

A meeting of the Town of Moreau Planning Board was held on May 16, 2016 at 7:00 p.m. 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
Dave Paska	Planning Board Member
Ron Zimmerman	Planning Board Member

Also present: Atty. Stephanie Dilallo-Bitter, Attorney for the Town

Alternate Planning Board Members Present: Jerry Bouchard

Chairman Jensen called the meeting to order at 7:00pm. Corrections made to April minutes: On p. 1889, "Wayne" = Mr. Stebbins. On p. 1894, 11,00ft. should be 11,000ft. Mr. Zimmerman motioned to accept the minutes as corrected and Mrs. Riggi seconded. Motion passes unanimously with no roll call.

**#1 Cerrone Subdivision  
Old Bend and Paris Roads  
Preliminary Plat Review  
Public Hearing**

Tom Center of Nace Engineering described the project

Neighbor Albert Flick of 12 Old Bend Road asked about test pits on the plans and Mr. Center pointed them out. He asked about electricity and Mr. Center explained that pole lines were being worked out with National Grid. Mr. Flick asked about septic back up and Mr. Center said that there are 50% replacement areas provided. Mr. Flick questioned the steep slope of the lots, and whether there will be deed restrictions on cutting any more trees.

Mr. Center explained that the steep slopes are mostly in the back of the lots, and they would have to go back to Site Plan Review to cut into those.

Mr. Flick then expressed concern about traffic at the intersection.

Mr. Antis suggested that a section should be paved, and that the Town Board needs to look at that.

Mr. Martin Lemmo asked about the size of the houses and Mr. Anthony Cerrone said that they would be 1500-2000sq.ft. max.

Chairman Jensen explained that the Planning Board can't dictate the size, and the builder only has to conform to the Zoning Laws; these setbacks, etc are greater than required.

Richard Taras of 170 Butler Road expressed concern about the base of the slope, the wetlands the wildlife corridor, and that this will change the way they cross the road. They have already tried to get access

A meeting of the Town of Moreau Planning Board was held on May 16, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

through the Finch, Pruyne area, and fences have been crushed; they come out on Paris & Old Bend Roads on the way to the river.

Mr. Center said that though there are limits to the amount of acreage that can be cleared, there is no proposed conservation area.

Mr. Jim Rando at 24 Old Bend Road stated that the square footage seemed small and asked about the price range for the houses. Mr. Cerrone said they will be higher \$200,000's, lower \$300,000's.

Mr. Rando wanted to know the style and Mr. Cerrone explained that they customize a lot, but the base plans they have to choose from are traditional, colonial and ranch.

Mr. Rando expressed concern about erosion with the bank and Butler Road on the back side of the lots. Mr. Cerrone said that the lots will be cleared closer to Old Bend & Paris Roads, leaving the back portion undisturbed.

Mr. Rando asked who determines what can be cut by the homeowners, and Mr. Jensen told him it would be the Code Enforcement Officer.

Mr. Arnold asked about the degree of the slope and Mr. Center said it is 15-20%. Mr. Arnold thought it unlikely that people would cut.

Chairman Jensen said that the Town cannot put deed restrictions on, but can ask a developer to put a notation on the plan regarding that, and then the building department would have legal backing on the issue.

Atty. Mike O'Connor, for the developer, said that they can put a notation in the map, which all buyers get a copy of.

Mr. Lemmo asked whether the properties go all the way back to the road, and was told that Butler Road is the back boundary.

Mr. Taras repeated his concern that it is wet at the base of the slope, and asked whether any testing will be performed after the construction is done.

Mr. Center said that they are above the flood plain, the septic is designed under Dept. of Health guidelines with all the required separations, well-drained soil; there will be some fill.

Mr. Bouchard asked if something is in the Code about clearing.

Mr. Antis and Mr. Arnold said there is.

Mr. Bouchard asked if these had basements, and Mr. Arnold said that the floor of a basement has to be 2 ft. above the water table.

Mr. Antis referred Mr. Bouchard to 120-6 for information about clearing.

Chairman Jensen said that a basement is sealed, if groundwater is within 3 ft. there are more they have to do, but again, this is not a Planning Board issue, it is for the Code Enforcement Officer.

Dave Chapparral, who was there to support Mr. Cerrone, said that the applicant has done his due diligence and that this is not a wildlife corridor. Finch, Pruyne never touched that slope & couldn't do anything there.

