

A meeting of the Town of Moreau Planning Board was held on September 18, 2017 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Ron Zimmerman	Chair
Jerry Bouchard	Planning Board Member
Reed Antis	Planning Board Member
Erik Bergman	Planning Board Member
John Arnold	Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Attorney Karla Buettner; Tricia Andrews, Recording Secretary

Planning Board Members absent: None

Mr. Zimmerman called the meeting to order at 7:00 pm. July minutes were reviewed. On p. 2033, Mr. McCarvill's name is misspelled on the first mention. The minutes were approved unanimously with Mr. Zimmerman and Mr. Arnold abstaining. There were no corrections to the August minutes. The minutes were approved unanimously with Mr. Jensen and Mr. Zimmerman abstaining.

**#1 McKenna, Shawn
Gansevoort Road
Sketch Plan Review**

Mr. McKenna was not present. His application was reviewed second. Mr. Martin had staff notes. This is a proposed three-lot subdivision with a private drive as shared access. A water line was proposed alongside the driveway to a hydrant, and that easement would have to allow the Town access to maintain the line and hydrant. The shared maintenance of the first 300 ft was also a concern.

Mr. Antis had asked Atty. Buettner to be present. She explained that easements will be drafted by the applicant's attorney and would be signed off on by the Town, but other than the hydrant access the Town would not really be involved.

Mr. Martin asked for a list of concerns that he could pass along to the applicant and his attorney.

Mr. Jensen wanted to disclose that he has had a contractual arrangement with Mr. McKenna that has nothing to do with this.

Mr. Antis asked if the Board needs to waive something in the Code so that the access drive is allowed. The Code of concern was the part saying that the frontage was to be the access point. This could be justified, according to Mr. Martin, by the fact that three side by side driveways create a hazard on this road. Mr. Arnold wanted to know why there are some dotted lines and some solid lines on the map. He

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noted Mr. McKenna's proposal shows him crossing without tying into a water line and other utilities. He felt that Mr. McKenna's reasoning for not using another driveway wasn't convincing.

Mr. Bouchard noted that the shared driveway on the southern edge is right on the edge of the property line. It appears it will be on two lots. Mr. Martin said that would require another easement to grade on another property.

Mr. Antis asked whether there were specs on a driveway that the Town Engineer should provide, and Mr. Martin said there is already a SWPPP being provided to the Town's Engineers for review. Mr. Bouchard asked who owns the water line and Mr. Martin said that it can happen various ways. Atty. Buettner said that one person owns it and all the rest would have easements.

Mr. Bouchard asked about whether an HOA was appropriate for enforcement. Atty. Buettner said that people will want it cleared and taken care of, so they will take care of it. The Town should only be concerned about the waterline maintenance. Mr. Arnold asked if an HOA would help with making agreements. Atty. Buettner said that if it is in the easement that they have to use the shared driveway, it would prevent homeowners from building their own driveways on their frontage in the future.

Mr. Zimmerman asked whether the whole driveway has to be built to the fire specs, or just the parts that are not shared. Mr. Arnold argued that it has to be the whole thing for fire access.

Mr. Bouchard said that he liked the language Town of Saratoga uses for their flag lot driveways, which gives exact size and weight requirements of vehicles that have to fit, and read an example.

Mr. Jensen wanted to talk about the lot width requirements from the definitions in Zoning.

Mr. Martin disagreed with his interpretation. This is a three lot subdivision so things before the "except" do not apply, but it also says "may," which complicates interpretation.

Mr. Shaver wanted to know why there would be a water line put in there since it was probably not going to be cared for very well. It could damage the driveway. Atty. Buettner said that was a concern that could be put into the easement agreements. Mr. Shaver doesn't like it and he doesn't see it done anywhere else in the Town. Mr. Martin said that there is private ownership of hydrants being built now in Schmerhorn and other projects. His point is that is a public safety concern if the hydrants are old and not cared for. Mr. Shaver doesn't like taking ownership but he also doesn't like private hydrants. Atty. Buettner is looking into other municipalities handling of the issue.

Mr. Martin thinks if there is a hydrant there, they need the access easement for maintenance.

Mr. Arnold said this is three houses that this hydrant services. And it makes the Town responsible for 300 ft of water line and maintaining it, etc., which isn't valuable to the Town.

Mr. Martin asked whether the Board thinks it's worthwhile having a hydrant for three houses. The Board can get rid of it, but if it's necessary, you have to have rules about it. The decision should be the Fire Dept's.

Mr. Jensen said that the Town has been granted access for retention ponds, and the same language could be applied to this.

Mr. Martin's understanding was that the Fire Dept should be consulted first. There was some discussion about whose idea the hydrant was.

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Mr. Antis also read from the Code general guidelines p. ... that seems to give the Board the right to throw out the idea altogether. Too much time and baggage is involved with it. Other subdivisions have not taken this much time. Mr. Arnold thinks it works. It is backfilling of parcels that were missed when others were built up. The lot sizes are compliant so they can't stop him. Atty. Buettner said that she would not be able to defend a denial based on that. Mr. Martin agreed. If the road or access is an issue, the Board should determine what it has to serve, the fire Code, regardless of whether there is a fire hydrant there or not. Mr. Antis thinks that the requirement for three driveways – using frontage for access- is the first point of business.

Mr. Bouchard does not want to see this done regularly, but might have to let it happen here. Regarding the water line, he doesn't want the town on the hook if something goes wrong and ruins the driveway. Three houses are not usually covered by a hydrant. 300 ft of water line for three houses is pretty good. Mr. Shaver asked about water district rules and they are all different. The developer always puts it in to Town spec. Mr. Arnold wants to state for the record that it would be much cleaner as a two lot subdivision, but the developer has done everything he has to and the only thing that changes with 2 instead of 3 is that it would make the lot shapes more regular.

Mr. Martin said that all communities deal with this. He would like to show the Board around the conditions on some shared easement accesses in the Town.

Mr. Arnold asked Atty. Buettner if there was a way to stop shared driveways and she said a moratorium by the Town Board would do it. It wouldn't affect this application, because it is already in play.

Mr. Martin thinks a set policy should be developed to deal with these things, and Atty. Buettner said a law could be crafted in the comp plan to deal with that.

Mr. Bouchard asked whether this driveway could not be on more than one property would be bad, and Atty. Buettner said it would be complicated. Mr. Arnold observed that the driveway could go on one property and the water on another. This was mentioned before and Mr. McKenna doesn't want to clear more land.

Mr. Bouchard said that he still doesn't show a turnaround for the fire truck.

Mr. McKenna had said he might do a 20 or 30 ft apron and Mr. Martin thought that the Board might be able to require it to be paved, since it provides emergency access and is shared.

#2 Snyder, Scott
Snyder Drywall
Route 9
Site Plan Review

Mr. Scott Snyder 15 Green Gardener Place, Lake George, NY was present and explained that earlier this year there was a change in use noted at this location. The current occupant was not aware of the requirement for Site Plan Review. Code Enforcement had visited him and he applied. Mr. Martin

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explained that the Board could review the application for completeness and that this needs a public hearing because it is on Route 9. Of note the building appears to be in the National Grid right of way, and Mr. Martin pointed this out to Mr. Rourke, the surveyor. Mr. Snyder also brought it to his lawyer.

Mr. Snyder pointed out that the building is older than the 1992 map. His attorney has said that 95% of the time National Grid will allow the building to stand, but limit the permission to rebuild if there were a fire, etc.

Mr. Arnold asked about the amount of building that was on the right of way, and Mr. Martin said it is about 8.4 ft or 140 sq ft., and the right of way still has plenty of room.

Mr. Martin said that subsequently they also decided to put an addition on the plans while they are here.

Mr. Jensen asked if the Town were subject to any liability here and Atty. Buettner said that the Town should not be concerned about exposure, but that they should approve anything conditional on the easement being agreed to by National Grid, which often takes a long time.

Mr. Martin asked and there is no door on that side that leads directly onto the easement, there is one on the other end of that wall, which isn't off property.

Mr. Snyder explained that that room is a storage room with really nothing back there. Mr. Arnold asked if they could take down that part of the building if they had to, which Mr. Snyder said was possible, but he thought this would be easier. Mr. Arnold expressed his concern that it might not work out with National Grid.

Mr. Arnold asked about the proposed garage, and Mr. Snyder said it would continue past the loading dock, next to it. It might not have anything in it, as they don't store much on site. Ladders, tools etc. Any sheets of drywall they do have would be leftovers brought in on a service truck, not delivered on a 3-axle vehicle.

Mr. Zimmerman advised Mr. Snyder that if they plan to install any lights, the spec sheets will have to be provided.

Mr. Arnold asked about the size of the showroom area and Mr. Snyder thought it was 1100 to 1200 sq ft.

Mr. Jensen asked whether the application is for the garage addition or the change in use, but it is for both.

The prior use was a retail shop for craft goods. The change of use could create parking issues, etc. This is a drywall install business. The employees come in for orders and supplies in the morning, and there is a small office stall. He has 9-10 company vehicles, maybe 2-3 are there during the day. Another 3-4 cars for employees. In the morning there are about a dozen employees on site.

Mr. Arnold said that more parking spaces will need to be delineated on the map where there is a gravel area. There is enough room, they are just not delineated.

Mr. Snyder said his biggest truck is an F-350 with a dump body. Mr. Antis asked if they might want something bigger in the future. Mr. Snyder said they might get a box truck in the future, but no plans for a tractor trailer.

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Mr. Bouchard asked about the plans to access the garage and Mr. Snyder described it. They will have to not delineate parking in front of that. That means he has 6 currently and he needs to mark space for 12. Mr. Snyder thinks he has plenty of room and the Board agreed.

Mr. Antis thought he remembered drainage problems there but other Board members said it was further north. This site has a drywell and there might be some in the road.

A well is shown on the plan but they don't plan to use it. Bathrooms are office style not public. The leach field is in the corner by the National Grid issues. Mr. Martin said that when they ask for an easement from National Grid they should ask for enough to maintain their leach field.

Mr. Arnold pointed out that National Grid probably didn't care, but they might as well ask about it. Mr. Martin said that it would also make it easier to sell the property some day.

Mr. Jensen asked for clarification about the use and Mr. Snyder said it was office and storage. Asked about square feet, he said maybe 1100 in office use and a total of 2500. The application says it is 3750 sq ft. That came from Mr. Rourke. The office therefore requires 4 spots. 2550+448 for the old and new garages for storage.

The Board is asking for the lighting specs and locations, the location of the back door, the leach field and an easement agreement with National Grid, confirmation of square footage office vs. storage and associated parking spaces, location of the overhead door existing and proposed. The sign was already lighted he just put a new one over the one that was already there. No plans to change the curb cuts. The parcel is flat.

Mr. Bouchard asked about a required handicap space and they are required to have a least one. 10 x 20 is a normal space size.

Submissions for the October meeting would be due on the 2nd. Mr. Snyder said that if things came through with National Grid he would get the rest of it, but he thought he might not get back before November. He will check with his attorney.

Atty. Buettner recommended setting the public hearing. It also has to go to the County.

Mr. Bouchard motioned to waive the requirement for contours on the Site Plan for Snyder Drywall. Mr. Bergman seconded. Motion passes unanimously with no roll call.

Mr. Bergman motioned to submit this to Saratoga County as soon as all the information was available and Mr. Arnold seconded.

Mr. Martin asked for a resolution to the Town Board regarding the draft comprehensive plan to be addressed in October. The Board agreed to work on that at the October meeting. They will start the meeting at 6 pm. Mr. Bouchard motioned to meet at 6:00 on October 16th to consider the resolution and Mr. Arnold seconded. All in favor motion carried no roll call.

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A public hearing will be required before the Town Board actually looks at adopting the draft comprehensive plan.

Mr. Arnold motioned to schedule a public hearing on the draft plan at 7pm Oct 16th. Mr. Bouchard seconded. All in favor, motion carries with no roll call. A joint ZBA- Planning Board public hearing is a possibility.

Motion to adjourn was made at 9:00 pm by Mr. Bergman and seconded by Mr. Shaver. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews