

May 9th, 2019 TB Minutes

The regular meeting of the Town Board was held April 11th, 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; Deputy Superintendent of Highways, Duane Wright; Mark Schachner, Town Counsel and approx. 20 residents.

The meeting was opened at 7 PM with the Pledge to the Flag.

On a motion by Veitch, C. and seconded by Capasso, C. the April 11th, 2019 minutes were approved as submitted by all members present.

CORRESPONDENCE

FRIENDS OF THE KAYADEROSSERAS- Letter was received from the Friends of the Kayaderosseras asking for a \$500 grant to be used for preserving the and cleaning of the Kayadeross Creek and it's water shed. They would like to permission to use the Brookhaven Pavilion September 7th, 2019 for a Bike ride along the Creek.

RESOLUTION #69-2019- AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH FRIENDS OF THE KAYADEROSERAS

Motion: Cochran, C.

Seconded: Johnson, C.

RESOLVED, that the Town Board authorizes the Town Supervisor to sign a contract with Friends of the Kayderoseras for \$500 to be used to help preserve and clean the Kayderosseras Creek and it's watershed in the Town of Greenfield. The Town Board grants permission to use Brookhaven Pavilion for their annual Bike Ride along the Kayaderosseras Creek on September 7th, 2019.

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

Noes: None

TOWN OF GREENFIELD HISTORICAL SOCIETY- Letter was received from the Town of Greenfield Historical Society stating they appreciate the support the Town of Greenfield has given over the years. They are asking permission to use the Middle Grove Park on Friday afternoons, June through September for their annual Farmers Market. The Historical Society owns and maintains DakeTown School and Chatfield Museum (Odd Fellows Hall) where they host students from Greenfield Elementary School, Boy Scouts, Cub Scouts and other groups. They carry insurance for the Farmers Market, Museums, Caboose Day and display at the Saratoga County Fair. They are asking the Town to help with their insurance bill.

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RESOLUTION #70-2019- GRANT PERMISSION TO GREENFIELD HISTORICAL SOCIETY AND PAY INSURANCE BILL

Motion: Capasso, C.

Seconded: Johnson, C.

RESOLVED, That the Town Board hereby grants permission to the Town of Greenfield Historical Society to use Middle Grove Park from June to September, King's Station August 10th, 2019 for 10th Annual Caboose Day and agree to pay the Insurance Bill in the amount of \$1,083.63 due to the Community Service and events they provide the Town.

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

Noes: None

GREENFIELD LIONS CLUB- Letter was received from the Greenfield Baptist Church and Lions Club. This year is the 25th anniversary of the Town Wide Garage Sale and are asking to the to support their event by providing portable toilets, Map sign ups at the Town Hall, posting on the Town Website. All proceeds will go to the Greenfield Food Pantry. The Lions will operate their Food Truck on 9N and Wilton Road. The Lions would like to request Middle Grove Park on September 7th, 2019 to possibly have music and some vendors at the park.

RESOLUTION #71-2019- SUPPORT GREENFIELD LIONS CLUB AND BAPTIST CURCH

Motion: Veitch, C.

Seconded: Capasso, C.

RESOLVED, That the Town Board hereby supports the Town of Greenfield Lions Cub and Greenfield Baptist Church in the Town Wide Garage Sale , by providing portable toilets, map sign up at the Town Clerk's Office, post event on the Town Website and facebook page, help with advertising costs and use of Middle Grove Park on September 7th, 2019. The Board would like more detail on event for the MG Park when the Lions Club have more information.

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

Noes: None

A letter was received addressing a ditch on Kilmer Road.

Quarterly reports were received from Wilton EMS and Jessups Landing

Town was presented with a Certificate of Appreciation from Porter Corners Fire Department For the Town's continued support of their Fire Dept . and Service

Letters were received from Paul and Jane Bouchard regarding Prestwick Chase

Letter from James Bruno, NYSERDA, they will be starting the LED light conversation at the Highway Dept.

OLD BUSINESS

STREET LIGHT PROGRAM- Town Clerk has been trying to contact the State regarding this program. They will exchange the street lights to LED as they burn out. This would be a contract the Board would need to sign.

