongoing concern about maintaining visual screening. The applicant has indicated an agreement to provide a \$25,000 bond. T. Yasenchak's concern is that that becomes exhausted. M. Hill states that he thinks that the Board could certainly require a change or recommend that the Town Board require a change to the provision in the PUD regarding performance bonds to require that the applicant maintain that continuously in force and to replenish it if it becomes depleted so that there is always a reserve fund there to address natural disasters and things like that. M. Hill states that can be a change to the PUD language as a condition of approval. S. Weeks states that this is in addition to the initial planting, which will be part of Site Plan Review. The \$25,000 is above and beyond that. S. Ferradino reads from the section of the PUD entitled Discontinuation of Use. She states that if the solar array has been discontinued in its use for a period of 2 months, then the equipment is required to be removed from the site. If they have not removed the equipment after 6 months after written notification by the Town, then they are not allowed to use the property for any use. Baseball couldn't continue, etc. T. Yasenchak states that then the Town could be left with 8 acres of solar panels. S. Ferradino states that they would have 112 acres of unusable land. M. Hill states that this circumstance would be addressed by means of the bond. There could be a removal bond that the applicant is required for maintain for the reasonable cost to remove the solar panels if they become unused. S. Ferradino states that the PUD allows for the Planning Board, at Site Plan, to set the amount of the bond. So this is something that we may have a discussion about at that time. T. Yasenchak states that now we are looking at it for the mitigation of the impact and obviously if they ever became unused, unmaintained what would the impact be. She states that we did have something that G. McKenna brought to the Board's

September 24, 2013

attention and that is that in the Town Code for wind energy, we do require a decommissioning plan and a bond for removal. She asks if that is something that the applicant would be willing to investigate as we go through as far as a decommissioning plan and a bond. S. Ferradino states that the applicant is in agreement with that. T. Yasenchak asks if the Board believes that the bonds would reduce the impact to small to moderate. A. McKnight states that the other piece that would reduce it to small to moderate in his mind would be enough screening. The bonds are to maintain enough screening. T. Yasenchak states that as well when we go through site plan review. S. Weeks states that he thought that it was real significant, at the July 30, 2013 meeting, one of the neighbors on Denton Road, Bob Hyndman, stated that his neighbor put up 5 solar panels, it is about 5' from his property line, and he had said that one of the key things for approving it was that he could not see it from his house. So if you mitigate the visual effect, yes it is there, but it didn't bother him that it was there because it was screened. S. Weeks states that he thinks that screening is the key. T. Yasenchak states that question 2 in Part 3 asks how the impact can be mitigated or reduced. She asks M. Hill if we at that point decide that those items that we have listed have reduced it to that, or do we just go on to question 3. M. Hill states that the specific question that the Board is considering right now is the first bullet point under Part 2, question 11 and we are considering whether or not the impact that the Board identified as potentially large can be mitigated or reduced by project changes. The Board has had discussion about that and the question at this point seems to be whether the requirement of the bond or the maintenance of vegetative screening and replacement of trees, and a removal bond to cover the cost of the removal of the panels in the event that the solar array becomes discontinued, whether those two measures would sufficiently mitigate the potential impacts identified in that first bullet point to the point where the Board thinks that the impact would be reduced from potentially large to small to moderate. If the Board believes that, then that concludes your discussion with regard to that particular impact. T. Yasenchak states that with that said, do we believe that those bonds and the site plan review mitigate the potential for a large impact and reduces it to a small to moderate for #11. With adequate screening, the Board consensus is that it would. T. Yasenchak states that then with adequate screening as outlined with the bonds in place for maintenance and/or additional planting, and a removal bond and decommissioning plan, the Board feels that the screening would be adequate. If the screening is adequate because of those items we can reduce #11 to a small to moderate impact. The Board goes on to discuss question 19, bullet point 7 dealing with important precedent for future projects. T. Yasenchak asks if the Board felt that there would be an affect on the character of the existing community and that it would be a large impact due to setting a precedent for future projects. M. Hill states that from a legal perspective, he would like to offer a comment on the idea of precedence and the significance of precedence. The proposed project is going to be a Planned Unit Development. It is not a use category that is defined under the Code. The purpose of a PUD is specifically to allow flexibility in development for projects that the Town Board thinks would be appropriate given the considerations of what is being proposed, the surrounding uses, etc. Each PUD is in that sense unique and it is formulated or proposed by an applicant with its unique elements and while it is true that the solar array element of this might lead other potential PUD developers to perhaps suggest or propose solar in other PUDs in the future, those PUDs will be unique and the Town Board and the Planning Board will have to consider those and whether solar fits logically and appropriately within those. The mere fact that a solar array is being included as a use within the proposed PUD doesn't mean that when somebody proposes another PUD in the future that that PUD has to have solar in it or that the applicant will necessarily be able to get it by pointing to this PUD, if this PUD is approved. It goes to the nature of PUDs and the fact that they are unique and not reliant on specific uses that are allowed under the code. Our PUD provisions allow for any use, so potentially any use is eligible to be included in a PUD. If this PUD is approved, it doesn't necessarily mean that all PUDs in the future will have solar in them or that solar would be approved for all PUDs in the future. He thinks that is an important consideration for the Board. The Town Board is apparently in the process of considering whether to allow solar electrical generating facilities as an allowed use in some zoning districts. So the Town Board, to some extent, may address this question as far as the extent to which solar is going to be allowed in the future under Zoning. M. Hill suggests the Board consider those things as they consider the idea of the precedent that this may set. T. Yasenchak reads from the code regarding the purpose of Planned Unit Developments. It states that "the Town Board declares its intent to encourage innovations in development and the most efficient use of land by enabling greater flexibility in siting designs and types of

