

A meeting of the Town of Moreau Planning Board was held on December 19, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

G. Peter Jensen	Chairman (temporarily stepped down)
Linda Riggi	Planning Board member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Ron Zimmerman	Acting Chairman
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member

Also present: Atty. Malcolm O'Hara, Attorney for the Town; Jim Martin, Zoning Administrator; Tricia Andrews, Planning Board Secretary, Jerry Bouchard, Alternate Planning Board Member

Acting Chairman Ron Zimmerman called the meeting to order at 7:00pm. Mr. Zimmerman thanked Mrs. Riggi for her service which ends tonight. Jerry Bouchard will be joining the Board as a full member next month.

Corrections to the Nov. minutes: p. 1974 "Mr Hall he doesn't know."

1975 "other than that, the bulldozer, Mr. Rogge he" 'he' was removed

p. 1976 5 lines above #2 Motion was not a roll call. And the resolution was not clear.

1977 7 lines from bottom Mr. Martin, list allowed, involve (clarified to show that Mr. Martin was interrupted) two lines lower "Mr. Martin: It's..." also is not finished (removed this).

Motion to approve the November minutes as amended was made by Mr. Arnold, seconded by Mr. Antis. Motion passed unanimously with Mrs. Riggi abstaining.

#1 JABRO Development
Public Hearing
Site Plan Review

Andrew Brodie spoke regarding the former Aquawood Pools site at 1341 Route 9. They have made the requested amendments to the proposal since last time. Mr. Zimmerman opened the public hearing.

Mr. Jensen asked and Mr. Martin said that he was satisfied that everything he had listed for the applicant to address had been done. Mr. Jensen asked for an EAF and Mr. Zimmerman had a Short Form which he said was in the original packet for this issue.

Mr. Antis is looking for turning radiuses that he had asked be shown on the map, he wants to see it in the engineering on the map for proof. He wants to make sure it will work.

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Mr. Brodie explained that the Western property line on the back portion of the house is roughly 150 ft., and that comparatively a 60 ft. radius turn was achievable. The layout he intends is boats along the perimeter, which leaves that space clear.

Mr. Zimmerman asked about the turning radius off of Route 9.

Mr. Antis said that saying it is not the same as showing it.

Mr. Martin explained that there is a CAD tool called 'templating' that can show how a certain size wheelbase can move through the site. This would also show that a fire truck could get in if there were an emergency.

Mrs. Riggi asked if the drawing was to scale and it is not. She feels that if it were, that would answer the question more clearly.

Mr. Antis said that applicants don't always stick to what they say, and he wants it on the site plan.

Mr. Arnold asked whether Mr. Antis' main concern was entering and exiting Route 9, but Mr. Antis said that it was about whether he could get around out there. Mr. Arnold said that public health and safety were not affected by that. He suggested that a statement be on the plan that no tractor trailers would be backing onto Route 9 would suffice, and that if there really is a 60 ft. radius, it wouldn't be a problem.

Mr. Brodie said he thought that 45-50 ft. was enough.

Mr. Arnold disagreed with the 150 ft. claimed on the drawing as well and wanted to see a scale drawing. His biggest concern is Route 9.

Mr. Arnold said that multiple uses on one site had been discussed over email and that discussion needed to be reiterated for the public.

Mr. Martin explained that there was a question about multiple Commercial uses on one site, and he feels it is permissible according to the Code. But, parking spaces have to be cumulative and other criteria met. There is no formal building to lot area ratio in the Code, or density requirements. Mr. Martin also felt that this is something that happens on Route 9, such as strip malls, so that is his example.

Mr. Arnold said he thought that was one business, a strip mall. Mr. Martin said that all the different requirements for different uses would have to be met and evaluated and might be very different. A strip mall might have restaurants, retail and other uses. He considers them all serving highway traffic, but that secondary requirements have to be met such as counting up the required parking for each.

Mr. Antis said that this came up because the applicant told the Board that he's not using any parking spaces, but that actually somebody is going to be because another use is planned.

Mr. Brodie only brought the use that applies to him, but there is another.

Mr. Martin said that the first use put into play would take precedence and might leave others without enough space. Currently Mr. Brodie is within the 40% building coverage area.

Mr. Paska asked why the Christmas tree business could not be approved until another was shut down, but that is not what is being discussed here.

Mr. Arnold thought that the one-acre per business rule had come into play. He asked if he was correct that they can approve this, and another applicant may apply and just be disappointed because this use is already using the capacity.

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Mr. Arnold asked why they needed parking at boat storage.

Mr. Martin agreed that it is a minor use, but they would have a hard time putting a diner on the front which requires more parking and generates far more trips. If there is an application for that, it will be reviewed in relationship to this plan if it's already in place. He feels it will be complicated to add another use, but it is not automatically out of the question.