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NEW BUSINESS

James VanDyk- Questions SEQRA for Prestwick Chase that is on the Agenda and is now the appropriate time to speak or wait for Public Hearing. Supervisor Pemrick states a brand new proposal is being brought in that the Board has not seen. Last year as you remember there was a proposal, we had meetings and they stopped coming, we don't know why. We received a call from Prestwick Chase to be on the agenda with a new proposal. We know nothing more than that.

Jane Bouchard- She feels Senior Housing is overloaded and the proposed expansion is not what was in the original plan with a Golf Course, etc. Senior housing in Saratoga Springs has requested permission to not have the Senior Housing designation because they can't fill them.

Alexander Hilmeyer- Wants to speak in Other Business. He wants something done about Lake Desolation property that he has complained about for years and nothing was done. Johnson, C. asks if he has spoken to the new Building Inspector and if not should speak to him.

Karen Wadsworth- Asks to clarify Public Comments. If she wants to speak about Ethics, she would need to call and ask to be on the agenda. Supervisor Pemrick states Public Comments are related to the items that are on the agenda, other business items are items that occasionally come before to the Board that are appropriate items for the Town Board, they come forward after the agenda is published. She asks if she calls the Town Clerk could she be on the agenda, Supervisor states yes.

Peter Goutos- He wants to understand that Prestwick Chase tonight is brand new application and has nothing to do with prior Planning Board reviews. Supervisor Pemrick states that if you are referring to last year's application, that never went to the Planning Board and never got to a Public hearing. Johnson, C. states she feels that one before that did and that may be what he referring to. Mr. Goutos states at one time the PB conveyed a letter to the Town Board with requirements for consideration. He wants to confirm that this new proposal has nothing to do with those. Supervisor Pemrick we have no idea what it is and will be starting brand new.

Luigi Poleshi - ABD Engineers- Mr. Poleshi states he is the engineer for Prestwick Chase. He wants to clarify the proposal is not a totally different proposal. They are still proposing the single family cottages, the 2 story apartment buildings and the single family detached dwelling homes. The Planning Board did review the plan and made recommendations to the Town Board and they are here to start the process with the Town Board looking at the changes to the amendments that the Planning Board has already seen. Some minor changes made are for the better that the Planning Board has asked for. He wants to show how they made the project better so they can schedule a Public Hearing at the Town Board so they can amend the PUD. Two years ago the current PUD that stands today allows 260 units and they are proposing 213. The current PUD allows 3 story buildings, they want to remove that. They went through a lengthy process to get here. It was stated this is a new process, but they are not changing anything they did with the Planning Board, they are here to get through the Town Board process and back to the Planning Board for site plan review. He feels that we are at a level where the PUD can be amended.

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SARATOGA COUNTY SENIOR CELEBRATION- Supervisor Pemrick states that June 26th, 2019 Saratoga County is sponsoring Senior Celebration Day at Congress Park from 11 -3. All seniors in Saratoga County are invited. Anyone over the age of 60 is invited. It will be a Carnival atmosphere. If you park at the Racino, shuttle transportation will be provided to the park. You must sign up in advance at the Town Clerk's office and receive a pin for admission to enter the event. There will be more information forthcoming.

TOWN WIDE CLEANUP- Superintendent of Highways reports approx. 23 roll offs and 120 tons of garbage was collected estimated cost \$10,000. About \$2500 was recovered by turning in the metal that was collected. They have not received the bill for electronics, which is usually around \$5,000. The labor hours total \$5,000, it can be an expensive 4 days and it takes a week or more to clean up. Supervisor Pemrick states we can transfer some money to the highway account. He would like the Board to consider if they want to do a fall cleanup as he does not have the overtime money in his budget. Board members discuss the fall cleanup and will find the money to have it in September after the Town Wide Garage Sale.

RESOLUTION #72-2019- TRANSFER OF FUNDS

Motion: Capasso, C.
Seconded: Veitch, C.

RESOLVED, that the Supervisor be authorized to make the following transfer of funds:

\$5,000	From: A0200	To: A8160.4
\$5,000	From: DA0201	To: DA5110.1

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch
Noes: None

UPDATE BROOKHAVEN GOLF COURSE- Duane Wright explains that the Course did not look the best at the beginning of the year, but they have been working and grass is growing. We will open soon with the Ladies League. Veitch, C. states that many courses have had problems this year.