September 24, 2013

structures permitted under certain circumstances in the Town". T. Yasenchak states that this is the only college that we have in Greenfield, as far as uniqueness. When you are looking at precedence she thinks the question is, is it unique. If it is unique then it stands to not set a precedent. The question is whether we feel it is unique for the application or is it not unique because we are looking at solar panels in general. A. McKnight states that it seems that the upshot of Counsel's comments is that it really ought to be a small to moderate impact because it is isolated by PUD. T. Yasenchak states that that is the way that we can interpret it if that is what the Board is comfortable with. S. Weeks states that he would agree because when you talk about mitigating it, the question is can we mitigate it by project change and that doesn't fit. A. McKnight states that the thing that makes him nervous is just the idea of anything is possible in the legal world. He couldn't begin to figure out what somebody might construe out of a precedent. M. Hill states that he is not suggesting that if this PUD gets approved that another developer might not come forward and say that they would like to have a solar array as a part of a PUD and the Board has already approved another PUD that has solar in it so that should constitute a precedent, and therefore that developer should get solar. An applicant may propose that, but if the Town sees a difference between what that applicant is proposing as compared to what this applicant is proposing, and part of that difference may be the geographical location and the setting. In this case, if this solar array is going to be 800' from the nearest road and another applicant proposes to be 30' from the road, for example, then the Town may decide, no, that solar array doesn't fit with what the Town wants and what the Town believes is appropriate from the standpoint of visual impacts because it would be so close to the road. That applicant may not get approved or may be asked to withdraw that element. M. Hill states that what he is suggesting is that if this project gets approved, especially because it is a PUD and PUDs are unique, it doesn't necessarily follow that because there is a solar element to this PUD that all PUDs in the future will either have to have solar or that solar will be approved and allowed on all PUDs. This is not going to have a binding affect on the Town. B. Duffney states that it is up to the Town Board whether they send to the Planning Board, whether they feel it is appropriate for any other solar arrays to go in different areas. T. Yasenchak states that if someone else comes in with a PUD it has to go through the same process. M. Hill states that the Planning Board would make a recommendation to the Town Board about whether or not an element would be an appropriate element to have in the PUD, or make a recommendation to have the Town Board ask the applicant to change the PUD. He states it is possible for the Town Board, at the initial submission stage, to say that an element doesn't fit and to ask the applicant at that time to submit a different proposal for PUD. T. Yasenchak asks if the Board wants to review its answer and whether we still believe it is a potential large impact for setting a precedent for future projects, or with the definition of the uniqueness of a PUD, the uniqueness for only a specific piece of property, is then small to moderate as far as setting a precedent. B. Duffney states that we could say small moderate as a PUD has its own zoning rules. T. Yasenchak states that in a PUD they are pretty much writing the zoning for that particular piece of property, it is not something that the Town is writing. T. Siragusa states that he would suggest changing our response, not moving it based on mitigation to be clear, but changing our original position from large impact to small to moderate based on this discussion. Board agrees and the answer is changed to small to moderate based on the uniqueness of this project being a PUD. We will then not need to make an evaluation in the part 3 of question #19. T. Yasenchak states that we did check the yes box for question #20 but there are no small to moderate or potentially large impacts listed. She asks M. Hill how we address that in part 3. M. Hill states that question #20 does not really relate to environmental impact and does not need to be evaluated. T. Yasenchak states that that concludes the review of the long form SEQRA. She asks if there are any additional questions from the Board or comments from M. Hill. M. Hill states that going back to question #19 and his comments about the uniqueness of PUDs and their being evaluated individually in the future, he wants to reiterate that the Town Board is in the process of doing a review with respect to how solar projects will be treated for zoning purposes in the future, so that that may very well result in zoning and guidance with respect to how to have solar treated in the Town in the future. The Board has concluded its review of Part 2 and if all the Board members are satisfied with all the responses as they have been discussed and arrived at the revisions, then it would seem that at this point the Board would want to make a motion to have counsel prepare a negative declaration for filing and the motion should state that the Board has not identified any significant adverse environmental impacts and directs council to prepare a negative declaration. A. McKnight states that it is a negative declaration because of the mitigation measures.

September 24, 2013

T. Yasenchak states because we have not identified any significant impacts. A. McKnight states impacts that cannot be reduced. T. Yasenchak states that we did the Part 3 that says that we felt that the potential for a large impact on the aesthetics could be mitigated by project change and how the impacts would reduce to a small to moderate impact. M. Hill states that is correct and the bottom line result here is having gone through that process is that, as long as all Board members are in agreement, the Board has not identified any significant adverse environmental impacts from the proposed project and so the appropriate motion would seem to be a motion to declare a negative declaration and to direct Counsel to prepare a negative declaration. S. Weeks states that he would make that motion

**RESOLUTION – SKIDMORE COLLEGE, SEQRA**

MOTION: S. Weeks

SECOND: B. Duffney

RESOLVED, that the Planning Board declares a Negative Declaration on the Long Form SEQRA for the application of Skidmore College for a PUD for property located at 100 Denton Road, TM#152.-1-75.

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

T. Yasenchak states that the Board will be checking Box A on page 1. She asks if the Board would now be making a determination on the completeness of the application. M. Hill states that the Board made a determination on the completeness of the application for SEQRA and the Board can make note that additional information has been received since making that determination. T. Yasenchak states that the difference she wanted to point out is that the Board made a motion to determine the application complete for SEQRA review, but did not deem the application complete for review of the advisory opinion. She explains that would have put the Board under a timeline. Now that the Board has reviewed the potential environmental impacts on this project, there are other determination standards that we review in giving the Town Board our advisory opinion. If we feel that we have received all information from the applicant as well as from the public to deem the application complete for purposes of determining our advisory opinion, we can make a motion to that affect. Once we deem it complete, within 35 days of receipt of the complete application we do have to make a determination and give the advisory opinion to the Town Board. If we do not make a recommendation in that time, then that would constitute a recommendation of approval.

**RESOLUTION – SKIDMORE COLLEGE, APPLICATION COMPLETE**

MOTION: A. McKnight

SECOND: T. Siragusa

RESOLVED, that the Planning Board deems the application of Skidmore College for a PUD to be complete for purposes of rendering an advisory opinion to the Town Board for property located at 100 Denton Road, TM#152.-1-75.

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

T. Yasenchak reads from the Town Code that the recommendation shall be accompanied by a report on the application, which shall include a discussion of proposal's compliance with the listed items. She states that the Board can have a discussion and then at either this meeting or the next we can formulate a written report on the application. A. McKnight asks what is the process by which we write up a report with 7 people. M. Hill states that there is the criteria in the Code that the Board needs to consider, have discussion on and arrive at a consensus with regard to each item as to whether or not the proposed PUD with the

September 24, 2013

modifications discussed for SEQRA purposes, would be appropriate for recommendation for approval to the Town Board and any revisions or changes that were discussed in the course of the SEQRA review would become part of the recommendation to the Town Board. T. Yasenchak states that the first item deals with conformance to the Town's comprehensive planning objectives. S. Ferradino states that when she was reviewing the Comprehensive Plan and the new wind energy provisions, she noticed that the wind energy provisions were added in 2009. The Comprehensive Plan was last updated in 2005 or 2006. By virtue of this inclusion within the code, it has been deemed not to be in contravention of the Comprehensive Plan. The Comprehensive Plan would have had to have been modified in order for that legislation to be there. If you are looking at the precedence value of a similar type project, with the wind energy legislation being passed, it was found not to deviate from the Comprehensive Plan. T. Yasenchak states that is if the Board believes it is comparable to wind energy facilities. S. Weeks states that he believes that this is similar to wind energy. He states that what is done with solar for the Town will be similar to the regulations for wind. At least in his opinion, it is an energy producing system and he thinks it has similar characteristics. B. Duffney agrees with S. Weeks because with the wind energy, you can have personal or commercial wind facilities. A. McKnight states that the Comprehensive Plan states that the plan for Greenfield is to remain largely rural with large residential parcels but in opposition to that it is to maintain a small area for industrial development on the southern boundary of the Town between 9N and Locust Grove Road. He states that given the fact that we are talking about 112 acres of green land and screening to hide the solar panels, he could see where it could go along with the comprehensive planning objectives. M. Gyarmathy agrees with A. McKnight, given the screening, etc. he feels it fits with the Town's Comprehensive Plan. T. Siragusa states that he also agrees. He thinks this is a really important point; everything really revolves around the Comprehensive Plan. The Comprehensive Plan is really a declaration of what the Town people feel and how the Town should be used. The law is the codification of the Comprehensive Plan so he thinks it is a really important first point and he is glad that we are considering it strongly as a first objective. He remembers when this was brought up in the early 2000's; it has been modified. A couple of really strong points have been made by the members here. We do have the solar as S. Weeks said which is very similar to that. His personal opinion is that it has far less impact overall in terms of the various ways that we have looked at impacts. Not to say that every solar installation will have smaller, lower impacts. Certainly you could hide wind as much as you could see solar. He does think that they are very similar. The second, as far as A. McKnight has mentioned, this is the area of the Town, which was designated for any kind of industry. There is a very large statement within the Comprehensive Plan that talks about keeping Greenfield green and that type of language. There was a push in the codification that showed that the minimum lot sizes were actually expanded on all counts and as well as minimize the number. In general he thinks that this, although this is the first large solar that is not on a roof, is very interesting and he thinks that the Board has taken their time with it. In the end he does think that this does fit within the Comprehensive Plan and planning objectives. T. Yasenchak states that she is going to disagree. The point where she feels it does not meet with the Comprehensive Plan is the points where it does say over and over in the Comprehensive Plan about increasing green space or keeping Greenfield green. She thinks that renewable energy is very important and was on the commission for the wind energy, briefly. She feels that the impact of solar vs. wind is very different. When you are looking at wind whether it is for personal use or larger industrial use, you are talking one tower. If someone has it on their own personal property it is one tower, maybe two. On an industrial level, there are larger towers. Yes, they are large and there is a large visual impact, but they are set far apart and there are things you can do with the land beneath them. There are cows that are grazing; there is agriculture that is under those towers. To her when it comes to this particular question she personally has to disagree because she feels that visually 8 acres of solar, where you are not growing anything agricultural, horses are not grazing underneath it, or any other kind of green space, she thinks that is the difference for her. M. Gyarmathy states that he thinks that is reasonable too based on the magnitude of the project. He thinks that is something that we have to consider as well. B. Duffney states that with this project there is 112 acres of green space. T. Yasenchak states that she realizes that and is just one person, and in looking at this approval, yes, it is being mitigated, but still just looking at that particular use in this area. If it was in the general business district, she would have a different opinion. B. Duffney states that it is also MDR2 down there so you could have quite a few houses in there. T. Yasenchak states that you could, but the houses would not be covering 8 acres solid. If it was a conservation

September 24, 2013

subdivision it could be clustered. T. Siragusa states that we have a provision in this that it cannot be more than 8. T. Yasenchak states that she is stating for the record that that is her opinion as far as conformance, whether things are mitigated or not. She feels that there are issues that were mitigated. A. McKnight states that the one clause that he called out about the industrial district between Locust Grove and 9N, this project site is not between Locust Grove and 9N. So that puts a different light on it. M. Gyarmathy states that he thinks it is very challenging because our industrial zone is so small. For the most part the Comprehensive Plan talks about expanding the hamlets of our town, retail spaces. There is not a lot in there about industrial uses and that is the challenge here. S. Weeks states that he does not think that we are taking a vote on each of these, we are having a discussion to pass along to the Town Board. T. Yasenchak states that there will have to be a majority. The second point for the recommendation is whether the proposal meets the intent and objectives of a PUD. She reads from 105-129A. A. McKnight states that this does talk about preserving lands and recreational areas. S. Weeks states that it is about encouraging innovation. T. Siragusa states that even in looking at #1, yes, and specifically in #2 we have asked for preservation of open space. In talking about the solar array, we have talked about no expansion and we have looked at fractions and percentages. He thinks that under the review we have so far, he would think that it fits with the intent. A. McKnight states that he doesn't see where this doesn't meet the intent and objectives of a PUD. T. Yasenchak states that obviously a PUD in itself is not created just to preserve land. If this were a PUD for residences we would be asking them to preserve land while they are developing the land for the residences, which is often a conservation subdivision. It brings a cluster of homes together and has open space around it; it preserves the land around it for recreation, no cut buffers and so forth. A PUD is not meant to be just a park or for recreational purposes. In this particular project there has been a significant effort to keep this space open and for recreation. The PUD itself has limited further development. She is ok with saying that it meets the intent of that. As far as trees, topo, outstanding natural features being preserved where possible. Board consensus is that this is happening. Regarding regulations in 105-129B the Board believes that the PUD complies. Regarding #6, any PUD still needs to go through the site plan review process and the Town Engineer will review for more specific and intense review. Item #8, traffic, has been reviewed for SEQRA and will be under special use permit process for any large events. M. Hill states that at this point the first item with regard to whether this meets the intention of the Comprehensive Plan seems to be the outstanding item and discuss that further so that the Board can formulate an overall recommendation. T. Yasenchak states that her understanding is that there was a majority. A. McKnight states that he is not standing with his original opinion. M. Gyarmathy states that it is very hard. He feels that the industrial zone is very close to this and he also feels that 8 acres is a large parcel to be covered with glass. In the Comprehensive Plan it states that the Planning Board doesn't take long enough to go through these things and that development occurs without any pattern or conformance to articulated vision. He thinks that the problem is that our industrial zone is so small that we don't know where to put these things. He is a proponent of green technology, and green power, etc.; he is just having trouble with the 8 acre part of it. A. McKnight questions tabling that discussion and coming to a consensus at the next meeting. B. Duffney states that here you have a total, between the ball field and the solar array, out of 112 acres maybe 12, so you have 100 acres of open space. Part of the Comprehensive Plan is to conserve open space. You are not going to get much more open than that. He explains how the zoning overlaps in certain areas. You are not talking 5 miles away; it is 1/2 to 3/4 of a mile away from the commercial district. You are not going to get much more green space than 100 acres. A. McKnight states that the specific question is that the proposal conforms to the Comprehensive Planning objectives. B. Duffney describes a couple of the other PUDs and what they entail which are in the LDR zone. He states that each of the PUDs have put more than one home on 6 acres – they have several homes, businesses, apartments, etc. S. Weeks states that the positive to him is the retention of a large amount of open space. He knows that we have an intensive 8 acres, but when he looks at the totality of the PUD, he is thinking that the Town would like to maintain that open space and that agricultural view shed along that road, and this does it. In comparison with other things that could be done in that district, this is a positive to him. B. Duffney states that they are using less than 10% of the property. T. Yasenchak states that she agrees with S. Weeks. As far as density is concerned, if this was residential and it had a public utility of water of some sort, there could be a more dense use on this property. She does not disagree with that. She does believe that this particular use because they are limiting the solar to a specific area, that it is less dense than it



September 24, 2013

could be. For her, she can't say that it meets the Comprehensive Plan. She states that S. Weeks is looking at it as comparable to wind energy. B. Duffney states that wind energy is the only thing that we have that is close to it. T. Yasenchak states that when she went out to the Tug Hill Plateau and saw fields and acres of wind turbines, there were cows and dairy farms underneath it. To her she does not see the comparison to wind turbines and the solar array. T. Siragusa asks if this would be better if the solar panels were stuck on posts 200' in the air. T. Yasenchak states that if there was one for every 10 acres as it is there, it might be different. T. Siragusa states if you look at the map of our zoning, we have essentially two MDR districts. The one in question is the one in the southeast corner of Greenfield, which is in the area that has been designated and is not quite between Locust Grove and 9N, and is the area that he thinks of along the 9N corridor. It is actually quite off that; it is a little bit off the 9N corridor that is designated for more industrial. The one thing that he is noticing is something that came up early in our discussions is the number of PUDs. He wasn't really concerned with the number of PUDs or in the number in that area, but it strikes him percentage wise in that area of the MDR. He would say that it might be somewhere in the 20%, if we added a third PUD it might represent 20%, maybe more of the total area in that section of the MDR2. That might suggest that we send a recommendation to the Town that it is somewhat inconsistent or worth looking at because a PUD is an exception, however innovative, to the surrounding zoning. That at least puts it on watch, whether it fits with the intention of the Comprehensive Plan or even Code for that matter. He still feels like it fits within the overall plan; a fit for Greenfield based on its location; he thinks it is pretty low impact. There was a lot of discussion early on regarding whether it is industrial or commercial and he still does not get what the point of that is other than what its impact is and even though Dynamic's tag line is commercial and industrial solar, he thinks of big smoking plants and churning gears and loud noises – you have none of that. It is flat to the ground and hard to see. He thinks when you go and stand behind the fence and try to see the neighbors – it's hard to see. Visually it is pretty low impact, sound wise it is pretty low impact. Conserving space – he thinks we did that by the 8 out of 112 acres. Because it is hard to be completely black and white, he sees another pink area in a small green that says, what if this whole thing was all PUDs in this area. Is that the intent of the Comprehensive Plan, what if there were a 4<sup>th</sup> and 5<sup>th</sup> in that area? He would say to that kind of forward thinking he would say no, it isn't to the plan because how many exceptions to Code do you have before you have too many exceptions. One of the things that we talked about very early on was at least recommending to the Board that this is the third PUD in the area and maybe the whole area needs to be re-looked at. If the whole area needs to be re-looked at is it in compliance with the plan. He states that obviously he is a little conflicted on that. He does not think that this is in conflict for all of Greenfield, but if he looked at that area in MDR2, he thinks there is a progression happening here that may be inconsistent if you look at it as a trend. S. Weeks states that his question is, if we have a contentious issue like this, does this mean that we wouldn't pass it on to the Town Board. T. Yasenchak states no, it is a matter of how we may write our advisory opinion. S. Weeks states that we can certainly express the kinds of concerns that the Board members have and that is part of the discussion. It says that it is supposed to include a discussion, which we have had. We have included the discussion, but we are not voting on 1 - 8. T. Yasenchak states that we are not voting on 1 – 8, but whether the recommendation is favorable or not, would be something that the Board would vote on. We have to make a motion of whether our opinion is favorable or not, and include in that opinion the discussion of the different points. M. Hill states that accurately states what the Board would be doing. At the end of the process, ultimately, the Board is going to be making a recommendation to either approve or disapprove or approve with conditions or modifications of the PUD to the Town Board. That is ultimately where the Board wants to end up. It is not to say that you need unanimity with regard to each of the questions and certainly as S. Weeks suggested, it may be very helpful for the Town Board to receive the discussion about differing view points among the Board about any of these questions, so that the Town Board can have the full array of input with regard to its ultimate decision. At the end of this process, as a Board, you would be making a recommendation, and presumably have a motion and a vote to make that recommendation. T. Yasenchak states that any kind of decision and approval does not necessarily mean that we have to agree on all these points. There has to be a majority on the approval for the recommendation. J. Bokus states that the approval or disapproval is based on this PUD, not what might happen when you have additional requests in the area. T. Yasenchak states that this Board is just making a recommendation. T. Siragusa asks if we want to take a roll on whether to recommend approval or

September 24, 2013

disapproval. T. Yasenchak states that if we feel like we have discussed it. T. Siragusa states that it does not have to be permanent; it can just say where we are. B. Duffney states that if we send an approval to the Town Board can they say it is not going to work because of #1. T. Yasenchak states that ultimately the approval of the PUD is with the Town Board and our elected officials. M. Hill states that a recommendation is not binding on the Town Board, it is a recommendation. T. Siragusa asks if the Town Board can ask for additional input or questions. T. Yasenchak states that is part of our report, the discussion. T. Siragusa states that is his questions, after the Town Board gets our report and reviews it, what if they have questions for us. T. Yasenchak states that is a good question because the Board also has a time limit to make a decision. M. Hill states that the Planning Board would want whatever recommendation they make to be as thorough as possible. In the event that they have questions, the Town Board can certainly refer the questions back to the Planning Board for additional information or clarification. The time periods that were mentioned from the Code can be waived with agreement of the applicant. The Planning Board meeting twice a month facilitates the opportunity for the Town Board to get clarification or additional input from the Planning Board. B. Duffney asks if we sent this to the Town Board, can we let them figure out whether the proposal conforms to the Comprehensive Plan. T. Yasenchak states that is something that they have to think about themselves. They are answering the same questions when they are looking at it. M. Gyarmathy questions if the Planning Board were to write all their points of concern under 1, like 1A, 1B, etc., for the Town Board to evaluate on their own.

#### **RESOLUTION – SKIDMORE COLLEGE, PUD REFERRAL**

MOTION: S. Weeks

SECOND: B. Duffney

Motion, that the Planning Board recommends to the Town Board approval for the Skidmore College PUD on property located at 100 Denton Road, TM#152.-1-75. (Motion subsequently withdrawn.)

T. Yasenchak asks if there is any discussion or additions to that motion as far as the review and the addition of the bonds that we discussed. M. Hill states that he was going to ask about that in particular. We have obviously discussed that and it seems to have been a large factor in the Board's consideration of the SEQRA review. If the Board is recommending approval with the idea that the performance bond section of the PUD would be modified to include not only a performance bond for construction, but a bond for trees and vegetative screening, and a requirement of a decommissioning plan. S. Ferradino states that there is a percentage for the solar array on the site that they agreed to and were requested to include. M. Hill states as well as anything else that the Board members recall that should be spelled out clearly in the recommendation if the Board deems those important. S. Weeks states that he would modify his motion to add those recommendations as well as the Board's discussion of the 8 items. A. McKnight states that his concern would be that for the Board to approve that motion, we would need to know that we got all of our individual concerns for all those items. S. Weeks states that is in the minutes and we would include the minutes. A. McKnight asks if that is legible enough for the Town Board or whether we should make it concise. T. Siragusa states that this seems like the chicken and the egg discussion. This is why he was asking if you take a straw poll to see where we stand and draft what this would look like and then vote on it. Board agrees. T. Yasenchak asks who drafts that. If we took an informal poll so that we knew the direction of the decision that we would like to make, but we wanted to make sure that the motion was drafted succinctly enough to have all of those extra items that we identified during SEQRA part of that motion, is that something that the Board would write or the Town Attorney. M. Hill states that we can do it either way. They can certainly assist the Planning Board if they want that. As to the opinions of each Board member, that would be up to them to develop those themselves. The idea of coming up with an overall direction which the Board wants to go, with the list of the proposed changes to the PUD that have been discussed and the individual opinions of the Board members to supplement the recommendation, the Board members may feel more comfortable writing their own drafts. S. Weeks asks if we feel that the minutes don't do that. We have discussed it, we have each given our opinions, and he is not willing to go back and try to rewrite what he said in a public meeting, he would just use the minutes. T. Yasenchak states that the regulations state that the recommendation shall be accompanied by a report on the application, which shall include a discussion.

