

A meeting of the Town of Moreau Planning Board was held on December 16, 2013 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Chairman Jensen called the meeting to order at 7:00 p.m.

Present:

G. Peter Jensen	Chairman
Linda Riggi	Planning Board member
Reed Antis	Planning Board Member
John Arnold	Planning Board member
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member
Ron Zimmerman	Planning Board Member

Absent: Joe Patricke, Code Enforcement Officer

Also present: Stefanie Dilallo-Bitter, Attorney for the Town; Tricia Andrews, Recording Secretary; and Garry Robinson, Town Consulting Engineer

The minutes of the November 18, 2013 meeting were reviewed. Mr. Zimmerman motioned to approve the minutes of the November 18, 2013 meeting with the corrections listed below and Mr. Antis seconded. Motion carried unanimously with Mr. Bergman abstaining.

Corrections:

- p. 1616 Travis Mitchell “western parcel is a senior project” should be “eastern...”
- p. 1617, bottom “Make sure that situation IS engineered,” surroundING not surrounded
- p. 1618 Mr. Arnold asked if all the houses need to be yellow, instead of other earth tones
- p. 1619 extension of water line tacked “On” not “one.”
- p. 1620 Mr. Arnold More controversy...”should say on **Route 9** 5 story apt bldg” was what he meant.
- p. 1622, 3 lines from bottom. “I was” should be “it was.” 14 by 20 ft.
- p. 1623 asked whether the Board wanted a Long Form EAF, remove “you.”

Meetings for January & February will need to be rescheduled due to federal holidays. Mr. Bergman motioned to move them to the 4th Mondays of January & February and the motion was seconded by Mrs. Riggi. Motion carried unanimously, no roll call.

#1 Robert Perkins
Harrison Avenue- Self Storage
Site Plan
Public Hearing

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Mr. Perkins did not appear at the meeting but the Board reviewed the revised site plan in his absence. The modification proposed is to add 10 linear ft. to each of the storage units which are 30 ft. in width. This will add impervious area.

Mr. Robinson indicated that there is no significant change indicated to the previous calculations and recommendations for stormwater management.

The Chairman asked for public comment and there was none.

Mr. Arnold: I am a little uncomfortable with this application being in front of us two meetings in a row without an applicant present. It's not a problem in this case but it is unusual.

Mr. Zimmerman also stated that he has no further problem with this issue, but that there can be no outdoor storage if this change is approved because there is no ingress or egress.

The Chairman said that outdoor storage will remain on the plan.

The Chairman closed the public hearing at 7:12p.m. and reminded the Board that the decision last month was that the previous SEQR would hold if there was no change to the stormwater plan, but counsel recommends that it be formally reapproved.

Mr. Zimmerman motioned that the Board accept the previously submitted negative declaration for Perkins Self Storage project. Mrs. Riggi seconded. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries, 7-0.

Mr. Arnold motioned to approve the revised site plan for Perkins Self Storage and Mrs. Riggi seconded. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries, 7-0.

Mrs. Riggi motioned that mylars showing the revisions be signed by the Chairman and one other member of the Planning Board. Mr. Arnold seconded. Motion carried unanimously with no roll call.

#2 Schermerhorn Real Estate Holdings LLC
Bluebird Trace- Harrison Quarry
Site Plan- PUD Recommendation

Mr. Mitchell appeared before the Board. Planning Board members have received the draft of the recommendations Ms. Dilallo-Bitter submitted. Stormwater design details are needed on Page 6 and she is discussing it with Mr. Robinson. Mrs. Riggi made some typo edits for the attorney.

Motion was made by Mr. Bergman that the Planning Board forward the recommendation letter to the Town Board, subject to these minor changes. Mr. Paska seconded.

Mr. Arnold asked about the conclusion on page 7 and elsewhere regarding the over-density proposed and whether the Board is proposing that the density requirements be changed.

The Chairman said that the recommendations are asking the Board to address in their decision the fact that the densities calculated by Mr. Mitchell exceed what the Town has outlined for PUD. What they are

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proposing is appropriate, but this deviation needs to be addressed as to why it was accepted, because otherwise it would set in uncomfortable precedent.

Mr. Antis asked how we know that the traffic can support this.

The Chairman explained that if the PUD is granted they will come back here for Site Plan Review and that is when we will get into that. Right now the Code is structured so that the Town Board is looking at the big picture of whether a PUD is appropriate for the area, and it will come back to the Planning Board for technical discussion. The Planning Board will start the Town Board thinking about speed limits on Bluebird Road to put to the County.

Mr. Paska added that he felt that the document laid out everything the Board had talked about.

To Mr. Bergman's motion, roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries, 7-0.

Mr. Bergman motioned that when the changes are made by counsel, the Chairman sign the recommendation and forward it to the Town Board. Mrs. Riggi seconded and roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries, 7-0.

**#3 Sisson Reserve
Phase II
Site Plan Modifications**

Ms. Dilallo-Bitter explained that the main reason Sisson Reserve is before the Board is that Phase II was understood to be under the same name as Phase I, but due to tax purposes etc. and using a different bank, it is a different entity and has no road frontage. In order to provide water and sewer to both Phases they need to form a Water & Sewer Transportation Corporation. They also have to set terms between the two entities. So the name change is an issue. Changes to easements require Planning Board approval.

Chris Dirr, NRP: The banks for Phases I and II are different. They require different entities, but the general partner is the same. The DEC requests a Transportation Corporation to own the utility infrastructure for both phases. They will own the system for the whole thing, thus no easement will be needed. Counsel have been working together to transfer ownership of the water & sewer utilities to the

Transportation Corporation, which will own them and allow both Phases to use them. All three are owned by the same general partner. There are still easements in place to make the Phases work together. Transportation Corp. is a legislative vehicle established by the State so that there is not one owner that controls utilities on a piece of land not owned by the same partner. Say down the road the owner of Phase 1 gets mad at Phase 2, they might stop providing utilities, so the answer is to have them separate.

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Mr. Arnold asked what happens if the Transportation Corp. wants to stop providing.

Mr. Dirr: They are not allowed to.

Chairman Jensen asked whether the drawings will be changed.

Mr. Dirr: We will change the names, but none of the construction. The name of the owner of the easement will change to Sisson Transportation Corp.

Mr. Arnold: So instead of 2 parties that might have a conflict you have 3?

Mr. Bergman: But the 3rd is not allowed to conflict.

Mr. Arnold: So if Phase 2 were sold, does the Transportation Corp. have to service the new owner?

Mr. Dirr: Yes.

Mr. Arnold: But now, Phase I and II own the Trans Corp.

Mr. Paska: DEC does this?

Mr. Dirr: They do sewers. DOH does water. DOH said they would agree with what DEC says.

Mr. Paska: What about electricity?

Mr. Dirr: Not an issue.

Mr. Arnold: Electricity facilities are all owned by National Grid.

Ms. Dilallo-Bitter: Easements address electricity, water & sewer crossing Lot 1 to get to Lot 2. Nat Grid easement stays in place. New Corp. is only for transportation.

Mr. Dirr: Phase I is providing access for residents, that's an easement. Electricity, cable, any other reason crossing happens, that reciprocal easement stays in place. We are just trying to comply for water & sewer.

Mr. Paska: Crossing at the same place, nothing changes?

Mr. Dirr: Right.

Chairman Jensen: If there is a change, Board, we should have new drawings indicate the changes and regardless of what we do here, we cannot compel the Town Board to approve the formation of anything. It doesn't fly the plane as far as the formation of the Corporation goes.

Mr. Dirr: DEC has said that they approve of what we are trying to do and they are guiding us, we have provided an affidavit that we will do it and they are ok. It takes a while.

Mr. Zimmerman: Can we have a copy of that?

Ms. Dilallo-Bitter: The email about the affidavit is part of the packet indicating variances are being sought. Motion should indicate that compliance with requirements for forming Transportation Corporations is required.

Mr. Arnold: Why do we need a Transportation Corporation that we can compel instead of just compelling I and II to work together?

Mr. Dirr: DEC wants us to use this vehicle for making that happen.

Mr. Arnold: Seems like there are simpler ways to do this. This Transportation Corporation can't be sold or separated? It has to be owned by the entity that owns I and II? What if you sell a Phase?

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Mr. Dirr: For the first 15 years, we can't sell either. It costs too much to get out of the financing, practically. The limited partner can't be taken out by the bank. The limited partner and general partner are the same and the bank is the only thing that's different. I don't think the owner of the Transportation Corporation can be different from the owner of Phase I, where the pump is situated.

Mr. Arnold: The Transportation Corp. goes with Phase I.

Ms. Dilallo-Bitter: They are the ones servicing it.

Mr. Dirr: They are statutorily prevented from severing service to Phase 2.

Chairman Jensen: We need a motion to approve the change, subject to the applicant satisfying various legal requirements of DOH and DEC and applicable requirements of the Town Board.

Ms. Dilallo-Bitter: Reaffirm SEQR and easement documentation.

Mrs. Riggi motioned to accept changes proposed by the applicant, subject to meeting the legal requirements of the DEC, DOH and Town Board for the formation of a Transportation Corporation. Mr. Bergman seconded. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, No; Chairman Jensen, Yes. Motion carries, 6-1. Motion was made by Mrs. Riggi to reaffirm the previous negative declaration for SEQR, seconded by Antis. Mr. Arnold asked why the motion was necessary and Ms. Dilallo-Bitter said that the Site Plan had been modified, which is a discretionary act. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries, 7-0.

Motion made by Mrs. Riggi to authorize the modification of easements based on counsel review and meeting the requirements of the Town Board was seconded by Mr. Paska. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, No; Chairman Jensen, Yes. Motion carries, 6-1.

Mrs. Riggi motioned for the Chairman and one other member to sign the mylars when the changes are finalized. All in favor, no roll call.

Mr. Dirr asked whether they can start construction. He was referred to Mr. Patricke and the Town Board. The Transportation Corp. is going to take months to draft and approve, so they said the affidavit of intent was ok. There won't be occupancy.

Chairman Jensen: The Board is not authorized to do anything regarding those kinds of permissions, see Mr. Patricke.

The Chairman reminded the Board about the Planning Conference in January. Please register through Kathy Perez and the Town will pay.

Holiday Greetings.

Mr. Zimmerman motioned to adjourn, and was seconded by Mrs. Riggi. All in favor, meeting was adjourned at 7:52 p.m.

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Respectfully Submitted,

Tricia S. Andrews