Mr. Brodie asked what types of uses were allowed and Mr. Martin said that an office building was allowed, but the Board would review it for parking and size. Adding or re-configuring buildings can also hold it back. He will have to find a use that requires relatively little parking.

Mr. Arnold suggested that Mr. Brodie ought to sit down with Mr. Martin to figure out what parking, etc. is available so that he can define his sales market. Mr. Brodie owns the site and wants to clarify what uses he can present to renters. This was agreed upon.

Mr. Paska asked whether the new use could take parking spaces from this one.

Mr. Martin felt he could scale back the intensity of the site plan for the boats, but he'd have to come to the Board.

Mr. Zimmerman pointed out that the original plan to have two businesses was written out on the application, just because some people felt it had been concealed.

Mr. Bouchard asked about the turning radius. He thought that a 60 ft. radius required 120 ft. There is a U-turn marked on the map, that he was looking at, but that is not what the Board is talking about.

Mr. Arnold asked about stormwater management on the site, and Mr. Brodie said it was just flat and gravel. There is a depression gated off and it may have been intended as a retention area, but he has never seen standing water there. He has never been on it in the spring. Mr. Arnold said that it never hurts to have a drywell but clarified that he is not asking for a SPDES.

Mr. Arnold asked if they had moved the fence but they have not, it is now frozen. Mr. Martin encouraged a deadline, since the fence is on someone else's property. He suggests May 1. Mr. Antis suggested June 1. The fence posts are not in concrete, so it will not be impossible.

The Board reviewed the Short EAF. The EAF was amended to reflect that there are 2 buildings, and that the planned disturbance listed is to flatten truck ramps that were built up.

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

The list of needed items is as follows: Truck and trailer arcs shown to scale for site navigation, a note that no vehicles will back in or out onto from Route 9, work with Mr. Martin on a parking plan as needed to accommodate future additional uses, the addition of a drywell, and a June 1st deadline for actually adjusting the fence. These items should be listed on the plan.

Mr. Arnold motioned to incorporate the above requirements into a motion second was made by Mrs. Riggi, and this motion passed unanimously with no roll call.

Mr. Paska suggested a date for the drywells but Mr. Jensen said that they will be on the drawings and they won't be approved without it, and that he would be non-conforming if he didn't do it.

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Atty. O'Hara asked whether the Board would like to approve the site plan subject to the five conditions being met and that the Chair would sign the mylars when they are completed. Mr. Martin preferred a date for the drywells. Mr. Arnold suggested a June 1st deadline for both the fence and the drywells.

Mr. Brodie asked whether that meant that he can store boats now, but come June 1st if he hadn't done things, he wouldn't be able to anymore.

Mr. Arnold motioned to grant site plan approval, contingent on the 5 items and 2 deadlines on the map.

Mr. Brodie asked about the capacity for the requested drywells. Mr. Arnold told him that water from the property can't run onto neighboring properties or onto Route 9. Mr. Brodie asked whether an older one might exist that he could use, and no one knew that, but the guess was that site development might be pre-zoning and there were no plans.

Mrs. Riggi seconded the motion. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes. Mrs. Riggi motioned that the Chair and one other member sign the mylars when they become available and Mr. Bergman seconded. Motion passed unanimously with no roll call.

Old Business:

#2 Doyle, Diana Jean/Bartlett Enterprise- 205 Reservoir Road

Site Plan Review

Mr. Jensen declared for the record a business association with Mr. Bartlett that has no bearing on this appeal.

Don Pigeon appeared representing Mr. Bartlett and presented a new map stating that trucks have to exit the site towards Route 9, added spot elevations, parking spaces have been made 10 x 20, they may have lost one space doing that. He is not sure about the lights. A septic system has been shown as designed for a 4 bedroom house if need be. Drywells added. A proposed sign is shown.

It was suggested that he widen the driveway, and Mr. Pigeon said that he had intended to but forgot.

Mr. Arnold asked for the water source, and there is public water because of an environmental concern.

Mr. Arnold suggested that they widen the driveway before finalizing the plan because the proposed sign is on one side and a utility pole is on the other. Mr. Pigeon will widen it to the west and change the location of the sign. Mr. Antis asked whether 12 ft. is wide enough and Mr. Arnold recommended 16-20 ft wide at least on the commercial portion. Mr. Arnold recommended downcast lighting since it is a residential area, but they need to get the specs. Mr. Martin said that the supplier should give them the cut sheets and it should not be difficult. Mr. Martin reminded him that whatever he shows, he has to actually put in.

A front & side elevation for the property were also requested.

Mr. Antis asked for clarification on the storage area and that is for supplies that are supposed to be out of view. Mr. Martin recommended a proposed edge of clearing. He should take out the existing and show what it will look like at the end.

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Mr. Antis asked if the earthen driveway will disappear, and that is the understanding. He was asked to change the wording on the plan to say that it will be left to natural regeneration, because 'reclaimed' sounds like action will be taken. It will need silt fencing on the edge of clearing.