September 24, 2013

What do we feel constitutes that report? A. McKnight states in a format that is receivable by the Town Board, or digestible by the Town Board. M. Hill states, from the Town Board's standpoint, having to take meeting minutes and sort through them to try to glean the information, that may be somewhat difficult. If there is an overall direction in which the Board is going, such as S. Weeks motion, with the condition that there are items in the PUD that be revised to include what has been discussed, if that is the overall direction, if it is to include those modifications to the PUD, then the Board members or the Town Counsel can develop a draft. With respect to individual members opinions to the first question, having the individual members develop a succinct short written statement, if they wish, no obligation on any Board member to do that, to include with the report, might be the best way to provide the Board's input to the Town Board rather than simply suggesting that the Town Board review the meeting minutes. S. Ferradino asks if it is possible to take the vote on the condition and have each statement accompany the report. She states that we have all heard what the issues are and if we are just fleshing out those particular issues, could those not accompany the report. She is looking at the timing with next week's Town Board meeting. M. Hill states that the only concern he has about that is that those statements then would be submitted outside the course of the meeting and it seems from Counsel's perspective that it would be more appropriate to have those statements developed and submitted so that they are part of the public record before the recommendation goes over to the Town Board. T. Yasenchak states that making a motion based on conditions, it is important to have those conditions listed. We all know what those are, we agreed on those. She does not think the Town Board will read all those minutes, that is part of the report that the Planning Board has to make. M. Hill states to follow up on S. Weeks motion, motion to approve with the recommendation that the following changes be made in the proposed PUD dealing with, for example, the inclusion of a requirement for a bond for trees and vegetative screening; a removal bond for removal of the solar panels if the solar facility is no longer used, etc. Those would all become recommended changes or amendments to the proposed PUD that the Planning Board would be suggesting that the Town Board require the applicant to make. Based on the discussion with the applicant, it sounds like the applicant would be willing to make all those changes but nonetheless, those would be important elements in your recommendation to the Town Board. S. Weeks states that he believes those are the two items. A. McKnight states that the report of our discussion includes other issues like the multiple contiguous PUDs and how that affects the zoning. M. Gyarmathy asks why don't we just have someone give us another draft of the PUD to include those things. He does not know whose responsibility it would be to do that. S. Weeks states that we are saying that the application is complete. We can put conditions on it but we are not going to expect them to rewrite the application. In his mind the question is how do we resolve this discussion issue? Once the minutes are done, he is going to look at what he has said on these issues and that is what he is going to use. He is not going to have a new discussion, we have had a discussion, it's how do we transmit that. T. Yasenchak states that she thinks there are two separate items. The one is do we feel that we can make a decision and list out succinctly what those additional requirements were, right now and pass that along to the Town Board. Or do we feel that we would like to see those all in writing before we make that decision. J. Bokus states that we have a motion that was made and seconded, what happens with that? M. Gyarmathy asks if we can ask Town Counsel to review that and bring us back a list. T. Yasenchak states that she just wants to make sure that the list is succinct when it gets to the Town Board. The Town Board needs to see a report before they actually review it themselves. She does not believe that the report needs to be done when we make the recommendation. T. Siragusa states that we should take the time to do that. S. Weeks states that he is fine with that but he is concerned with the discussion issue and how that is going to be resolved. He is really intent on thinking that we should use the minutes, someone can do that, focus them on the issues, but if we are going to come out with individual statements again, he thinks we have a whole other round of discussions and he does not think we need to do that. We have done that already. M. Hill states that this has been a lengthy meeting and it takes time to transcribe the minutes, so it seems logical to ask R. Rowland how long that process will take. He states that if the Board wants Counsel to review the draft meeting minutes and develop a list of the items that were discussed tonight that would constitute proposed revisions to the PUD, they can certainly do that. If the Board would like for Counsel to go through the comments that were made during the discussion of question #1 and draft a distilled version of each members comments, they can do that and provide a draft for the Board to review and then revise it in any way that the Board would like. Then the Board would have a

September 24, 2013

written draft from which to make a recommendation to the Town Board. It would be helpful to know the general direction of the Board. S. Weeks offered a motion to approve and if that is the general direction that the Board is going in, then that is the general direction Counsel would proceed in preparing a draft. T. Yasenchak asks if the Board should make the motion, table the motion and have an informal poll so that we can make our decision later. M. Hill states that you do have a motion and a second. He thinks in view of the discussion, if S. Weeks and B. Duffney are agreeable, he respectfully suggests that the motion be withdrawn and that we see by way of brief further discussion if there is a general consensus on the way that the Board wants to proceed. If it seems like the Board is leaning towards approval, that would be the draft that they would prepare for the Board's consideration at the next meeting. S. Weeks states that he will withdraw his motion with the understanding that we will follow the procedure that M. Hill proposed. B. Duffney agrees to withdraw his second. A. McKnight states that his general informal view would be that he would vote for approving the project but he has concerns that the Town Board ought to consider. M. Gyarmathy agrees, his feelings are the same and he really likes M. Hill's idea of him sorting it all out and drafting something that we can see so that we make sure that nothing is missed. T. Siragusa states that he is generally favorable. S. Weeks states favorable. B. Duffney states favorable. T. Yasenchak states that then the Board is generally favorable towards a recommendation including the discussions and concerns that the Board had. She asks if the Board would like to give that task to the Town Attorney. M. Hill states that the Board can certainly do that themselves. They are here to assist the Board and will be happy to take it on if the Board wants them to. A. McKnight asks how quickly that will be turned around and that the Board will have a chance to review it. M. Hill states that they will try to get it to the Planning Board as expeditiously as they can. He will aim to have it to the Planning Board by the end of the day 10/4 for the meeting 10/8. S. Ferradino asks if it is reasonable to expect that the Planning Board will vote on this on October 8<sup>th</sup>. T. Yasenchak states that that seems to be the direction the Board is going in.