A meeting of the Town of Moreau Planning Board was held on May 16, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold asked whether this had been or would be looked at by the County, due to the proximity to the river. Mr. Valentine at the County will look at it because it's within 500 ft of the river, so Chairman Jensen asked that it be sent to Mr. Valentine.

Atty. O'Connor said that it's not required statutorily, but Mr. Zimmerman argued that it had been done in the past and Mr. Arnold agreed it would be sent.

Mr. Antis reiterated his concerns about the size and slope of Lot 1, and the property being covered by the Fisher Act 480.

Atty. O'Connor stated that it would be removed from the Fisher Act and that the Assessor had stated there would be nothing due at closing. The applicant has sent a letter to DFC to remove the land.

Mr. Arnold asked whether Peggy Jenkins, the Assessor is looking into it.

Chairman Jensen stated that taxes are not a Planning Board issue.

Mr. Antis asked for documentation on what was cut.

Atty. O'Connor stated that a letter from Finch, Pruyn stated what was left, a copy was given to the Planning Board, and a land surveyor had said that of 25 acres, 15 acres were not cut.

Mr. Antis repeated his concern that Finch, Pruyn violated the law when they cleared the land.

Mr. Arnold asked counsel for interpretation about clear-cutting in the Code.

Atty. O'Connor stated that the previous owner had a specific purpose, which was forestry. That was the purpose before subdividing. It was not on the market at the time (2014), Mr. Cerrone went to ask Finch if they could buy it.

Mr. Arnold read the Town definition of "Clear-cutting."

Mr. Zimmerman stated that the letter from the applicant states that 60% was not harvested.

Mr. Antis felt that wildlife travel should be Ok.

Atty. Dilallo-Bitter stated that general County law does not specifically say anything about subdivisions. Mike Valentine needs to see it.

Mr. Antis asked if the developer would stipulate one-family homes, since in that Zone two-family homes are allowed.

Atty. O'Connor said that his client would take that under advisement.

Chairman Jensen asked whether, since the project would be going to the County, would the Board like to do SEQR now or delay it.

Mr. Arnold said that he would like to do it tonight, but the County might have input.

Atty. O'Connor said that if they do go ahead with SEQR and new information comes to light, it can be reopened.

Mr. Arnold said he would like to go ahead, and Chairman Jensen read through Part One of the EAF.

Atty. O'Connor stated that the site is being investigated for archaeological effects on 1 lot, and when completed they will submit that.

Therefore, E3f and E3h will be left blank to be revisited after County review.

A meeting of the Town of Moreau Planning Board was held on May 16, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

At 8:20pm the Board began to review Part 2, but since they are holding the archaeological section until receipt of the report, they will also hold Part 3 for additional information. At 8:25 Mrs. Riggi motioned to table the public hearing in the Cerrone Subdivision and Mr. Antis seconded.

Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried 7-0.

Atty. O'Connor stated that they would put a notation on the map regarding the use of the slope & vegetation on it.

Chairman Jensen reviewed that the project is waiting for archaeological review and County review. Atty. O'Connor said that they may ask for an approval for all except the 1 lot that is the focus of the archaeological study.

Chairman Jensen stated that he didn't think that would be a problem, but asked counsel to answer that for certain next month.

Mr. Center said that it might be a buffer, but they are going to SHiPO.

**#2 Reynolds, Mark**  
**Route 9**  
**Site Plan Review**

Mr. Reynolds presented updated information on entrances and turnarounds.

The Building Department had indicated to Chairman Jensen that the County had no problem with the site. The requested updates to parking delineation, turnarounds, traffic flow and removal of the notation about driving across a neighboring property have all been done.

Mr. Arnold noted that the trailer entry/exit is incorrect and Mr. Reynolds said that it would be corrected. Chairman Jensen said that the curb cuts will not be approved by the DOT until the Town approved the project.

Mr. Paska pointed out that the arrow also needs to be fixed.

Mr. Arnold asked that the lot dimensions need to be put back on for the final submission, and the mailboxes put on for a landmark.

Mr. Antis asked whether the power pole will need to be removed, and Mr. Reynolds stated that they will have to pay National Grid or Verizon to move it.

Mr. Arnold motioned to reopen the public hearing for Mark Reynolds project on 1663 Route 9. Mrs. Riggi seconded. Motion passed unanimously and the Board reviewed SEQR with a Short Form EAF.

The public hearing was closed at 8:47pm.

Mr. Arnold motioned to make a negative declaration regarding SEQR for the Mark Reynolds Project.

