

A meeting of the Town of Moreau Planning Board was held on February 27, 2017 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Ron Zimmerman	Chairman
Jerry Bouchard	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member
G. Peter Jensen	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Planning Board Secretary

Chairman Zimmerman called the meeting to order at 7:00pm. He announced that Dave Paska is resigning effective tonight. Mr. Paska further explained that he will miss too many meetings to be helpful. The Board reviewed the minutes of the January 23, 2017 meeting and made the following corrections: p. 1992, 2 lines from bottom, front elevation “discontinue” use needs to be spelled out instead of disc. P. 1993 2 lines down that “the agreement ‘was’” not “as”. A couple lines down the resident at 220 Reservoir Road wanted to know when that was placed.” P. 1997 2<sup>nd</sup> line down “he asked about flag lots and they are to=considered” side setbacks. The lawyer for Habitat for Humanity is Lisa Newkirk. Mr. Bouchard motioned to accept the minutes of the Jan. 23, 2017 meeting with those corrections and Mr. Antis seconded. Motion passed unanimously with no roll call but one abstention.

**#1 Greenwood Estates  
Public Hearing  
Final Subdivision Review**

Mr. Greenwood was present with Ethan Hall. This subdivision has 18 lots off of Butler and Redmond Roads, with entrances mostly off Redmond Rd., on 54 acres. The sizes of the lots are from 32,500 sq. ft. up to 318,000 sq ft and Mr. Greenwood’s personal residence is included. This is not their first appearance before the Board. Since the last meeting lot #16 has had a test well drilled and a 4 hour draw down test was done there and at Mr. Greenwoods and there was no drop in residual pressure. The report isn’t available yet, but everything was fine.

Mr. Antis wanted to know if DOH would get it and Mr. Hall said they would. These lots/wells were chosen by DOH. Mr. Greenwood says they both produced 20 gal/min. Mr. Arnold asked and there is no rock there. Archaeology Phase 1A is done, shovel test pits will be done this week, Phase 1A hasn’t turned up anything.

Mr. Antis asked when the drilling was done, and it was 2-3 weeks ago.

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Mr. Arnold commented it has been pretty dry.

Mr. Zimmerman opened the public hearing and asked for names and addresses from those who wished to make a statement.

Martin Lemmo of 1 Southwoods Road asked where 150 Butler Road is and was shown on the map. They explained it is the landing lot Finch Pruyn was using and pointed out their lot on the map. Mr. Lemmo asked what kind of houses will be built and Mr. Greenwood said he hopes 2,000 sq ft and up, dictated by the market, and they have basements. Some will be two stories.

Mrs. Lemmo expressed concern about getting out of Butler Road and the increase of traffic there and on Route 9. She asked whether that would be addressed and Mr. Lemmo said that they would like a traffic light. Mr. Antis explained that the DOT has to make that decision on Route 9, and that the Town Board could control the speed on the Town roads. Mr. Antis directed them to a DOT website for concerns on Route 9. Adirondack Glens Falls Transportation Council was recommended by Mr. Martin as the best way to get a comment in to the DOT. More complaints get more attention as well as more accidents getting attention.

Cary Bacon 212 Butler Road asked what kind of heating would be there. There is no natural gas and it will be propane. He asked about a traffic impact study and stated that cars are already flying down Redmond Road to get to the Northway. On Old Bend Road a subdivision just went in as well.

Ethan Hall: This big remaining lot after Jim's 20 acres has been made a very conservative subdivision. They could have put 42-43 lots instead of 18.

Christa Harrington of 111 Karen Lane asked for the average size of the lots, and Mr. Hall explained that they are about 2 acres with max of 6 acres and the smallest at Town minimum, 32,500 sq ft. Her biggest concern is the water table. They are on 40 year old point wells. Mr. Bacon said his neighbor's well dried up over the summer at 220. Mr. Hall stated that they will be drilled wells and the 4-hour draw test was successful at 65 ft. Mr. Bacon asked whether the power would be overhead wires or underground, and it will be underground.

121 Karen Lane, Frank Scarlotta asked is this an accurate scale? The right of way is adjacent to his house. Mr. Hall explained that a buffer was left when that was subdivided for a connection, but they have no intention of connecting. Mr. Scarlotta then asked in regards to water, whether there were any provisions for infrastructure (public water).

Mr. Antis explained that water is already on Spier Falls Road. The Town is hooked up to the County at that spot. Mr. Hall explained that the Town Board would have to extend the water district to use that. In regards to the flow tests, Mr. Scarlotta asked is Mr. Greenwood's well 65 ft. deep as well? It is. Mr. Scarlotta is concerned with regard to the level of Moreau Lake which is 8-9 ft. below what it should be and it is being studied by USGS and Parks and Rec, and there is concern that it is drawing off the water table that is making it lower. Is that a concern that the Board will include?

Mr. Arnold: The level of the lake runs on 7 year cycles. It has been dry. He's never heard that it's being drawn down, but it's possible. Until USGS says that it is, the Board can't consider that information.

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Mr. Antis remarked that he thinks things south of the lake affect is more than this project, but it will be looked at during SEQR. He would like to see that report before finishing SEQR. Water is a major issue of concern with this subdivision.

Patrick Harrington, 111 Caroline. When he moved in it was treed, and has been forested. He liked having woods behind him, and asked what's the distance from his property line?

Mr. Hall explained that it's about 300 ft., and they want to leave that space. The buffer is 50 ft already.

Mrs. Harrington asked if all the remaining trees would be taken out. Mr. Hall said that they are not taking any more than they need to put in the sewage systems and the houses, they don't want to take anything else except the road. It will be a town road, plowed and taken care of by the Town.

Cary Bacon spoke to the assessor, who said that it was all Finch Pruyn. He would like to know more because she told him there was forest management plan in place that was against development.

Mr. Antis explained that there were rules that allowed Finch to get a lower tax rate depending on how they used it, but not preventing them from selling it and allowing it to be developed later.

John Arnold explained that Finch had this on a bunch of their properties but now that it's sold, anything can happen.

Meg Pronto of 199 Redmond Road asked how many trees will be left between Redmond Road and the subdivision and Mr. Hall explained the lines for limits of clearing shown on the map. The natural buffer along the road will not be clear-cut. She asked about the pole line. They are not crossing that at all.

Cary Bacon asked how they are accessing Butler Road?

Ethan Hall explained that it's just Jim's personal lot with a personal driveway about 25 ft east of the logging bed.

Mr. Jensen asked if Mr. Greenwood had his sign up. He does. Well drilling was 3/18/09 per the records for Mr. Greenwood, in answer to someone's question, and Mr. Hall elaborated that the newer well report just isn't available yet.

Mr. Antis asked why the development on Old Saratoga Road property had to come back because of DOH?

Mr. Jensen explained that the DOH time frame was exceeded with nothing being built and that there was nothing about the well or the house that caused concern.

Mr. Zimmerman read into the record a memo from Mr. Martin regarding a phone call with Sheila Hack. She lives at 169 Redmond Road and is in Florida from the winter. Comments are in opposition and from both her and her husband. She comment that there is too much traffic on Redmond Road, and the development will make a bad situation worse. Construction will cause more congestion bad. She has her concerns about the impact to water table. She also mentioned the safety of school buses with increased traffic. Access via a cul-de-sac is a concern for her because if the road were blocked, safety vehicles would not be able to get in there. Additionally, trucks on Redmond Road are causing the road to deteriorate. Increased traffic deteriorating intersection conditions and a traffic signal is needed. She says it will cause havoc for the existing neighbors.

Mr. Hall defended the size of the lots again, that it could have been much bigger than it is.

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Mr. Arnold corrected him that it is 19, not 18 lots. He asked about what the 500 ft. radius line was for and he said it was to show to DOH that wells and septic systems have the required separation. On Lot 8, Mr. Arnold didn't like the separation because the circle goes into the neighbors' lot where they don't know the location of the septic on that lot. Mr. Hall agreed they'd have to ask before that well was placed.

Mr. Arnold also stated that there will be no deed restrictions on Lot 1, the large lot, that would prevent subdividing in the future. He wanted to clarify that more lots are allowed in the future. No intention of that at this point. Mr. Arnold is not proposing that there should be a restriction but that everyone know there's potential for that.

Lot #2 not great, he is not comfortable with the way that it looks. Mr. Hall said it meets the Code. It has to do with the lay of the land. Mr. Antis pointed out that people think of squares and rectangles and will unknowingly trespass because this lot is so odd.

Mr. Arnold asked whether the lines with National Grid (which were questionable last month) were satisfied and Mr. Hall said it is accurate now.

Mr. Harrington asked are they 2 story homes. Mr. Hall said that they probably will be.

Mr. Harrington asked about perc tests and deep hole tests and they were done. The subdivision requires 5 tests from DOH. Each lot will be looked at when the building permit is applied for. The Town no longer has to witness the tests because it is considered duplication of effort. An engineer or an architect with a license will be there to perc each lot.

Mrs. Harrington asked when they propose to start building.

Mr. Greenwood said they will start whenever they are issued permits.

Mrs. Harrington asked how long will it be under construction and Mr. Greenwood estimated it could be completed in probably 4 years. The road will be done and dedicated first. Infrastructure, underground utilizes etc., are all done before that, and it takes 180 days or more to build homes.

He will not build speculatively. They will be built to suit.

Mr. Bacon: You do the road and the site work with utilizes and septic on Board? Mr. Hall clarified that some utilities will be close but others have to wait until the house is placed.

Mr. Bacon: The site will be graded, dozed, ready to go?

Mr. Hall: The whole thing is very level. So we are not really grading. But the lots will be made ready. He asked about stormwater management. There's a plan in place with a series of catch basins and drywells.

Mr. Bacon asked whether it is available for public review and Mr. Martin said that he could come to the Town Hall and ask for it anytime. Ms. Pronto asked where the road comes out on Redmond Road. Jim talked to the owner of the house across the street. He explained that the sign is hanging where the road will be. And that will be 50-60 ft wide. Ms. Pronto is concerned about her property values. The Board can't answer that, but the Town's Assessor might be willing to. Mr. Arnold said to look at the nature and value of the homes that Mr. Greenwood builds.

Mr. Harrington: Assuming that this goes forward and it is built to suit. What if only half get built and the water runs out? What might happen?

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Mr. Martin said that the options are limited. Individuals can dig a deeper well or appeal to the Town for an extension of the water district. If it were that bad, they might be able to get access to Town water installed temporarily. Ms. Pronto asked who would pay for that, and Mr. Martin thought that would depend on the circumstances. It could be their expense. Mr. Arnold said it's not that expensive to put a point in deeper. If enough are affected, and it could be due to other developments, a group would have a case with the Town.

Mr. Lemmo: Had no idea what was going to be presented tonight. He is surprised and impressed. Mr. Greenwood's property has always been well kept, and what he is proposing is not the norm. People aren't leaving woods. He's glad to see it. There are other developers around building. Mr. Lemmo pointed out that most of the neighbors are in a subdivision too. Mr. Bacon stated that he has looked at the map. The whole country is near drought even now. If it's not an issue now, it's probably not going to be a problem. His well has been there since 1978. Points collapse. Mr. Zimmerman said that the Board's action has to be based on the data that DOH provides.

Mr. Arnold said that the cul-de-sac planting plan was nice. Native species were chosen.