Mr. Antis asked whether the chain link fence will be chain link or have privacy slats. Mr. Arnold thought it would be better left plain.

Mr. Antis asked whether there are limits on development because of the Abilene contamination and Mr. Martin did not know of any. His concern was with digging for the septic.

Mr. Jensen said that Mr. Pigeon should check with the DEC to see if they say what can be done. Record of the decision should be on the DEC website and easy to find on a map.

Motion made by Mrs. Riggi to move the January meeting to Jan 23rd because of the Monday holiday and February meeting to the 27th 2017 for the same reason. Second was made by Mr. Arnold. Motion passed unanimously with no roll call.

Jan 9th is the new deadline for that meeting. Mr. Pidgeon was reminded to widen the driveway to a 2 lane 20 ft driveway, move the sign, and to get the light fixture detail for downcast lighting. Front & side elevations must be provided, discontinue use of eastern driveway, silt fence to mark the edge of the clearing, and to check into the DEC remediation plan.

Mr. Bouchard asked if there was any concern about the gate to the National Grid right of way and they were notified and should reestablish the gate. Mr. Pigeon said that a log or boulder could be placed there to prevent the public from using it.

Mrs. Riggi motioned to set a public hearing for Jan 23rd at 7:01, and was seconded by Mr. Antis. Motion passed unanimously with no roll call.

Mr. Bergman motioned and Mr. Antis seconded to declare Lead Agency. Motion passed unanimously with no roll call.

This will be sent to the County.

Stewart & Bovee Developer and Investor, LLC.
Request for change of Zoning- recommendation only

Applicant was sent to the Town Board, and the Town Board has asked this Board to review it before they take up the issue. Mr. Arnold asked how the little sliver of Commercial touches the road and Mr. Stewart explained that it's just for the water main that travels there. Spier Falls Road has Town water. He is not sure who owns the water lines or what district it is in. Mr. Antis referred him to the tax bills for the property. So the 60 ft. is a lot line adjustment but won't be used for a roadway, just a utility corridor. The map shows a variety of small adjustments.

Mr. Antis told him that if he needs the water line extended to his property he will have to go to the Town Board to get it, and some people South of him would be very happy if he were successful.

Mr. Arnold asked about the properties on the back side and they are residential lots and private lanes coming off Mountainview Road. That will come out in Site Plan Review.

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Mr. Arnold said that historically there had been some question about access routes because of wetlands. This may not have bearing on the adjustment.

Mr. Stewart has already worked with Gilbert Vanguilder and DEC to get it delineated.

Mr. Stewart guesses it is 10% federal and state wetlands, but doesn't impact the Zoning change.

Mr. Jensen asked whether this would create any substandard lots and was told it would not.

Mrs. Riggi motioned to recommend by way of resolution the change in Zoning for Stewart & Bovee Developer and Investor LLC based on information provided tonight with reference to tax map numbers 76-3-5.112 and 76-3-83.11. Mr. Bergman seconded and roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes.

Mr. Martin said that this would go to County Board and a public hearing at the Town Board, and be subject to SEQR as well .

The Preserve at Old Saratoga

Travis Mitchell representing Peter Belmonte with a 27 lot subdivision approved in 2006. DOH approval was received in March 2007 and filed. DOH approval lasted 5 years and a letter was sent to get an extension in 2012 and now they need another one. They are asking the Board to weigh in on whether there is any reason not to extend it again. Extensive testing was done before it was approved the first time.

Mr. Jensen said that he could not think of any changes in Town Law or Zoning Law that would affect this. Mr. Mitchell is asking the Chair to send a letter to the Dept. of Health stating that there is no issue with extension of the DOH approval for another 5 years, and he has provided language.

Mr. Arnold motioned that the Chairman send a letter recommending extension of DOH approval for the Preserve at Old Saratoga. Second was made by Mr. Antis. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes.

Comprehensive Plan Discussion

Mr. Martin provided introductory packets about the new Comprehensive Plan he is working on. The State provides 11 categories for planning and those are reflected here.

Mr. Martin intends to review two chapters per month with the Planning and Zoning Boards so that by summer a draft can be completed. There will also be two rounds of public input. The Town would hold a third required public hearing before it could be adopted. Another section deals with Geographic Areas and there is an implementation schedule with initiatives pulled from the plan as short, mid or long term listing funding sources, etc. The Comprehensive Plan will then be used to write new zoning.

Mr. Zimmerman suggested meeting before the regular meetings, and the Board will get some chapters ahead of time to read. Mr. Jensen motioned that the Board schedule a workshop on the comprehensive

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plan one hour before their regular meetings and Mr. Paska seconded. All in favor, motion passed with no roll call.

The Town Board will also get updates periodically.

Members were reminded of the upcoming Jan 25th Planning and Zoning conference.

Motion to adjourn was made at 9:19pm by Mrs. Riggi and seconded by Mr. Bergman. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews