

A meeting of the Town of Moreau Planning Board was held on February 23, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

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

Also present: Joe Patricke, Code Enforcement Officer; Garry Robinson, Consulting Engineer; Tricia Andrews, Recording Secretary.

Absent: Erik Bergman, Planning Board Member

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the January meeting were reviewed. Mr. Zimmerman motioned to approve the minutes with no corrections and Mr. Paska seconded. Motion passed unanimously.

**#1 Reed, Daniel and Kim
Clayberry Farms Subdivision
Preliminary Site Plan Review**

Bob Holmes of Jarrett Engineers was present as well as the Reeds. Mr. Holmes explained that this is a 5-lot subdivision with an additional lot line adjustment added to the Reeds' residential lot. This residential location is 88 Fedor Road, with 38-56 Fedor as the affected address for the subdivision.

Mr. Arnold: Admittedly I looked at it late at night, but I couldn't find soil classification listed anywhere.

Mr. Holmes: On drawing P-2 we added that to the subsurface investigation.

Mr. Arnold: I was sure it was there somewhere.

Chairman Jensen: Any public comment? (none) We will go to the SEQR Form.

Regarding historical and endangered species report, Mr. Holmes stated that requests for OPRHP reports etc. were submitted but not yet returned. They do have a wetland biologist's report offered for the record showing no significant habitats. Mr. Patricke agreed that the letter has everything in it that the Board needs with regard to endangered species.

No other items of concern were identified on the SEQR Form.

Mr. Arnold motioned to make a negative declaration regarding SEQR and Mrs. Riggi seconded. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes. 6-0 motion carries.

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Mr. Arnold motioned to grant preliminary approval for Clayberry Farm subdivision and Mrs. Riggi seconded. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes. 6-0 motion carries.

Chairman Jensen: The option that the requirement that final approval and preliminary approval be at separate meetings is only an option for projects of 4 lots or less, and this being 5, that can't be done tonight. This will be heard at the next meeting.

Mr. Patricke: You are within your rights to waive any requirement in the Code. Nothing's going to be accomplished in 30 days.

Mr. Antis: They won't do anything in 30 days.

Mr. Zimmerman: What's outstanding for Garry?

Mr. Robinson: I gave him three minor things to do.

Mr. Holmes: We have a note re: stabilization. Our comment is we always have an agreement in place to control erosion during the build with Town, future owners and us to prevent erosion. If that's not common practice in the Town, I can strike it from my drawings.

Chairman: Mr. Patricke might comment on projects we don't see.

Mr. Robinson: We only practice it with commercial properties.

Mr. Patricke: You have to get a permit for the SWPPP anyway.

Mr. Robinson: You will get a limited SWPPP because you have more than 1 acre disturbance. You have an NOI and SPEDES Permit that covers that. We don't do anything for residences after that. We have at apartments, etc. Smaller commercial things don't have an acre.

Mr. Patricke: But we have it anyway in the SWPPP.

Mr. Holmes. Drawing D-1 the notes on compliance, I will be striking that off the drawing. Vegetative soil maintenance. Under the infiltration, the third note there will be struck as well.

Mr. Zimmerman: On that page, the note for the driveway. We had a reference to the Dept. of State superlong driveways rules.

Mr. Robinson: It has to be 12 ft. wide if it's more than 300 ft. long...but two homes or less may be less.

Mrs. Riggi: I have it.

Mr. Robinson: What he has there has been checked and it's ok. He has a foot of gravel there.

Pat Killian from the dairy farm wanted to know about the shared driveway and the house on Fedor Road, and soil types in that area. Mr. Holmes reviewed them with him. Mr. Killian had a concern about new residents coming in to complain about the smell etc., from his farm.

Mr. Arnold advised him that the real estate transaction requires people who buy to sign a paper that it is protected as a Right to Farm Town and they can't say anything about it. People might call Joe or the Sheriff and complain, but will be reminded that they signed that they understand that law so it's expected and allowed in the Ag District.

Mr. Killian: Since 2014, has anything changed in the Right to Farm and the Ag District?

The Board told him as far as he knows, it has not changed. Mr. Patricke explained that the Building Department also tells everyone who gets a building permit that this is a Right to Farm Town.

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Chairman Jensen: Since the Code allows you to waive any requirement other than SEQR, Board, is there something you would like to do?

Mr. Zimmerman: Are we waiting for additional information?

Chairman Jensen: We are waiting for the follow-up letter from the State. We have a map that says it's clear. But we ask for additional information.

Mr. Zimmerman: We could do it contingent on that.

Mr. Patricke: We could address that, they don't like to write those letters. The map should be enough.

Chairman Jensen: It's another instance of issues with the new EAF.

Mr. Patricke: Could have a condition that the letter goes into the file when it comes.

Chairman Jensen: Since the Planning Board has the discretion to waive any requirements, what do you want to do?

Mr. Arnold: Is there a hardship to wait 30 days?

Mr. Reed: I want to be done with it. It's nerve-wracking.

Mr. Arnold: Nothing's going to change in 30 days. We're not going to change anything.

Mr. Reed: We can't advertise it for sale.

Mr. Zimmerman: Given that we essentially have all the information we need for this project, I motion that we waive the requirement that the preliminary and final approvals occur at two separate meetings.

Mr. Antis: Second.

Mr. Arnold: In lieu of the fact that it's nothing more than a technicality.

Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes. 6-0 motion carries.

Mr. Arnold motioned to grant final approval to Clayberry Farms Subdivision. Mr. Paska seconded.

During discussion Mr. Zimmerman added that it is contingent on the letter from State Office of Parks, Recreation and Historic Preservation. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes. 6-0 Motion carries.

Mrs. Riggi motioned that the Chair and one other member sign the mylars when they are presented and Mr. Zimmerman seconded. No roll call, motion carries unanimously.

Chairman Jensen: Mr. Patricke, do you have anything further for us?

Mr. Patricke: I want to talk about comments and discussion about Site Plans and enforcement of Site Plans, in particular at Overhead Door. I've pulled the files and I want to know what it is that needs to be enforced. There are no conditions about traffic on Route 9 or anything, which has become an issue. I don't know what enforcement action I can take.

Mr. Antis: There's not a rule about backing into businesses on a State Route?

Mrs. Riggi: They were doing to use the lot next to them and now it's fenced off.

Mr. Antis: I thought it was a box truck.

Mr. Arnold: No, it was a tractor trailer.

Mr. Patricke: Same at Cooper's Cave. Nothing on the Site Plan that says what's prohibited or allowed. Without your formal statement that it goes on the drawing, there's nothing I can do about it.

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Mr. Antis: I asked if he was going to increase business. He didn't think so. Now it's all over the place parking on weekends. I feel he misled us. If we have no recourse, we don't.

Mr. Patricke: At the very least his judgment was in error. If we want to be able to hold people accountable, we have to put that in the plans. Not be so friendly.

Mr. Arnold: We don't have jurisdiction over parking on Route 9 anyway.

Mr. Zimmerman: But we could have put it on the plan.

Mr. Robinson: The State controls it, but if they are off the white line they can't ticket.

Mr. Antis: But we had waived parking at CC because he didn't have what he needed based on Square Ft. and he got a variance for less parking. He insisted he needed 3-4 spots.

Mr. Arnold: if he got a Variance from the ZBA, can't they pull the variance if he exceeds it?

Mr. Patricke: It's permanent. I just want the Board to know that I looked into it. And that things need to be in the plans for me to take action on them.

Mr. Antis: Give us an example of what we could have done.

Mr. Patricke: You could have advised the ZBA not to grant it.

Mr. Arnold: He could have had legally enough without Variance and still grown and exceeded it. Should we tell everyone they can't park on Route 9?

Mr. Patricke: If you don't put something on there, there's nothing I can do.

Mr. Zimmerman: Have you received complaints about the cartoons or other aspects of the business?

Mr. Patricke: No. We did a site plan for Shaw Fuel once, and the Board asked for a berm. His idea of a berm was different from the Boards. You have to say exactly what size shape, material and how you want it kept. Specifics. People do what they want. If you want more control, put it on the plans.

Mr. Arnold: Is the state of NY going to adopt the International Building Codes?

Mr. Patricke: It is the same with adaptations, and they are going to adopt the international with modifications.

Mr. Arnold: Is there going to be a stipulation to eliminate the use of rough sawn lumber in construction?

Mr. Patricke: I don't know about that. It's in the current standards that the sawmill has to certify it.

Mr. Arnold: I've seen guys build with rafters with holes in them.

Mr. Patricke: I have not seen that. Rough sawn doesn't work out and we are trying to diminish it for support lumber.

Mr. Antis: If we approve a change in use in a Commercial Zone, can the Use revert to the original without approval?

Mr. Patricke: It should come back here. There was a Special Use Permit with the used car lot that we talked about. You could argue there's a Change in Occupancy, but not in Use. I have been working with Wilton to learn about their change in Use processes in commercial uses. It's something we're working on. You will see it soon.

Motion to adjourn was made at 7:53 by Mrs. Riggi and seconded by Mr. Antis. Motion carried unanimously and the meeting was adjourned.

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Respectfully Submitted,

Tricia S. Andrews