

A meeting of the Town of Moreau Planning Board was held on June 15, 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
Erik Bergman	Planning Board Member
Charlene Endal	Alternate Planning Board Member
Ron Zimmerman	Planning Board Member

Also present: Stephanie Dilallo-Bitter, Attorney for the Town; Tricia Andrews, Recording Secretary. Joe Patricke, Code Enforcement Officer

Planning Board Members Absent: Dave Paska, Planning Board Member

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the May 18, 2015 meeting were reviewed. Mr. Antis motioned to approve the minutes with corrections and Mr. Arnold seconded. Motion passed unanimously.

Pg. # 1813 "Maintenance agreement in place for years..." was Mr. Pigeon and not Mr. Paska.

p. 1814 4 lines down. Mr. Sweet was talking about bringing the road up to Code and Mr. Pigeon switches to talking about the number of lots.

p. 1815 Board anyone uncomfortable no comment on that. Make a note.

**#1 Thomas, Paul and Heather
The Drop**

No one was present to address The Drop.

The Board is waiting for letters from Mr. Rogge to clarify the use. Chairman asked Mr. Patricke whether anything had been received, but he was uncertain as to whether it had.

**#2 Sweet, James
Reservoir Road
Preliminary Plat Review**

Mr. Pigeon had modified drawings to present to the Board.

Atty. Dilallo-Bitter: The question was had at the end of the meeting was relative to the private road and whether that limits the ability to further subdivide relative to 2b-a. My other concern was whether the frontage requirement on a public street needs to be met.

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Mr. Patricke: Second part first. For years, we didn't allow other driveways over an easement. That has changed in the last 5 years. We've done it numerous times, most recently for Rourke in two subdivisions and for Barody, as long as they had the easement written into the deed. We have allowed that to suffice. I don't know that it's legal.

Atty. Dilallo-Bitter: And I have a concern that fire safety reviews this.

Mr. Patricke: If we go forward we would have the fire chief and his truck driver come. It has to support at 75,000 lb. vehicle and that's in the Code, they would sign off on whether it was adequate.

Atty. Dilallo-Bitter: Because of the distance, does that bring in a sprinkler requirement?

Mr. Patricke: Repeated the question for the public.

Mr. Robinson: It's an either/or thing.

Mr. Patricke: There are no sprinklers involved here.

Chairman Jensen: Are we satisfied that the number of lots is acceptable?

Atty. Dilallo-Bitter: Based on history and Joe's interpretation you would have as a base.

Mr. Patricke: This would not happen somewhere else, and it wouldn't be allowed again, but now that it's there, we don't want to punish anybody.

Mr. Patricke: Did we give the applicant any homework?

Mr. Patricke: They have some work to do on this road, there are requirements for fire apparatus, road and driveway.

Mr. Robinson: The difference here is that it serves more than four homes, so it would have to be 20 ft. wide, smaller subdivisions have been 12 ft. They have turnarounds required, vertical separation, load requirement, and there are other things the fire chief or building inspector might require. If this is the plan, we will take it to those people and go out and look at it.

Mr. Patricke: I believe the property is 50 ft., and it's cleared the whole way.

Mr. Pigeon: It's pretty wide until it turns the corner, it's narrower near the lots we are doing and it may need some work.

Mr. Patricke: We did one lot at the end of Jackson Road towards the river and they had to do a substantial amount of work, but they had a heavy grade, this is essentially flat. It's basically all sand.

What I am getting at is I think they can make it usable without a lot of excavation, and maybe some gravel or stone.

Chairman Jensen: I realize you are only seeing this tonight, so we will give Garry some homework.

Mr. Patricke: Garry, the applicant and I can meet and see what they need to do, since the Board's not taking any action tonight. Is it three lots?

Mr. Pigeon: It was already split up, James didn't do it, so we are putting it back to 1996.

Mr. Patricke: Are lots 2 & 3 one lot?

Mr. Pigeon: 1, 2, 3, are one large lot.

Mr. Patricke: You want to make it 3.

Mr. Pigeon: And the road is part of that lot too. We are cutting it back to where it was initially, pretty close but not exact.

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Mr. Antis: Which properties need to have an easement for the plowing, etc.?

Mr. Pigeon: Lot 2, which owns the road.

Mr. Antis: What if no one builds or they are not around?

Mr. Pigeon: They are still responsible.

Mr. Antis: What happens if they don't?

Mr. Pigeon: I suppose there'd be legal action.

Mr. Antis: What if you sell it?

Mr. Sweet: It will be sold with the maintenance agreement in the deed.

Mr. Antis: But if they don't stay in the area and they don't take care of it?

Atty. Dilallo-Bitter: Did they submit a copy of the existing maintenance agreement?

Mr. Sweet: I can bring it in, it's on file with the County?

Atty. Dilallo-Bitter: I'd like it submitted with the proposed changes.

Mr. Patricke: There will be ten houses total after the subdivision is built.

Mr. Arnold: Including those accessing from Reservoir Road.

Mr. Patricke: Ten on this one.

Mr. Sweet: Everyone shares the costs, it's never not been maintained.

Mr. Patricke: Is there anything in the Code about a collector for a private road? This is collecting traffic from Randy's. The Board should think about that too.

Mr. Sweet: I collect \$200 a year for maintenance. From everyone.

Mr. Zimmerman: There are some being collected and discharge out of it.

Mr. Sweet: Four from Randy's.

Mr. Patricke: Could you shade all the areas that use this road for access, when you make the next map?

Mr. Pigeon: Sure.

Mr. Arnold: I am going to start out pointing out that none of them have 40 ft. of frontage on public road, one has 17. I don't know if there's a deeded right of way over the National Grid property that the driveway is on. I would want to see it written that this is ok.

Mr. Pigeon: We could shift over into the 17 ft.

Mr. Arnold: Back in the 90's this was ok'd, and I was told I couldn't do something similar on my property so I don't know how this happened. I am glad now that I wasn't allowed to. As far as beyond that, how many houses are on 1, 2 & 3 right now?

Mr. Pigeon: None, now.

Mr. Arnold: How wide is the road you are proposing?

Mr. Pigeon: 20 ft.

Chairman Jensen: For the Entire length?

Mr. Pigeon: Yes.

Mr. Arnold: We are still working out details on the road, but there will be a turnaround somewhere?

Mr. Robinson: I think it's ok at the end, but we need a turn- out, a wide spot.

Mr. Patricke: He doesn't own any of that land.

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Mr. Pigeon: We do have a turnout where the other road goes to the left.

Mr. Patricke: 120ft hammerhead, or a 60 ft. Y are the options.

Mr. Arnold: He owns 50 ft., he can't get one in?

Mr. Robinson: Turnout is different.

Mr. Arnold: Over 1000 ft they have to do something.

Mr. Robinson: I don't think you need it if you have the required 20ft road.

Mr. Arnold: Is this based on the regulations that came out a few months back?

Mr. Robinson: Simplified, but yes. I believe at 20 ft. wide, it's not required to have the turnout, but it may be at 500ft.

Mr. Arnold: Is it going to fit within the 50ft that's there?

Mr. Robinson: The turnout would, a turnaround would not, but he has that at the end, it's wider. That's the best place for it to be and I am thinking he doesn't need more, but we'll look at it.

Mr. Arnold: Thank you for making Lot 1 big enough.

Mr. Pigeon: I don't know what I was doing when I drew it the first time.

Mr. Antis: Why is a turnout ok vs. a turnaround?

Mr. Robinson: If it's only 12 ft. wide for less than 4 residences, two trucks can't get beside each other so they make places for passing along the way, and those have to be 500 ft. or less apart from one another. A turnaround at the end is to keep from having to back trucks out, at the end of the day, so it's a different use.

Mr. Arnold: We keep mentioning Rourke, but they had the 40ft.

Mr. Robinson: Sure, but it was still a fire access road.

Chairman Jensen: Rourke and Clayberry subdivisions are different things.

Mr. Robinson: The access code doesn't care about frontage, just the length of the road. If there's more than an acre of disturbance, we need a limited SWPPP, full if it's more than 5 acres.

Mr. Pigeon: We have 4.7.

Mr. Robinson: If there are improvements, the grade is disturbed, that counts.

Mr. Pigeon: We are not going to grade off a whole lot.

Mr. Robinson: Show on the plan the boundaries of the disturbance and calculate it so we can see.

Mr. Antis: Is the property that is going with Lot 2 as easement is that 2 acres?

Mr. Pigeon: Including the road, 2.9, and same on the cul d sac.

Mr. Antis: Is there a recorded easement to use this road for all the properties of Randy Sweet?

Mr. Sweet: They have easement across the front part of my lot to where it heads west.

Roy Sweet: They have it from the 90 degree angle.

Atty. Dilallo-Bitter: They need to identify the recorded easements on the subdivision map.

Mr. Arnold: On your map, just west of Lot 1, there is a line says tax map parcel line 41 & 43. Is that combined parcels?

Mr. Pigeon: The road was one and from that line back to the east was another parcel. Within the new part over to that are one tax map parcel, and the other part of the road is a second tax map parcel.

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Mr. Arnold: I realize you can have two separate tax map parcels that adjoin, are they that?

Mr. Patricke: It will become one with this movement.

Mr. Arnold: That's what I wanted to know.

Atty. Dilallo-Bitter: Don, it shows it as 3.

Mr. Pigeon: I was just showing him that. I will get them on there correctly.

Mr. Zimmerman: Joe, on the map at the bottom it shows Woodscape. Is that all built out or could the access that way?

Mr. Patricke: It's built out.

Mr. Arnold: There is one to Reservoir Road off lot 3.

Mr. Zimmerman: If Garry's able to work with Don to have the driveway meet the road requirements, are these three lots allowed, by Code? Is this a permitted subdivision?

Mr. Patricke: It comes down to how we interpret the easement over private land.

Mr. Arnold: Is it possible to get a deeded right of way from National Grid?

Atty. Dilallo-Bitter: You can get a license to cross.

Mr. Pigeon: We are getting one. A permitted easement.

Mr. Patricke: I don't think you can.

Mr. Pigeon: We submitted for a permanent easement for a project in Wilton and not a license, we are trying to get one.

Mr. Patricke: Our school district wanted one and couldn't get it. They can pursue it.

Mr. Pigeon: Licenses are easy.

Mr. Arnold: National Grid may decide they don't want you on it and then you have all these houses that have 17 ft of access. I want to see something more permanent.

Mr. Patricke: At least get us a copy of what you have for the 17.

Mr. Pigeon: What do you mean?

Mr. Patricke: You have nothing from National Grid.

Mr. Sweet: The 17 ft's mine.

Atty. Dilallo-Bitter: So no Variance is needed for lack of 40 ft road?

Mr. Patricke: We are saying we want the license or easement to get it to be 40 ft altogether, 22.5 from them.

Mr. Pigeon: We won't get a permanent easement for that but we might get a license.

Mr. Patricke: Did you turn in an application for a preliminary?

Mr. Pigeon: I think so.

Mr. Patricke: Talk to me and we'll make sure you have everything you need, two weeks before the meeting.

#3 Keefe, John
Mountain Lake Ent., Inc.
1638 Route 9

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Site Plan Review

Chairman Jensen: Have we heard anything from the County on Mountain Lake Enterprises?

Mr. Patricke: no.

(Mr. Keefe had been present but left before this was addressed)

Motion to adjourn was made at 7:49 by Mr. Zimmerman, and seconded by Mr. Antis. Motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

Tricia S. Andrews