---

### **WILL ORTHWEIN – Minor Subdivision**

Will Orthwein is present and states that when he was here previously it was requested that he get a letter from ACOE, which he has done in addition to the letter from DEC, which the Town has. Originally his application was for a minor subdivision and site plan review for the one lot. He will only be doing the subdivision and if at some point the buyer wants to do something further, that will be up to them. Dr. Sondhoff is still interested, but we are going to do this in 2 different parts. T. Yasenchak states that she has worked with Dr. Sondhoff in the past. When he came to the Board before, he used a potential barn plan that has T. Yasenchak's name on it. The barn plan she did for him was on another site, it was a renovation of an existing barn and had nothing to do with this particular site. She has not talked to Dr. Sondhoff about this particular project or any project in a couple of years. She does not feel that this particular application or her past business dealings with Dr. Sondhoff have any relation to how she would look at this project. W. Orthwein states that he is not under contract with Dr. Sondhoff either. T. Yasenchak states that this application is for a minor subdivision and we have discussed the lot line adjustment also. W. Orthwein explains that there is a septic issue and so the lot line adjustment is how they were going to resolve it. T. Yasenchak asks the distance from the lot line adjustment to the wetlands where the potential driveway would go through. W. Orthwein states that the lot line is not drawn to scale. The leach field encroaches on his property and there is really no other way of dealing with it other than to let him have that property. A. McKnight states that the applicant is making lot 1 3 acres, which limits his uses. W. Orthwein states that it is MDR2, which is 3 acre zoning and the intent would be that it would be a single-family home. T. Yasenchak states that as a minor subdivision, the Planning Board can waive a public hearing. Board consensus is to have one. T. Yasenchak asks about the gas marker and if there are easements on this property. W. Orthwein states that there is a high-pressure gas line that runs along Daniels Road and there are several driveways that it runs across. T. Yasenchak states that there would have to be some kind of easement for that and it should be noted on the plans so that any potential buyer knows if there are any limitations on that lot. C. Baker states that we will need to see a subdivision map with all the information that we normally require. Public hearing is scheduled for October 8, 2013 at 7:00 p.m.

September 24, 2013

**ROBERT FRASER – Site Plan Review**

Robert Fraser is present and states that he is here to talk to the Board about a proposed garage apartment. He is in the process of having his plans reviewed by an architect. T. Yasenchak states that we do not need to actually see the stamped plans, that will be part of the building permit process. R. Fraser states that they are planning to remove the existing garage to another location on the property, and he has spoken to G. McKenna about what is needed for that and it will be just a building permit. He would like to build this garage apartment adjacent to the area where the existing garage is located; the new garage will be approximately 1200 square feet. They will be extending the driveway to that new garage. It will have its own septic system, they will be doing the deep hole tests for that soon, and it will be 100' from their well and the neighbor's well. T. Yasenchak asks that that be shown on a map. She asks the size of the garage. R. Fraser states that it will be approximately 1200 square feet, it is closer to 26' high now and the living space will be approximately 864 square feet. They are proposing 3 parking spaces inside and 3 spaces outside the garage. T. Siragusa states that on the map there is a location for a generator and asks if that is a secondary source. R. Fraser states that is correct and there is an existing propane tank. T. Yasenchak asks if that will be enclosed in any way. M. Gyarmathy states that they usually come with their own enclosure. B. Duffney states that it could be moved behind the garage. R. Fraser states that it is a fair distance to the neighbor's property. T. Yasenchak states that there is a list in the code for Site Plan Review requirements including roughly where the new septic will be going, the neighbor's well, etc. Public Hearing is discussed and set for October 8, 2013 at 7:00 p.m. C. Baker states that he has no comments. T. Yasenchak asks about exterior lights. R. Fraser states that he had a pre-application meeting with G. McKenna who did not think that a survey would be necessary. R. Fraser states that he just wants to make sure that the Board is not going to ask for a survey. The house and garage exist. He will provide the Board with an overall plat. T. Yasenchak states that she is fine without a survey. S. Weeks states that as long as we have key distances, as far as he is concerned. T. Yasenchak states that the topo is already on here, there are general contours, we are not looking for a whole new survey but we do need to be able to see it. R. Fraser states that he will provide a better scale.

---

**DAVE EVANS –Minor Subdivision; Lot Line Adjustment**

Plank Road

Dave Evans is present. A. McKnight recuses himself. T. Yasenchak states that she had a gentleman contact her to design a house and the gentleman is not in contract with D. Evans, but he is looking at D. Evans property. However, he called her and she has not met with the person, she does not have a contract with the person or any financial obligations. She does not believe it is going to affect her judgment. M. Hill states that it is relevant to note that the client she may be working for regardless of where the house is located, so there doesn't seem to be any appearance of conflict of interest. T. Yasenchak states that there is no contract, she hasn't met with him yet, they called and asked. T. Yasenchak states that the applicant has submitted a letter showing one option that he would like to pursue. There is a statement describing what he would like to do as well as his thoughts about the Planning Board interfering with private uses. D. Evans states that he would like to know the Board's thoughts on law 105-152. T. Yasenchak asks M. Hill if he would like to comment. She states that as far as it stating that if someone has an easement with someone, this Planning Board cannot interfere, abrogate or annul any easements or covenants between parties, but she thinks that is different than when we are reviewing site plan reviews, subdivisions, or lot line adjustments. M. Hill states that he thinks that T. Yasenchak's view on this is correct. The way this is written it appears to actually apply to existing uses rather than prospective uses that are being created for allowing shared driveways. He does not believe that this section has a bearing on the prospective creation of easements that would allow for shared driveways. D. Evans asks if anyone has looked into the ZBA ruling that since driveways can cross other lots they would not consider a variance. He looked at that as an interpretation that would allow and apply to future as well as existing easements. T. Yasenchak states that she believes that for a future easement, the applicant has lots that are subdivided and at some time would like to grant an

September 24, 2013

easement to a neighbor to do something, then you would have that ability to do so. However, when we are looking at subdividing and creating lots, we have certain standards that are applied and part of that is access to those lots so that we are not creating lots that cannot be accessed. M. Hill states that he thinks that the question that the applicant has raised about the ZBA and the chairman explaining that driveways can legally cross other lots and a variance couldn't be granted. M. Hill does not think that that relates to Section 105-152, he thinks that relates to the question of whether or not there was some other feasible way for that situation to have been dealt with other than granting a variance. He thinks that the ZBA was saying, there is another feasible way and that since you would be allowed to have a shared driveway there is a way to deal with this that wouldn't require the ZBA to grant a variance. D. Evans states that whether it relates or not, isn't this the same situation with lot #4 being crossed by a driveway. T. Yasenchak states that the issue we were trying to address at the last meeting was that we had 3 lots sharing the same driveway which the Board did not feel was acceptable and then the other item was that the applicant proposed to have lot 3.1 and 3.2 have an easement over lot 4 and then lot 4 would have an easement over someone else's lot, which is not what the applicant is proposing now. Right now, looking at the map, lots 3.1 and 3.2, the driveway actually goes up the centerline of the property between lots 3.2 and 4. Lot 4 would use the same driveway. That was the issue of having three lots share the same driveway. D. Evans states that that is very similar to lots 6, 7 and 8 crossing lot 9. T. Yasenchak states that the Board had some hesitation about having 3 houses on the same driveway. T. Siragusa states that there is a shared driveway for 6, 7 and 8 on one driveway and all that comes thru lot 9. What he does not remember is what came first. D. Evans explains that when his father first purchased it, it was one big lot. At some point there was a 10-acre section cut out to the west, and then he subdivided it. T. Siragusa asks if it had some driveway. D. Evans states that there was an existing road there that crosses the neighbor's property. T. Siragusa states that the map is showing that at the same location that the road cut, there is a second driveway that goes all the way thru lot 9 to someone else's property. D. Evans states that it is still there. T. Siragusa states that across the street there is a three lot shared driveway with the first lot having an easement to the second lot and so forth, so while it is 3, all the parties are involved there. What the applicant is trying to do here is more intentional, saying that he wants to cut across a lot for shared driveway where the grantor of that easement doesn't gain any use of that driveway whatsoever. D. Evans states that they are non-exclusive easements. M. Hill questions that it was mentioned that one owner doesn't get any use of the driveway. T. Siragusa states that he is looking at the older lots that are not in question today, lots 6, 7 and 8. There is a shared driveway and they all go thru lot 9. Lot 9 does not appear to use that driveway at all. D. Evans states that it doesn't require that for the house but still has access to it. In terms of the order of things the reason this easement was granted was to subdivide the land behind it. This was done in the full knowledge of the Planning and Zoning Boards. The Planning Board initially did not want the applicant to go thru lot 9. He applied for a smaller frontage and the Board said no, it had to be behind other lots to be a keyhole lot. Then he applied for the variance and the ZBA said no. T. Yasenchak asks him to summarize this one plan. D. Evans states that he is trying to improve lot 5 by giving it the entire lawn area, he would like to make that available to lot 5. This requires making lot 4 narrower by the virtue of making it a keyhole lot and if that is not permissible he can leave it at the same 250' of frontage with a flared entrance as the Planning Board approved last year. If that is not acceptable he can shift lot 4 and the other lots to give it frontage. T. Siragusa states that last time the applicant had a narrow, wide and mid proposal. He asks if the applicant has any new proposals. D. Evans states that this is the mid proposal. T. Yasenchak states that a keyhole has to be at least 40' of frontage and she reads from the definition. She states that the applicant would still like to have the shared driveway used by lot 3.1, 3.2 and 4, a three way shared driveway. D. Evans states he would. S. Weeks states that because of its being a keyhole lot, he has to have a driveway that meets those standards. It is a very substantial drive way because of the keyhole lot - 50,000 lb vehicle 30' long and a turn around within 100' of a structure. There is a substantial requirement for the driveway. He states that helps him a little bit with the shared driveway. T. Yasenchak asks how long it is before you get to a place where an emergency vehicle can turn around. D. Evans states that it goes 1200' before it splits up. He can put a turnaround at that spot. M. Hill states that he believes that there is a requirement in the New York State Fire and Building Code that requires at certain prescribed intervals that there be an ability or width in the proposed driveway that would allow emergency vehicles to pass by each other, a pull off or something. If this is 1200' from the road to the point where the driveways split off, it seems like one or more

September 24, 2013

of those pull off areas would be required somewhere along the length of the driveway. D. Evans states yes, every 500'. T. Yasenchak asks if the applicant has the ability to do that and the Board is going to need to see that at some point on the map. She states that the last time we did approve a very long driveway, the Town Emergency Services asked for posts to be placed at various distances so that they knew how far it was. B. Duffney explains that they requested to have 4 x 4 posts every 500' going from the home, with rings painted around them or rings of reflective tape indicating the distances – 1 ring for 500'; 2 rings for 1000', etc. T. Yasenchak states that at the last meeting the Board had stated that they were uneasy with the three. B. Duffney states that he is still uneasy with the three. T. Siragusa states that he is generally uneasy with it, but there are already two here. The reason he is saying that is not for precedent, but it shows the difficulty of the land. S. Weeks agree that it is the difficulty of the terrain. T. Yasenchak states that at the same time that there is the difficulty of the terrain, but how many keyholes are there. Altogether when you are looking at all the frontage there will be 4 keyhole lots in the area. D. Evans states that the extra keyhole lots do not mean that he is cramming houses close together. There are only 2 houses that are within 100' of the road. He is saying that the normal reason you might object to keyhole lots don't apply here. T. Yasenchak states that keyhole lots are for unusual conditions of the area. D. Evans states that he has before him envelopes for every anticipated objection that the Board might have. He has one for keyhole lots listing the key reasons why he thinks the requirement for unusual conditions are met for his property. T. Yasenchak states that is just one of the concerns, the number of keyhole lots and one being shared by three people. T. Siragusa states that his notes indicate that at the August 24<sup>th</sup> meeting, D. Evans was willing to have lot 4 have its own driveway. Has that changed now? 3.1 and 3.2 are going to have a shared driveway and 4 was going to have its own driveway right next to it. D. Evans states that he currently has someone interested in maybe buying 2 lots and using one in the future for another generation of kids. D. Evans states that he is thinking that one driveway can serve 2 families at this point. T. Siragusa states that we can't do it that way, based on families. He asks if it is true that D. Evans agreed to have 2 driveways there. D. Evans states that nothing was agreed to, it was all proposals. T. Yasenchak states that the Board discussed previously that they were all very uneasy with the driveway having three residences on it. D. Evans asks if he has to install the driveway himself or can he have someone down the road if he wants to put another house his property put in the second driveway. T. Yasenchak states that for purposes of review of these lot line adjustments and subdivision, part of the requirements for subdivision and site plan review, does require for the Planning Board to see where the driveways will be. Subdivision of land, we do need to see that there is access to the lots that are being created. She states that what the Planning Board is saying is that they are uneasy with allowing those driveways to be shared three ways. What the Board has said in the past is that if there was one shared driveway for lot 3.1 and 3.2, and a separate driveway for lot 4, shown on the site plan, we could point to that and say that we have a shared driveway that is only shared by 2 people. Whatever someone did later, that is their own business, if we can see legally that you can fit those two driveways there. D. Evans states that you can fit two driveways there with the stream crossings and 40' culvert, it is wide enough for two driveways. T. Yasenchak states that there is also the question of safety. Three houses on one very, very long driveway, there is more potential for problems. D. Evans states that there is room for 2 driveways, until there are three houses, he doesn't need two driveways. T. Yasenchak states that the easement language would have to be drawn up. If lots 3.1 and 3.2 are the ones who are going to share the driveway, we need to see, as part of this approval, easement language that they are sharing a driveway and on whose property that is. For lot 4 we would have to see where that driveway would be as part of the approval. When those are constructed would be up to the owners. We would need to see that easement language as well as it shown on the map as two separate driveways. D. Evans points out on the map that the two lines shown are the edges of the existing driveway, but if it is 2 driveways, those are the centerlines of two side-by-side driveways. T. Yasenchak states that the Board did not want the driveway for lots 3.1 and 3.2 to require any easement from lot 4. She states that we did not have an issue where they are a shared outlet, but we did not want two people needing an easement from a third. If the applicant can have lots 3.1 and 3.2 have their driveway on lot 3.2, lot 4 has their driveway on their own lot – it just makes it very simple for everybody. T. Siragusa states that is what we would like and that the applicant had stated that that was impossible based on the terrain. D. Evans explains the various plans he presented. T. Yasenchak reviews what was discussed tonight. M. Hill asks for clarification of what is being requested. Public hearing is set for October 8, 2013.

September 24, 2013

**PRESTWICK CHASE – PUD Amendment**  
Denton Road

Fred McNeary, Jr., and Luigi Palleschi, ABD Engineers, are present. L. Palleschi states that at the last meeting the Board had requested some additional information. They submitted a new plan with the topo. We had talked about the changes that were request behind the Bed and Breakfast from three-story buildings to two-story buildings and the addition of trees for a buffer. He has also added the proposed elevations along the roadways. He states that what they would like to ask for tonight is to have the public hearing closed, go through SEQRA and move on to the Town Board. T. Yasenchak asks if the applicant has submitted the additional PUD language that was asked for. The new map was received on Friday, September 20<sup>th</sup>. F. McNeary distributes information on the lights and the PUD language. He states that it is the exact same PUD as before and he has sheets of clarification. He states that they didn't bother doing anything with the amount of units, typos, etc., because the site plan has already changed. When the site plan is finally agreed upon, they will write the language in of how many 2 story and how many 3 story, etc. T. Yasenchak states that is the problem. We are reviewing the PUD. F. McNeary states that is the problem for him too. Without a site plan approval, how can he tell us how many units there will be? T. Yasenchak states that the applicant is here for a recommendation from the Town Board for the Planning Board to give an advisory opinion on the PUD. We are looking at the project as a whole and the total impact of the uses, and then after we do so we would do site plan review. We need to be able to see succinct PUD language of what the applicant is going to propose, all of the different definitions so that we can go through SEQRA and that is what we did with Skidmore. (F. McNeary leaves.) T. Yasenchak states that she is not trying to be difficult. L. Palleschi states that he understands but that the Planning Board can make their recommendation and within that itemize or make it a condition to say what was looked at and what is recommended for each. T. Yasenchak states that the Planning Board needs to know what the PUD language is saying in order to make a recommendation on it. It is not the Planning Board's job to write the PUD language. We need to see what the definitions are of these uses. We asked the applicant at the last meeting, we have the proposed PUD amendment language already, to revise it. L. Palleschi states that F. McNeary distributed the other sheet and it is color-coded. The Board does not have that sheet. T. Yasenchak states that we are sitting here and it's the 24<sup>th</sup>, we have not received it. For the Planning Board to be able to review something and make a recommendation on something that we haven't seen yet, is difficult. We asked the applicant to give us definitions of where these things were happening so that we could adequately identify the potential impacts. In order for us to do that, we need to see it listed out. That is exactly what we did with Skidmore. We asked the applicant whether or not he is going to have the emergency services on site. That is a big impact. L. Palleschi states that this is an existing PUD that they are requesting to amend. T. Yasenchak states that we need to see what the proposed PUD is now. L. Palleschi states that F. McNeary did have another document because he saw it. T. Yasenchak states that even if he gave it to us tonight, we would just be getting it now. If he had given it to us at 7:00 at the beginning of the meeting, we are looking at getting information the night of the meeting and we adjourned the public hearing, so the public hasn't even seen that PUD language. We don't know how it compares to the Comp Plan if he doesn't even know if he is having emergency services there or not. How do we say noise levels and traffic compare and impact the neighborhood if we don't know that there are emergency vehicles, for example? That is why the Board asked for this to be revised. We can't make a recommendation unless we have that. She states that whether it is a new PUD or amendment, we need that information. L. Palleschi states that he was always under the impression that based on the information provided that was the recommendation you give at that time to the Town Board. T. Yasenchak states that the applicant sat here and listened through the previous application. L. Palleschi states that they have been giving the Board information all along. T. Yasenchak states that the only way we can make a recommendation is to get the information, change the PUD language, etc. In order to make an informed decision we need to have all that information. T. Yasenchak uses the example of a bank – we know it is in the building. L. Palleschi states that the Board knows that. T. Yasenchak states that it is not listed anywhere. L. Palleschi states that it is in the minutes that it is in the building. T. Siragusa states that is one of many things. By just having to walk over and explain it to us you are agreeing that there is more detail that can be shared in a written documented public way. By saying that we know, we understand, but



September 24, 2013

we can't convey that. The applicant has to be the one to convey that. L. Palleschi asks if there is anything else that we can go over while he is here. He provided the updated topo. T. Yasenchak states that was provided to us on Friday and at that point it is too late to mail so the Board received it tonight and have not had an opportunity to review it. B. Duffney states that what the Board is looking for is that Building A will house the bank, for example; Building B will house onsite doctor's offices, etc. C. Baker states that it should be specific to the point of how many square feet of bank, how many square feet of doctor's offices – whatever is going to be included. L. Palleschi states that is unknown at this time. He states that they could say "up to x number of feet". T. Yasenchak states that they can do that. That's what we did with Skidmore for the larger events that would require special use permits. That is covered and we can say that we have a process to review that impact. When we are doing SEQRA we know how to review that impact on the neighborhood and community. We have no idea what that is for this project right now. In the original PUD it is listed out and says that the main building "shall contain..." The new language, all it says is 'bank facilities'. The transportation facilities – are they going to have a cab company? She knows that is not true, that Prestwick has a few cars, but it is not specific. Are the services for residents only or for the public also? We have discussed some of these things but we don't have anything hard, anything that is in writing. M. Hill states that he agrees that it is not unreasonable to ask the applicant to provide more specific information in order for the Board to be able to evaluate the potential impacts. T. Yasenchak asks that they get us any additional information as soon as possible so that the Board has an opportunity to review it. C. Baker states that the applicant has submitted the SWPPP but he hasn't had the chance to review it. L. Palleschi states that it was delivered to C. Baker on Friday. T. Yasenchak points out that the map that L. Palleschi presented tonight is different than the one that was submitted. L. Palleschi states that is for site plan review. S. Weeks states that the issue may come up in SEQRA and if it is not on our plan we might say it is not going to be. L. Palleschi states that he is used to other municipalities where they go by what is submitted and what is said at the town meetings. T. Yasenchak reiterates that the applicant has sat through the Skidmore meetings and has seen how they were asked to define their uses. The public hearing is reopened at 11:27 p.m. Rosemary Jensen, Saratoga Farmstead, states that she has a written statement to distribute and would like to ask the Planning Board to consider a site visit to her property to see the impact that this will have on her property. P. Goutos, Denton Road, states that the neighbors are still willing to work with the applicant on mitigative aspects. He is currently in negotiations with F. McNeary to buy the 5 acres behind his house and they are asking that it be taken out of the PUD and put it into a lot line adjustment to his property so that he can keep it in a conservation type of mode. T. Yasenchak states that if that is going to be an amendment to the PUD we will need to see that. There being no further public comments, this public hearing is closed at 11:29 p.m. L. Palleschi states that he will get that PUD legislation in a timely fashion. T. Yasenchak states that just because we get it, we may still ask for additional information, more definition, fine-tuning. L. Palleschi asks if they can submit to the Board and get feed back between meetings. T. Yasenchak states that we have to do that in a public forum and the entire Board needs to have an opportunity to comment on it. There are public meeting laws that must be followed. M. Hill states that the Board can receive information, schedule an item for discussion on the agenda, if the applicant and the applicant's representatives don't feel the need to be here because they want to afford the Board an opportunity to discuss the project, you can do that. Submissions have to be made to the Board and the Board must review everything together at a meeting. We can't do behind the scenes type work.

---

The meeting is adjourned at 11:33 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary