

August 8, 2019 Town Board minutes

The regular meeting of the Town Board was held August 8<sup>th</sup>, 2019 with the following members present: Daniel Pemrick, Supervisor; Daniel Cochran, MaryAnn Johnson, Rick Capasso and Kevin Veitch, Councilpersons. Also present were Superintendent of Highways, Walter Barss and approximately 8 residents. Town Counsel, Mark Schachner is absent. The meeting was opened at 7PM with the Pledge to the Flag. On a motion by Veitch, C. and seconded by Capasso, C. the minutes from July 11<sup>th</sup>, 2019 were approved as submitted by all members present.

**CORRESPONDENCE**

TOWN OF PROVIDENCE- Notice was received from the Providence Town Clerk regarding proposed Local Law entitled "Moratorium Law of the Town of Providence".

FRIENDS OF THE KAYDEROSSERAS- Notice to the Town of the September 7<sup>th</sup>, 2019 bike ride from the Brookhaven Pavilion along the Kayderosseras.

**RESOLUTION# # 87- ALLOW USE OF BROOKHAVEN PAVILION**

Motion: Veitch, C.

Seconded: Johnson, C.

**RESOLVED**, The Town Board hereby permits use of Brookhaven Pavilion to "Friends of the Kayderosseras" for a bike ride on September 7<sup>th</sup>, celebrating the beauty of the Creek as it flows through the Town of Greenfield.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

MIDDLE GROVE METHODIST CHURCH- Town Clerk states she has an application for Middle Grove Park from the Middle Grove Methodist Church for August 25<sup>th</sup>, 2019. They would like to have a concert from 5-8 PM. They will have two small tents, monitor people as they arrive and park cars. If needed, they will put cones out to slow traffic and provide proof of insurance.

**RESOLUTION# # 88 – ALLOW USE OF MIDDLE GROVE PARK BY THE MIDDLE GROVE METHODIST CHURCH**

Motion: Veitch, C.

Seconded: Capasso, C.

**RESOLVED**, The Town Board hereby permits use of Middle Grove Park on August 25<sup>th</sup>, 2019 by Middle Grove Methodist Church for a concert to be held in the park from 5 – 8PM, provided the Town receives proof of insurance naming Town of Greenfield as additionally insured. The Church will monitor parking and attendance.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

August 8<sup>th</sup>, 2019 continued

DEC WELL SAMPLING- Town Clerk states she received a letter from DEC that they will be offering to test 4 private wells on King Road. Homeowners were sent letters on July 23 and sampling will be conducted the week of August 18<sup>th</sup>. DEC states there is no action needed from the Town.

## **OLD BUSINESS**

PLANNING BOARD BYLAWS- Supervisor Pemrick states Town Counsel has reviewed the by-laws and made some changes. MaryAnn identified Sections E & F - Time before a meeting in which the Planning Board would like to receive information. Section E, if it's an initial application it should be 10 days prior and Sections F should read whenever additional copies, plans or applications are required under Zoning Law, Sanitary Code or Subdivision Regulations they will be submitted seven business days in advance of the meeting. Section E deals with the initial application and Section F with post application. Supervisor Pemrick states according to Town Counsel Schachner a public hearing is not required. Johnson, C. states that in Section 3- Voting- A and C are the same. She suggests removing C. In the new C, Town Counsel suggested removing the last sentence "disinterested members..." that is not according to State Law. Johnson, C. adds that in Section 4- Hearings, per March Schachner's suggestion, remove witness and change to party. (Town Counsel, Mark Schachner arrives at 7:07.) Johnson, C. states at the end of the by-laws, the last paragraph states the "by-laws may be amended by a resolution passed by a majority of the Planning Board after a public hearing, subject to approval of the Town Board". She suggests removing "Planning Board after a public hearing, subject to the approval" and have it read "These by-laws may be amended by a resolution passed by a majority of the Town Board." In her opinion the Planning Board can submit changes but the Town Board as the legislative body should be the board that approves it. She knows that we don't need a public hearing, but we should adopt it by resolution so we can adopt them and place in the Town's Policy handbook. The Town Board concurs.

### **RESOLUTION# # 89 – ADOPT PLANNING BOARD BY-LAWS AS REVISED 8/8/2019**

Motion: Johnson, C

Seconded: Capasso, C

**RESOLVED**, The Town Board adopts Planning Board By-Laws as of 8/8/2019 with the following revisions: in Section 3- Voting remove C and replace with D. In the new C remove the last sentence as read, is not according to State Law. In Section 4-Hearings replace witness(es) with party(ies). Change the last sentence of the By-Laws to read "These by-laws may be amended by a resolution passed by a majority of the Town Board."

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

SEXUAL HARASSMENT POLICY- Supervisor Pemrick states the Board members have a copy of the proposed policy and Town Counsel's comments. This policy's definition of Sexual Harassment seems reasonable and appropriate. Mark Schachner recommends deleting the last two sentences as they refer more to New York City and is not relevant to us and would cause confusion.

August 8<sup>th</sup>, 2019 continued

**RESOLUTION# # 90- ADOPT SEXUAL HARASSMENT POLICY 8/8/2019**

Motion: Johnson, C

Seconded: Veitch, C

**RESOLVED**, The Town board hereby adopts the Sexual Harassment Policy with removal of the last sentences under Local Protections that refer to New York City and would be confusing to include in our policy.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

ROAD IMPROVEMENT CODE REVISIONS- Supervisor Pemrick states this would be a Local Law amending Town Code Section 90- 18 & 19 Public Improvements. The schematic that refers to inches of base and black top is missing. Johnson, C asks Town Counsel if we need to add language that we will be revising the rural road section as there is one in the Town Code. Mark Schachner asks if we are revising or will this take the place of. Walt Barss, Superintendent of Highways states this will take the place of. Johnson, C states Charlie Baker mentioned tear drops and cul-de-sacs but they have not been added to the revision. Walt Barss states the size needs to be changed for those. Johnson, C states that all four of these designs need to be added to the code and therefore to the Local Law. Supervisor Pemrick states He does not believe the Local law addresses those. Johnson, C asks if we need something added to this proposed Local Law stating we will be adding these new sections. There is a rural road section in the present code. Town Counsel states if the town wants to integrate the four road designs to the same chapter then we need to add it to the local law and he agrees with Veitch, C that is not there yet, do that for next month and schedule the public hearing for the following month. Discussion takes place on road designs. Town Counsel states what we are proposing is amending with the sections of code we already have to add those designs. Capasso, C asks if we are on a deadline. Mark Schachner states he will work with Charlie to add the designs to the Code. Supervisor Pemrick tables discussion until the September meeting.

PAUL BOUCHARD- Mr. Bouchard asks if we have determined the sights of the radar signs. Supervisor Pemrick states that we will be discussing that.

PRESENTATION PRESTWICK CHASE- Luigi Paleshi, ABD Engineering is representing Prestwick Chase. He thanks the Town Board adding them to the agenda. They were here a couple months ago and were waiting for a meeting with the committee. Mr. Veitch wanted to look at where we left off. It is his understanding that people did meet, they weren't in attendance and they would like to see how that meeting went, get the Town's ideas and incorporate those into the amended PUD. They have not changed anything as far as layout, they worked hard with the Planning Board and took their comments and made those revisions. If there is further definition to add to the PUD to keep this project moving forward they are here to do that. There are revisions that were made between the Town Counsel and the applicant's Counsel. This was about a year ago. He would like to keep the communication open so we can get to a point where we can get legislation in order so they can get the amendment to the PUD. Supervisor Pemrick states four people met and went over the maps they had. The committee had concerns which he expressed to Mr. Pentkowski in a phone call. At the meeting, it was made clear they do not have any PUD Language. All they had was a couple of paragraphs that referenced the most recent PUD that they currently have permission to do. Supervisor Pemrick continues, in his opinion, they need to see an in- depth description of what this project entails. Including work day notification, any

August 8<sup>th</sup>, 2019 continued

ground work to the nearby public, detailed Zoning language that describes exactly what you intend to do in this project. He feels there is an absence of that. Supervisor Pemrick reminds Mr. Paleshi that this needs to be shared with the community for a public hearing. He continues that he is not a good map reader but looking at that, it is hard for people to look at it and get a clear understanding of what you intend to do. The language associated with that would be critical for us to have. Johnson, C states that a PUD is creating a new zone. In any part of the Zoning law, you need to have the setbacks etc. in that PUD. Dave Pentkowski, Counsel for Prestwick Chase asks if the Town has received the full PUD language that they are proposing. Town Board states they have not seen it. Mr. Pentkowski states they have been revising it periodically. What the Board is looking at is the initial suggestions. Veitch, C. says they dissected it, went over the items they wanted to see more clarified in that document and sent you away with those and we never heard back until two months ago. Mr. Pentkowski asks if they had the language, legislation to review. Veitch, C states not anything that they created, what they were looking at is 2017. Supervisor Pemrick states this is a repeal and replace, so they do not want to see the language from 2017 red lined, scratched out and something added in the margin. This is brand new. We don't have it. Mr. Paleshi states that we can get you their latest rendition of that. Mr. Pentkowski states they assumed the Board was operating off the modifications. Mr. Paleshi states that PUD language was reviewed and comments were made at the Planning Board level. He asks Mark Schachner if he remembers consulting with their Counsel. Mr. Schachner states they have not reviewed anything that has not been submitted to the Town. He feels Mr. Pentkowski is referring to a document that the Town Board has seen many times. But the document is the 2017 legislation with some proposed revisions. The Town Board is trying to tell you, is they are trying to get, not the 2017 document with the proposed revisions, but a new stand alone document. Supervisor Pemrick agrees. Town Counsel states you have not submitted documents that the Town Board hasn't seen, you haven't submitted documents that they want to receive. Mr. Paleshi, states they had a 2017 document that was approved and used that because it was approved in 2017. He doesn't know if this is the new Town way, adding more detail and they can do that. Veitch, C. states the 2017 PUD language is totally for what you wanted to do in 2017. Mr. Paleshi says it is similar. Veitch, C says it is similar but there is a lot of information they don't understand. It is a totally new PUD. Mr. Pentkowski states the last time they discussed this they talked about size of buildings and getting feedback about number of units and setbacks, so they never took any further steps to redraft that until they had more discussion. They didn't want to draft legislation on something that may be rejected. They are prepared to detail it. Veitch, C. states they were prepared to have you back and never heard from you. Supervisor Pemrick states what they need is new details similar to the one you had in 2017. The size of the homes went from 1800 sq. ft to 2100 sq. feet looking less like a retirement development and more like a housing development. The Board had concerns about the esthetic impact of 112 homes. Mr. Paleshi states that it should be up to the applicant as he knows what the demand is. What the market demands. The twin homes or cottages that are there now are in that size range. Supervisor Pemrick asks if they are two story. Mr. Paleshi says yes. Supervisor Pemrick asks to convince the Board. Veitch, C says he recalls the amount of square footage. He thought they agreed to bring it down to what the Board considered a retirement downsizing. Discussion takes place on previous talks on size of homes. Mr. Paleshi says that they were up to 3000 square feet. Mr. Veitch, C states he thought they brought it down to 1700 sq. feet. Mr. Paleshi states he understands the Town Board's point, but doesn't want to tie the hands of the applicant so he can market it and be successful. Supervisor Pemrick tells Mr. Paleshi that it is all part of the esthetics, whatever is there is going to be there a long time. Supervisor Pemrick asks if they are still 10 feet apart? Mr. Paleshi states yes. The discussion they had with the Planning Board they did not know what the footprint was going