Mrs. Riggi seconded. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried 7-0.

Mr. Zimmerman motioned to grant final approval for Mark Reynolds contingent on a few changes: fixed notation for trucks, an arrow for exit to the south, and lot dimensions all added to the plot plan, and

A meeting of the Town of Moreau Planning Board was held on May 16, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

approval of the County DOT. Mrs. Riggi seconded. Under discussion Mr. Antis repeated his concerns about tractor trailer traffic. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, No; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried 6-1. Mr. Bergman motioned for the Chairman and one other member to sign the mylars when they become available, and Mr. Arnold seconded. Mr. Paska asked how long they will wait for DOT approval; it is hard to say, but Mr. Reynolds had seen it in a week. Motion passed unanimously.

### **#3 Moreau Emergency Squad-Route 9 Site Plan Review**

Ethan Hall stated that they had addressed issues from before. They have had a discussion with National Grid. He presented a rendering of the existing and new buildings.

Mr. Antis asked whether there is an existing curb cut.

Mr. Hall said that the curb cut and the concrete slabs that are there now will be removed when the construction is complete.

Mr. Antis asked about the parking.

Mr. Hall said that 63 spaces are required, and they have 55. They have a verbal waiver from Mr. Marcantonio to go with less.

Mr. Antis suggested that they need a Variance from the ZBA to have less parking.

Mr. Arnold asked if there is a problem with that number of spaces, and Mr. Hall explained that they are maxed out with the design.

Mr. Bergman said that the Code regulations call for 5 sq. ft. to equal 1 person and 1 parking space. A discussion followed. Atty. Dilallo-Bitter suggested looking at the requirements for a lodge, to see if that might allow fewer spaces. The Board came to the conclusion that the applicant would need to go to the ZBA to request a Variance.

Mr. Antis brought up the easement for exit via the driveway next door.

Mr. Hall said it was still being discussed.

Chairman Jensen questioned whether the Board could waive the requirements, but Atty. Dilallo-Bitter said that could not be done in this zone.

Mr. Hall reported that the expansion is more than 50% larger than the existing facility.

Atty. Dilallo-Bitter pointed out that even if the applicant used a letter from National Grid to get more parking, they would still need to go to the Zoning Board for a Special Use Permit.

Chairman Jensesn took a count of other entities that would be involved with this project: DOT, DOH, Saratoga County.

Mr. Bergman motioned for a public hearing for Moreau EMS on July 18<sup>th</sup> at 7:00pm. Mr. Paska seconded. Motion passed unanimously.

Mr. Zimmerman motioned to declare the Planning Board Lead Agency for the Moreau EMS Site Plan Review. Mrs. Riggi seconded. Motion passed unanimously.

A meeting of the Town of Moreau Planning Board was held on May 16, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Zimmerman pointed out that this project is unique because it has meeting space, office space, and storage, and wondered whether this kind of blended use is allowed.

Chairman Jensen agreed that if this is allowed for EMS, others might also want an exception.

**#3 Stewart Bovee Developer & Investor LLC**  
**Old Saratoga Road**  
**Sketch Plan Review**

Terry Stewart, one of the owners presented a proposed subdivision which would be sold to a buyer they have not yet got. It will require one curb cut with access from Old Saratoga Road. The woods on the parcel have been thinned. Mr. Stewart would like a three lot subdivision, but they have no plans to develop it themselves. It is in a C1 zone, meets all setbacks, and is good terrain with good soil; they would have lawyers draw up easements in deeds for a margin road.

Chairman Jensen asked counsel's opinion on whether they would need a SWPPP since they are not doing construction. Atty. Dilallo-Bitter said that if there is a curb cut on the final plans, there has to be.

Whoever develops first would have to get review anyway because it is a C1 zone.

Mr. Arnold pointed out that of Lot 3 were bought first, the developer would then have to do a SWPPP for property they don't own. A discussion on curb cuts followed.

Chairman Jensen told the applicant that the Board can't approve a Sketch Plan, but that the applicant can come back in June and the Board will look at the project and schedule a public hearing.

Mr. Arnold informed the Board that a meeting regarding re-zoning had taken place last Thursday, and the Board discussed that the Town is hiring a new Zoning Administrator due to the departure of Mr. Marcantonio.

Mrs. Riggi motioned to adjourn the meeting at 9:58 and Mr. Antis seconded. Motion passed unanimously.

Respectfully Submitted with thanks to Mrs. Riggi for her assistance,

Tricia S. Andrews