ENVIRONMENTAL COMMISSION- Supervisor Pemrick states Councilman Cochran has suggested reviewing the Environmental Commission duties and codes. Councilman Cochran has our code and those from other towns that we will provide to the Planning and Zoning Boards. We will be discussing this in the following months.

PRESTWICK CHASE- Luigi Poleshi, Engineer for Prestwick Chase states they had several meeting with the Planning Board last year in regards to the PUD amendment. The Planning Board made recommendations to the Town Board in writing so they can begin the Town Board process in amending the PUD. Part of their proposal is very similar to what the Planning Board saw including the proposed Community Building as you come up the entrance off Denton Rd. He points to the road which includes the 8 unit apartment buildings, 2 stories in height as well as 2 other buildings which were always part of the Plan. The total 8 unit apartment buildings as originally proposed is 80 units, so there is 10, eight unit buildings. Looking at the single family detached dwellings, they are in exactly the same area as

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proposed. They fine tuned the building footprint, for the single family residential homes. The buildings are spread apart and further away from the road network. There's overflow parking spaces. The locations of some buildings did move and the roadway configuration did move around a little bit, but as far as the units proposed it is the same as what was proposed at the Planning Board and that is 213 units. The current PUD is 284 units. The updated Site Plan incorporated a lot of the changes that were discussed with the Planning Board, we had meetings with the Town and Engineer and have incorporated them and requested to be at this meeting so they can start the process and amend the PUD. The areas of disturbance, impervious areas everything from a SEQRA perspective is similar in nature to what the Planning Board approved. When you look at the SEQRA, this plan vs. the current PUD there is less density and therefore less environmental impact. If you were to amend the PUD to this plan then we are current. He will answer questions, he is here to update the Board and hopefully schedule a Public Hearing so they can hear what the residents have to say, they have listened and are making the changes. Once the PUD is amended the next step is to go to the Planning Board and look at phasing this project and get the engineering detail done. They don't want to spend the money for that unless this Board is willing to amend the PUD. He asks for questions and wants to work through this. Supervisor Pemrick states the last time he saw him it was at one of those meeting with the Town engineer, Code Administrator, Councilman Veitch, three members of the Planning Board we were reviewing PUD language that would eventually come to the Town Board and present to the public. There were a number of changes and the last time we spoke you were going away to rewrite and include things we were talking about and we haven't heard from you since July. There is no quick fix. As far as this Board is concerned we're starting brand new. What he hears is to consider PUD language that you are going to provide. Mr. Poleshi states they provided PUD language to date and Planning Board members have commented on that PUD Language. Supervisor Pemrick we were writing that PUD language in our sessions. Mr. Poleshi agrees and says it was never finalized. Both agree it was never finalized. Mr. Poleshi would like to work through the PUD language for this plan and get it finalized by all parties. Veitch, C. states he has two issues. The timing. Is there a time line? It has been so long to get things done. Another thing we were meeting, going back and forth changing things as we went along. We would discuss things and you would tweak it, then you went off and now you are making a presentation. Where is the sit down and talk? He is looking at something that was discussed a year ago and he wants to see the changes, he'd like an overlay, you say the changes are there and would like to see them. Mr. Poleshi says he is not asking for approval tonight, he just learned of this meeting and is here to give the Board an update. If you want a map, he will provide it, if you want revised PUD language he will provide it. Today is the start date to provide to you want you need to start this process. As far as going back to the Planning Board, they cannot go back until they are ready for Site Plan Review. Mark Schachner, Town Counsel, asks if he understands that is not up to him. Mr. Poleshi states it is his understanding that they came to the Town Board. The Town Board can revise / amend the PUD law. Supervisor Pemrick agrees. Counsel Schachner states if they wish to. Supervisor asks that everyone understands that there is PUD legislation that Prestwick Chase can operate under once they complete the process with site plan review. So you are asking for something new. What he would like is for them to provide this Board with all the new information. Get the smaller group together, two people from the Town Board, three people from the Planning Board, Town Engineer and Code Enforcement Officer to review and look at this so we can update ourselves on any new changes and make a decision if this is something the Town would even want to consider at this point. Mark Schachner, Town Counsel states that the Town Board needs to decide if what is being proposed now is materially different than what was proposed a year or so ago. This is the first time he is hearing of this for 2019. If as a town board you

feel what is being proposed now is materially different than what was previously proposed then you would have the opportunity or obligation to, despite what their representative says, to refer back to the May 9th, TB Minutes continued

Planning Board for their advisory review and recommendation, if you feel this is materially different than what you saw before. Supervisor Pemrick, says we can do that when we are taking the time with the other parties to review this. Mr. Poleshi states that if the meeting is set up they would be willing to attend, to come and explain the changes at a table. If we are there and you have a question they can answer it then. Supervisor Pemrick states the first step is to provide them will all the information. Veitch, C. states the process was working before, they were meeting regularly and it seems like you fell off the face of the earth. Mr. Poleshi states he can put a letter together explaining some of the changes, do whatever he can to bring the Board back up to speed. Supervisor Pemrick states he would like to meet with his group to take a look and decide if it is substantially different and make that decision. He will be in touch with Mr. Poleshi or Mr. McNeary.

Monthly reports were submitted by Town Clerk, town justices, Building Dept. and Town Highway.

BUDGET AMENDMENT- The Highway Department has requested budget amendments in order to be able to use funds acquired from the sale of equipment as well as proceeds from damage to a vehicle. These funds come from the sale of a 2003 JD mower (\$50,000) a 2008 GMC truck (\$21,000) and insurance proceeds of (\$56,680.06).

RESOLUTION #73-2019 –BUDGET AMENDMENT

Motion: Johnson, C.

Seconded: Veitch, C.

RESOLVED, That the Supervisor be authorized to make the following Budget Amendment:

DA 5130.2 \$71,100.00

DA 5130.4 \$56,680.06

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

Noes: None

RESOLUTION #74-2019- GENERAL BILLS

Motion: Capasso, C

Seconded: Veitch, C

RESOLVED, That the General Bills from #282-355 in the amount of \$34,046.66 be paid.

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

Noes: None

RESOLUTION #75-2019- HIGHWAY BILLS

Motion: Veitch, C

Seconded: Capasso, C.

RESOLVED, that the Highway Bills from 3 90-117 in the amount of \$65,646.87 be paid.

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

Noes: None

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RESOLUTION #76-2019- PARKS BILLS

Motion: Johnson, C.

Seconded: Veitch, C.

RESOLVED, That the parks Bills from # 64-100 in the amount of \$23, 488.61 be paid.

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

Noes: None

J. JAYCO- Questions Prestwick Chase and asks if there is a time limit on their latest PUD from 2014. Town Counsel Schachner states there is not a generic state law that limits it. If there is nothing in the 2014 PUD that creates an expiration then there is no time limit. He asks if the Town has a rule about time limits. Supervisor Pemrick states variances, Johnson, C. adds subdivisions if zoning has changed in that time. Supervisor Pemrick states not Town Laws, unless in that law there is a statement that gives a limit. Mr. Jayco asks they could go to the Planning Board now, Supervisor Pemrick states yes.

PETER GOUTOS- Thanks the Board for the time. He says that this PUD started in a form as senior housing and it was built out. We have had several variations of what they would like to do with the senior housing PUD. This is a major change. It is not senior housing. This is not the tenancy under which the PUD was approved. He is concerned that what they are asking for with the mass and scale and time line is a prolonged sub-division, a housing development. The units can be built over a number of years. The SEQRA was done under a certain mass and scale. Each time the SEQRA is done they ask about storm water runoff, wetland boundaries that have moved, transportation and we can't get a concrete answer which makes him think that perhaps the SEQRA process is null and void and should start again considering the mass and scale. Supervisor Pemrick states that a SEQRA was done and was done properly at that time. He questions if things are the same. The group that is getting together will consider it when they sit down and look at the new changes and proposals before we proceed. Mr. Goutos asks the Supervisor to look at the changes and how they affect some basic tenants.

On a motion by Veitch, C. and seconded by Johnson, C. the meeting was adjourned at 7:51 PM.

Town Clerk

DRAFT