August 8<sup>th</sup>, 2019 continued

to look like. Some areas are going to be further than 10 feet. They are working with an architect to keep at least 10 feet and that is according to NYS Fire Code. Johnson, C. asks if they are going to be sold or rented. Mr. Paleshi states they are all rental. Supervisor Pemrick states that 10 feet may be a problem, they have looked at developments that are 10 feet apart. He is having trouble with homes that size being 10 feet apart. In terms of what this Town is trying to capture in its plan for the Town of Greenfield the more open space we have the better. Mr. Paleshi states that have preserved lands along Daniels Road which they have worked towards. Supervisor Pemrick states that he is trying to alert you to the challenges that you have in front of you. There was also concern over encroachment of lots on the required buffers. Mr. Paleshi states there is a 50 ft. buffer they are proposing around the entire perimeter of the PUD. Supervisor Pemrick states members of the Planning Board indicated some of the backs of those homes and properties, in order to do what you want, unless you addressed this in your revisions, would be encroaching in certain areas in of the buffer zone. Mr. Paleshi says the way they left it with the Planning Board any grading work that would be required within that 50 ft. buffer, if a tree comes down they would plant extra trees. This plan pulls the rear of those homes away from the buffer. This has been addressed. Only green space will encroach in that buffer, no structure will be within 50 ft. that is detailed in the revised PUD. Supervisor Pemrick states the Planning Board gave a list of recommendations and asks if they have that. Those are items they want included in the language. He adds that he wants to focus not on the map but language. A real understanding and description of what is going on needs to be in that language. Mr. Pentkowski states they will incorporate that in the easiest form that all can understand so that he issues that are being raised, regarding the number of units, types of units, setbacks, etc. can readily be adjusted. Veitch, C comments that the minimum code is 10 feet. If you are building a house for you would you build the house to the minimum or would you go above and beyond the minimum. Mr. Paleshi states this is a PUD so there is no property line. Veitch, C. says you are not willing to give up a couple of buildings to spread things out. He has a concern to think the market wants to be that close to the neighbors. Supervisor Pemrick asks for consideration. Your map and your property abuts some of the homes along Locust Grove Road. He would like Prestwick to think about an easement that may attach and go to those properties along Locust Grove Rd. that would provide the option, if they choose to, become part of the sewer district that you have. Mr. Pentkowski asks if that is just for sewer. Supervisor Pemrick states yes. Just letting you know this may come up in discussion. Mr. Paleshi asks if there is any set width on the easement, 15 feet? Supervisor Pemrick states that we would need to involve our Town Engineer. Mr. Paleshi states this would be a Sanitary Sewer easement that would just be along those homes. Supervisor Pemrick states this is a possibility. He asks Mr. Paleshi and Mr. Pentkowski to let the Board know when they are ready to come back. Supervisor Pemrick thanks Mr. Paleshi and Mr. Pentkowski.

**RESOLUTION# # 90- APPOINT JOSEPH SABANOS ALTERNATE TO THE PLANNING BOARD**

Motion: Johnson, C.

Seconded: Capasso, C.

**RESOLVED**, The Town Board hereby appoints Joseph Sabanos as Planning Board Alternate to replace Nicholas Querques with said term to expire 6/20/2026.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

August 8<sup>th</sup>, 2019 continued

SET DATES FOR FALL CLEANUP- Walt Barss, Superintendent of Highways, had to leave. Discussion takes place on the dates. Town Board agrees that we are having the cleanup after the Town Wide Garage Sale. We will need to get the dates from Mr. Barss.

**RESOLUTION# # 91- AUTHORIZE TOWN CLERK TO ADVERTISE FOR FALL CLEANUP**

Motion: Johnson, C.

Seconded: Capasso, C.

**RESOLVED**, The Town board authorizes the Town Clerk to advertise for the fall cleanup, dates to be determined by Walter Barss, Superintendent of Highways.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

Supervisor Pemrick states that Highway Superintendent Barss had to leave. Johnson, C. states we won't worry about the radar signs at this point. Supervisor Pemrick asks Town Counsel Mark Schachner if posting of roads to a 4 ton limit requires a public hearing or does the Highway Superintendent have the right post them. Town Counsel, Mark Schachner states yes he has the right. Supervisor Pemrick states that the Highway Superintendent has requested that Barney road be posted to 4 ton limit. Veitch, C. states it is on record he can post that at his will.

**RESOLUTION# # 92- PER HIGHWAY SUPERINTENDENT REQUEST POST BARNEY ROAD TO A 4 TON LIMIT**

Motion: Johnson, C

Seconded: Capasso, C.

**RESOLVED**, The Town Board per the request of the Superintendent of Highways', authorizes Walter Barss, to post Barney Road to a 4 ton weight limit. This is a permanent weight limit.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

Monthly reports were submitted by the Town Clerk, Highway Dept., Recreation Dept. and Building Dept.

**RESOLUTION# # 93- GENERAL BILLS**

Motion: Johnson, C

Seconded: Capasso, C.

**RESOLVED**, That the General Bills from # 546 – 620 in the amount of \$42,497.31 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

August 8<sup>th</sup>, 2019 continued

**RESOLUTION# # 94- HIGHWAY BILLS**

Motion: Capasso, C.

Seconded: Veitch, C.

**RESOLVED**, That the Highway Bills from # 180- 203 in the amount of \$209,023.64 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

**RESOLUTION# # 95- PARKS BILLS**

Motion: Veitch, C.

Seconded: Johnson, C.

**RESOLVED**, that the Parks Bills from # 172-201 in the amount of \$17, 681.63 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

On a motion by Veitch, C. and seconded by Capasso, C. the meeting was adjourned at 7:58 PM.

---

Town Clerk