Mr. Scarlotta asked in regards to the last lot on the east side, 19, is this driveway private or to Code? Mr. Hall stated that it's private and the way it is pictured is just a suggestion. As long as they don't encroach on setbacks, the buyer can do what they want, although if they build too long a driveway, it has to be made wider, etc. to meet fire codes. Mr. Scarlotta said there was never lighting or sidewalks considered and parking on the street is an issue with company. So he wonders whether this is just to the minimum standard for Town roads or will there be sidewalks or lighting?

Mr. Hall said that it is a standard road with wing swails, and there's no provision for a sidewalk because there is none to connect it to. Houses will have post lights on each lot, but not pole lights. He asked does Deer Run on Potter Road have Town water? It does not.

Mr. Arnold pointed out that adding more infrastructures and impervious surface is not desirable.

Mr. Lemmo stated he would love to have a bike lane on Butler Road.

Mr. Arnold told him that there are funds available for that, and he should talk to the Town Board to apply for Federal funds.

Mr. Bacon asked with increased traffic, can they get the speed the limit reduced. Mr. Antis recommended he go to the Town Board and ask for that.

Fred Bader of 152 Butler Road noted that speed limit is down to 45 but nobody goes that speed, and asked about added enforcement.

Mr. Arnold speed was always 45mph because that is the Town limit, but it was just posted. He recommended that concerned residents contact Sheriffs, or contact the County Board of Supervisors to get a sheriff there to enforce it a few times a month.

The Board reviewed SEQR: Mr. Jensen asked whether the involved agencies had responded. Nothing has been received in response. Mr. Antis doesn't want to finalize SEQR until the Board sees the well water report from DOH. That could be 30 days. He's willing to look at everything else. Chairman Jensen

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argued that they should go ahead, because in the end nothing will get signed without DOH approval. They are also missing archaeology, which should be moving forward next week.

DOH approval needs to be listed. It goes to County Planning, which is included. The Mohawk Valley Heritage Area statement autofills and is incorrect.

Betar Park was added to the list of parks. State police were added C4B. Time frame for completion changed to 48 months. On E4 Mr. Arnold asked for clarification of which of those options are we doing” and Mr. Hall explained that they create impervious surface by planting lawns and adding infiltration next to driveways.

Mr. Bouchard asked about the existing ambient noise level and was told it is birds chirping. He thinks that the project will add noise so that was changed to yes. The time of day was discussed. Duration just as long as construction is in progress. 7am on Saturday was discussed. Town guidelines for construction operations (100-5 E) states that tools and equipment can’t run between 11pm and 7am except in emergencies. Mrs. Harrington asked that there not be hours on Saturdays, and that was discussed with the applicant, who said he’s trying to get it done in 4 years. The remedial action listed is the drag strip. SHIPO is pending.

Part II- responses recorded by the Chair and placed in the file.

Mr. Arnold motioned to make a negative declaration conditioned on receipt of appropriate documentation from SHIPO and from DOH for the well test. Mr. Jensen seconded.

Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes. Motion carries 7-0.

The notation on SEQR Part 3 will say it is a conditional negative declaration and the additional information needed is reports from DOH and SHIPO. This will be sent to the Supervisor and the Environmental News Bulletin. Motion to table further action on the open public hearing pending receipt of documentation from SHIPO and DOH was made by Mr. Jensen. Mr. Bouchard seconded. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes. Motion carries 7-0.

**#2 Habitat for Humanity  
Public Hearing  
Site Plan Review**

Lisa Newkirk representing Habitat for Humanity which has plans to purchase 1373 Route 9. Habitat for Humanity is a international non-profit. This will be a furniture restoration of donations to be re-sold to raise funds. Chris Longo of Empire Engineering presented the project. At the last meeting, they talked about 59 spaces parking required, those are around the building. Three spaces that closed the southern boundary were moved to the back of the lot to open an interconnect, at the Board’s request. Landscaping

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is proposed at the front which is currently just paved. There is handicap access at the front and side doors. All the staff comments were addressed. No response came back to those.

Mr. Martin had notes that the Board had only asked for an explanation of interior storm drains and restriping the parking lines. Mr. Longo stated that he looked into it and there are no drains in the building. Lighting was described.

The County has issued a no impact statement. This project is making no impact in the roadway or changing the curb cuts, so DOT does not need to get involved. Regarding stormwater, there is no disturbance so no plan is required. The public hearing was opened at 9:18pm.

Mr. Bouchard: You've indicated that storage of trash will be interior. At some point it has to go out for pickup, so could we get a note that it won't be outside longer than 24 hours? Mr. Antis asked would they go to Hiram Hollow? Mr. Longo said that they would get a local hauler, although from time to time they might need to do that. Mr. Bouchard asked about septic service. He asked for written records from that. A new inspection was done this week and size was confirmed with written description of the condition of the tanks. Straights Septic visited on 2-17-2017, 1373 State Route 9 concrete tank 1,000 cover baffle & good and drain field at good level. Dry test not performed. It is 50 ft from the garage door, with a steel cover over the opening. That's the manhole on the map, and it goes to the rear from there.

Mr. Antis had asked for size of the chapter and Atty. Newkirk says there are 10 consistent Board members but volunteers come and go.

Mr. Arnold asked whether this was a pre-existing undersized lot at 165 wide. Mr. Martin confirmed it was pre-existing non-conforming. Mr. Arnold asked about the drawing showing there is grass and stone around the building. Is that there or will the applicants tear up the lot?

Mr. Longo explained that between Emerich's and the building there is a pretty defined gravel travel lane and it is overgrown between the building and the travel lane. There is not much topsoil. Mr. Arnold asked whether the travel lane shares access with the neighbors. Mr. Longo said that the driveway is 10 feet wide. The intention is to stay in. It is a secondary access. Ten feet is enough. Mr. Antis asked if there will be tractor trailer traffic, and they are just going to have box trucks at the largest. The refinishing doesn't involve solvents.

SEQR was completed last time.

Mr. Martin would like to see a note on the plan that completion of the 11 plants on the landscaping plan is required before CO will be issued.

Mr. Jensen pointed out that the plan shows 9 ft. parking spaces and the Town's requirement is for 10 ft x 20 ft spaces. This effectively eliminates 6 spaces. Mr. Arnold asked whether this was like the Stewart's space where storage was subtracted from retail space to do the calculation. The building is 6,700 sq ft total. 5,500 sq ft is considered retail on this plan, but retail vs storage is debatable. The Board determined that there is 4,800 sq ft retail, 650 sq ft storage, and 900 sq ft of office space. Mr. Bouchard added that the 1,600 sq ft loading bay with loading dock they will use for receiving and refinishing isn't retail. There's actually a wall with no door separating it from the rest of the space. The parking

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requirement was decided to be about 42 spaces and the spaces redistributed so that there are 52. He will reconfigure with as many as he can before he brings the plans in for signature. He will indicate that the back area is for storage only.

The public hearing was closed at 9:35pm.

Mr. Bouchard motioned to approve the Site Plan for Habitat for Humanity with conditions on the plans that there be no trash outside for more than 24 hours, that the landscaping plan be completed before the CO is issued, that the new parking configuration would be finished, and that 'storage only' would be written on the back two bays used for trash and incoming furniture. Parking space size will be changed to 10 x 20 ft.

Mr. Antis seconded.

Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes. Motion carries 7-0.

Mr. Bergman motioned that the Chair and one other member sign the mylars when they become available and Mr. Paska seconded. Motion passed unanimously with no roll call.

**#3 Congdon, Gardner  
Public Hearing  
Preliminary & Final Subdivision Review**

Mr. Zimmerman is an adjacent land owner so he is recused from this issue and John will lead. Mr. Bouchard is a relative of the applicant and also recused himself.

Kristen Darrah represented Mr. Congdon. She has added detail to the map. There are no proposed improvements at this time, the plans are just showing that the space for a house, septic and well exists. This is consistent with Mr. Martin's notes.

They had a waiver combining preliminary and final hearings so SEQR needs to be done tonight. The Public hearing was opened at 9:48pm.

Debra Abare 394 Selfridge Road, directly across, is curious about what Mr. Congdon was planning to do. He has asked to subdivide 7 acres from an existing 100 acre lot. Mrs. Abare was concerned that it is extremely wet there and wanted to know where the house would go. She has no objection, but she's concerned about septic because it is wet, and the water there, they had to go 250 ft for their water. And it is sulfur. Mrs. Abare was asked and there has not been a sign placed on the property. Mr. Arnold also drove by and did not see one. The hearing will have to be re-noticed. Mr. Jensen motioned to close the public hearing and table the issue with comments on the record, and Mr. Antis seconded.

Roll call vote resulted as follows: Mr. Bouchard, Abstain; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Abstain. Motion carries 5-0-2.

Motion was made by Mr. Jensen and seconded by Mr. Antis to set a new public hearing at 7:01pm on March 20. Motion passed unanimously with 2 abstentions.



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#### **#4 American Promotional Events**

##### **Site Plan Review**

American Promotional Events is dba TNT Fireworks represented by Robyn Curran of 16 Flacke Road in Stillwater. She is here for Site Plan Review for 1720 Route 9, adjacent to Mr. Bill's Carhop.

Mr. Antis says the tax map number on the application is incorrect. Ms. Curran stated that the number was put in by Town staff as she didn't know it. They will sell NY Legal sparkers, etc. from 2 weeks prior to July 5<sup>th</sup> and they do have insurance and customers have to be 18 years old with ID. They have a Dept. of Homeland Security permit and will have fire extinguishers present which are on the plan. The shed business will not be on the property while she is there and she believes they will be taken out altogether. The fireworks will be on the far side of the site to not infringe on car shows held at Mr. Bills.

Mr. Antis stated that lot 10.1 is owned by a different individual than who owns the carhop. Mr. Bill's is owned by Jerry and the lot between the carhop and the house is owned by Mr. Smith. Everything she turned in to the Town has Jerry's name on it. If Bill Smith still owns that property, he will need to state that he's okay with this use.

Ms. Curran asked since the Christmas Trees were approved, will she be able to get approval?

Mr. Antis stated that he doesn't like it and would like Mr. Smith to come explain what he's doing with this property.

Mr. Arnold said that this site was previously a bar and has been maintained as an open lot since that burned down. He is not sure that a series of temporary outdoor sales establishments is a good use, and the site may need a permanent site plan to allow this use. We have no parking at the moment. The Carhop wasn't in use during Christmas tree sales, but it would be when fireworks were operating, so they could not share parking. Flea market sales don't fit into the comprehensive plan. A series of temporary uses may work, but a site plan needs to be in place.

Mr. Zimmerman asked Mr. Martin whether this was a permitted use and he said it falls under servicing highway traffic. Mr. Antis wanted to refer back to the original site plan when the sheds were added. Mr. Arnold said it isn't fair for short term renters to be asked to do any of these things, but it isn't right for site plans not to be in place.

Ms. Curran said she can comply with parking regulations but not with stormwater plan requests. The State has guidelines for how close the cars can be to the tent. It's a 20' x 60' tent, so it would require 12 parking spaces.

Mr. Martin said that the application is seriously lacking in information.

Mr. Arnold said that this is not about Ms. Curran's business, but about the site plan because she wants parking on site.

Owner consent is the primary takeaway. Second, they need the specifications as to use, location, size, etc. to be added to the application. Mr. Zimmerman asked Mr. Martin to refer this to the Fire Dept. for review. Mr. Jensen also asked for the dimensions of the lot.

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Mr. Martin asked for comments on the template resolution which he had shared and they were generally positive. A motion was made to authorize use of the template by Mr. Bouchard and seconded by Mr. Paska. Motion passed unanimously with no roll call.

Motion to adjourn was made at 10:30 pm by Mr. Arnold and seconded by Mr. Bouchard. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews