

A meeting of the Town of Moreau Planning Board was held on October 16, 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; Tricia Andrews, Recording Secretary

Planning Board Members absent: None

This meeting followed the Public Hearing on the Comprehensive Plan which had opened at 7:05pm.

Review of minutes was tabled because the Board had not had a chance to review them.

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

Mr. Jensen disclosed his business relationship with Mr. McKenna, which has no bearing on this issue.

Last month when this was looked at issues included, road maintenance, snow removal, hydrant access for maintenance, grading, and referral to Fire Co. Mr. Martin read Keith Dickinson's, Fire Chief's, letter into the record. He would like a 6 inch main and a turnaround, and would like to see it paved all the way to the turnaround to town spec. Notes had asked for houses across the road to be shown. The SWPPP has gone to the Town Engineer, comments back have not been received. Profiles of the hydrant and electric connection should be provided, vegetation, etc discussed, erosion control, and there has not been a public hearing yet. Saratoga County has not yet had a referral. Today an easement agreement was received, Atty. Karla Buettner has not looked at it yet but the Board was given copies.

Mr. Arnold: There were things talked about last month without the applicant being here, were those forwarded to the applicant?

Mr. Martin thought Kathy had talked to Mr. McKenna but Mr. McKenna said he had not talked to anyone or seen the minutes.

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Mr. Arnold: There's a shared utility with 1, 2 and the other lot you subdivided. That would involve some other easement also. So if the utilities are going there, the driveway ought to go with the same easement. I would rather not see it separate.

Mr. McKenna: We have a permit now to start and I don't want to wait for another 2-3 months of hearings to get that driveway situated. I wouldn't want to build it until I knew, because it's going to affect where I put the garage if I move the driveway.

Mr. Arnold: Aren't your utilities also on that plan?

Mr. McKenna: I can bring them in from Route 32?

Mr. Arnold: Don't you have to say so on your plan?

Mr. McKenna: No. And I didn't know that 4 was in there until now either, I can take it out.

Mr. Arnold: I like them both coming from there.

Mr. McKenna: The drawing you just got has the driveway and the water, 20 ft, 10 for water and 10 for power. I talked to the fire chief on the road and he gave me the impression the Town was going to take it over. When he answered the question, he thought it was going to be.

Mr. Martin: It's not a 22 ft road with travel lanes, but it's paved, etc.

Mr. McKenna: It's not worth it to put in the hydrant. I can eliminate that by putting in separate water lines. If you want the blacktop, I am going to eliminate the hydrant, then the flushing, etc. isn't necessary.

Mr. Arnold: You already said you would meet the width.

Mr. McKenna: That's what you said I have to do, but I don't want to clear anymore trees than I have to. We reshaped 1 & 3 into a hammerhead that fits a 19ft wheelbase.

Mr. Arnold: How long would the lot 2 driveway be? If it's more than 300 ft you would still have to do the things.

Mr. McKenna: It's not. The back of the lot is 298 ft.

Mr. Martin: Emergency access was the main concern here.

Mr. McKenna: The hydrant was a way to avoid the water tap fees that I discussed with someone.

Mr. Shaver: How do you avoid a tap fee?

Mr. McKenna: Not sure, it wasn't clear to me.

Mr. Shaver: It would have been a Town Board decision.

Mr. Shaver: So which way are we going?

Mr. McKenna: Whatever you guys decide.

Mr. Arnold: Are you saying you can't do the hydrant and the paving?

Mr. McKenna: That's a \$20,000 backtop bill, no, I can't.

There was some discussion about the State Codes regarding the length of the driveway and the other requirements, and Mr. McKenna's view of enforcement of those codes.

Mr. Martin: Let's keep an eye on what we are gonna end up with here. Show me where I have not enforced these. Also, I have seen shared easement driveways in this Town and the conditions are terrible. Enforcement has to live with this for a long time.

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Mr. McKenna: I know where you are talking about, I have been in there and they are disasters that were not built with Site Plan Review.

Mr. Martin: We need to keep public safety and enforcement issues in mind.

Mr. McKenna: If I don't build it to that, whose fault is it?

Mr. Martin: I can show you the plan. It looks like spaghetti dipped in ink was used to make the lines. There is a perfect storm there now in terms of land ownership.

Mr. Arnold: Those are driveways. Mine's the same. It's privately owned.

Mr. Martin: But these are places that went through review and it's supposed to be safe for emergency vehicles.

Mr. Arnold: You should have told them when you signed the C.O. to do something about it. It is still a driveway. We can tell Mr. McKenna that we don't want a shared driveway and make it a road.

Mr. Martin: It's not that I like or dislike shared driveway. I am saying keep your eyes open and do cautionary planning to avoid mistakes in how these are executed, tie down the rights.

Mr. Zimmerman: So what we have now are guidelines from the State, and that's what we need to ask the applicant to abide by.

Mr. McKenna: I am proposing a 20 ft road back to a point and then a regular driveway.

Mr. Martin: They can get so far, and service the last house from there.

Mr. McKenna: The hammerhead is 40-50ft wide, grass, no ponds, etc.

Mr. Zimmerman: Would you do that for lot 4 as well?

Mr. McKenna: I haven't had it scaled out that way, but I am not opposed to that but I want to build it now.

Mr. Arnold: Paved hammerhead public road?

Mr. McKenna: No. After 300 ft it goes 75 ft wide.

Mr. Arnold: Is that within 300 ft of the house?

Mr. McKenna: with a 75 x 25 ft hammerhead.

Mr. Arnold: But the Code says 300 ft from a public road, that driveway is not a public road.

Mr. Bouchard: I think if it was meant to be that way then it would say a public or private road.

Mr. Arnold: The maintenance agreement should say exactly what they want it to look like when it's treated. That should be on the record. Paving sounds great until it needs repair that's going to really expensive.

Mr. McKenna: So gravel is nice.

Mr. Arnold: So it's an issue that has to be dealt with in that document.

Mr. Martin: It looks like the onus is on the owner of lot 2 'reasonable, passable condition'. It further says they have to plow for snowfall of 3 inches or more. He'd be doing it anyway for his access.

Mr. Bouchard: My bigger concern is we keep talking about safety. We're talking about how do we make sure than an emergency vehicle can service these homes? Other Towns take this into account and run on the principle that a measurable requirement is on the driveway that it's engineered for that weight, etc.

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That's the beginning. You could do it with gravel. I am worried about the maintenance of it ten years from now.

Mr. McKenna: I can have it surveyed and benchmarked requiring gravel to a certain point, etc.

Mr. Martin: There is a shared cost portion in this agreement.

Mr. Shaver: After all three homes are built, can you make them pave it?

Mr. McKenna: I would consider paving it, but not to the town spec. 8 inches instead of 12, skip the topcoat, etc. I don't want it to look like a Walmart parking lot.

Mr. Zimmerman: And you understand where we are coming from. The precedent it sets and the long term consequences.

Mr. Arnold: The shared driveway we are talking about is still possibly cheaper than three driveways.

Mr. McKenna: I can agree we should build a good driveway.

Mr. Arnold: I just want it to meet Code. With a maintenance plan in place that says what good quality is.

Mr. Antis: Forget about the fourth lot.

Mr. Arnold: I don't have to, for access.

Mr. Antis: Yes you do.

Mr. Bergman: He's developing it now. He took it out.

Mr. McKenna: I just want you to tell me what you want me to do.

Mr. Bouchard: Look at the flag lot driveway regulation Town of Saratoga. It says it has to hold a 50,000 lb, 30 ft vehicle. Turn-around, stabilized, within 100 ft of any structure... So you would have to get the stabilized surface closer to each building.

Mr. McKenna: That requires 6-8 inches of stone. I can do that. I can add it to the SWPPP.

Mr. Jensen: Has this gone to DOT because that's a state Highway?

Mr. Zimmerman: Not yet.

Mr. Martin: He will need a driveway permit.

Mr. McKenna: I have been working on the application process.

Mr. Jensen: Are you getting anywhere?

Mr. McKenna: Not very quickly.

Mr. Bouchard: This lot line on the north, what is that?

Mr. McKenna: I don't know, to keep it separate from what we are working on?

Mr. Bouchard: It was a phantom on the original, I was just curious now it's solid. If this driveway that supports an emergency vehicle is agreeable to you, we just need to figure out how to make it public and enforceable.

Mr. Martin: So if he comes up with that and his engineer stamps it, you're good?

Mr. McKenna: Yes.

Mr. Bergman: Put that language from Saratoga in the (comprehensive) plan.

Mr. McKenna: Does that have to be 20 ft everywhere?

Mr. Bergman: Yes and no hammerhead, just a stabilized place within 100 ft from each house. The rest of it is fine the way it is.

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Mr. Bouchard: You may not need the hammerhead, but they do have to be able to turn around and get back out.

Mr. Martin: Didn't you say you could do the hydrant?

Mr. Bergman: Let's let that go. It's not going to help.

Mr. Arnold: Can you make the driveways easier to turn around in?

Mr. McKenna: Yes.

Mr. Arnold: I think that would address the issue, they can back down to that intersection where they split. But we don't want them to back out to Route 32.

Mr. Bergman: If we could just forward the applicant the language.

Mr. McKenna gave Mr. Bouchard an email address so he could send him the language.

Mr. Zimmerman: What about water?

Mr. McKenna: I might put a main in there. I have a common trench, so it's covered by the easement. 3 curb stops on each person's property, central trench. In place of that I wouldn't mind a main, but I don't think it would help.

Mr. Martin: The easement language has to be changed to include that.

Mr. McKenna: It's in there, and a piece for National Grid.

Mr. Arnold: So you're going to put the transformer where?

Mr. McKenna: At the space where they split.

Mr. Martin: There is nothing about the utilities in the driveway agreement. I don't see it.

Mr. McKenna: Ok. Utility easement language.

Mr. Arnold: I don't fully understand how the power works.

Mr. McKenna: National Grid brings primary in underground, box at 300 ft, split it where to take water and power to each property.

Mr. Arnold: And they will maintain up to a certain point.

Mr. McKenna: They can have whatever you want. 10 for water, 10 for power.

Mr. Bouchard: Can you have building lines put in on Lots 1 & 2? You have to have 125 ft. at the building line, so show us where the house is going to go. Lot 1 you can't move any further back and have the width. Show us those widths on the plan.

Mr. Martin: He might be ready for a public hearing next time.

Mr. Zimmerman: Do we want to see more on the maintenance agreement? Put it in there, they might not use it but at least it's there. If relationships fall apart, there's a default legal mechanism. Do the cross sections, elevations.

Mr. Bergman: Are you still going to cross utilities into Lot 4? Because if not, you had better take that out of there.

Mr. McKenna: What would it take to put that driveway back to the 4 lot? What would that do? Start over?

Mr. Martin: I agree with John.

Mr. Arnold: I really do like it better.

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Mr. Martin: It hasn't been advertised.

Mr. Antis: Presently you've administratively done that. If you decided not to develop it, nothing's been changed on the tax map, and you come back with that in the springtime, that would be a whole new.

Mr. McKenna: If we get to next month and I haven't done anything yet, I could change it?

Mr. Martin: You'd have to decide now, because it will have to be advertised that way before the public hearing.

Mr. Arnold: I could be wrong, but this can be a two lot subdivision made out of two parcels.

Mr. Martin: No boundaries, etc were changed, we can add it back in administratively.

Mr. McKenna: If it gets approved, what happens?

Mr. Martin: This will alleviate comments, because that one driveway is so close to Michaels Group.

Mr. Zimmerman: And then there's another meeting for Final.

Mr. Martin: Sketch, Prelim and Final. You can ask to waive the final. They don't have to grant it.

Mr. Arnold: And if there's not a whole lot of public comment, that's better.

Mr. McKenna: I've already held off.

Mr. Martin: But it will eliminate negative public comment.

Mr. Bouchard: Where would you put that?

Mr. Martin: About where that easement is?

Mr. McKenna: Right behind the Griffin property.

Mr. Arnold: Just for the record, I don't think that would have to be 20 ft wide because it's not 300 ft.

Mr. Zimmerman: You're asking us to go on faith that we will like it all and have public hearing too, and it'll all work.

Mr. Martin: You still have to hear from Laberge on your SWPPP and amend it if you do your 4<sup>th</sup> lot.

Mr. McKenna: Can I do it next month?

Mr. Zimmerman: That depends on you having everything in order.

Mr. Antis: We have to waive the access. The requirement for frontage on a public road.

Mr. Martin: You'd have to have your stuff in by Nov. 6<sup>th</sup>.

Mr. McKenna: We have so many renderings of this, it's not too bad.

Mr. Bouchard: That driveway is located where its eastern side is in line with the back line of the property. Anybody got a problem with that?

Mr. Zimmerman polled the Board about the driveway on the back border line. Mr. Antis has had a problem all along and doesn't think this is the best use of the property, with frontage, 3 acres and 3 homes, etc. Mr. Arnold is on board on a 4-lot.

Motion to declare Lead Agency on the Shawn McKenna Gansevoort Road subdivision was made by Mr. Arnold and seconded by Mr. Jensen. All in favor, motion called with no roll call but Mr. Antis abstaining. This will go to Saratoga County, DOT. Emergency services already advised. Archaeology and environmental reports are needed.

Mr. Arnold: Proposed lot 3 area of surface water, what's that?

Mr. McKenna: It's the low point. There's not standing water, I just know I am not gonna build there.

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Mr. Antis: Isn't there concern with water in that area?

Mr. McKenna: Yes, a new drain line took care of all that.

Mr. Antis: That will be a red flag to them.

Mr. McKenna: I think they've been improved upon and I don't think it affects the way I built.

Mr. Jensen: Has it been referred to Town engineers?

Mr. Martin: Yes, but he'll have to see the revision now. Get that in as soon as you can so we can get it in to the County.

Motion to schedule a public hearing at 7:01 on Nov. 20<sup>th</sup> was made by Mr. Bergman and seconded by Mr. Arnold. Motion carries, no roll call. Mr. Antis still wants to waive the requirement to use road frontage for access since he is proposing not using that to ingress or egress. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Abstain; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes. Mr. Shaver had stepped away. Motion carries.

**#2 Gerald McKenna  
VanBuren Street  
Medical emergency, postponement**

Other Business:

Mr. Lant, regarding the proposed helipad. 9 helicopters have landed in the grass in the vicinity of the Town Hall, before that they have landed in the grass at Hillman's. Most progressive communities have a helipad. We wanted to put it in the grass here, but the area is low and in the spring it would be too wet, so we shifted the 50 x 50 pad onto a flatter piece of land and put the walkway to the fire company parking lot. That puts the project on both properties. The helipad can be on Town property easily, but the walkway would still necessarily go down to the fire co. Some members of the Town Board think it needs a hearing, a Site Plan review, etc. But this was just a public service project basically funded by 2 private citizens, and now it has all gone in limbo because they can't decide if it has to go to you and to Zoning, so I want to know what you think of it.

Mr. Martin: The Town Board asked me to make a decision. I submitted it to the Town Board on Oct 4<sup>th</sup>- regarding is this allowed, if so, how's it done. It's not clear, it's not a listed use, so I looked at case law. I don't think this qualifies for immunity from Zoning under a balance of interest test. I listed them in my memo which I gave to the Town Board. I determined that it is an allowed use. If someone doesn't like my decision, they can go to the ZBA to Appeal my decision.

I think the Site Plan review process is best, to protect neighbors and answer concerns of the public.

Approach and departure angles are usually analyzed. I am not trying to be an obstructionist, but these tests exist in the law and I have to point them out. DOT is responsible to register these facilities, so they will ask for Site Plan anyhow.

Mr. Zimmerman: And design and installation of the helipad.

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Mr. Antis: We support that you want this, but you can't just do it because you have money.

Mr. Lant: My interest is nothing more than public safety and I think it's a great project. The stonewalls over such a thing drives me crazy. I was fairly successful in business for 55 years, this is appalling.

Mr. Bergman: It's simple, a site plan, submit, review, done.

Mr. Lant: FAA makes specs for the pad itself.

Mr. Arnold: So we'd look at SWPPP, ingress egress, where you put snow, etc, it wouldn't be much or require a lot of engineering.

Mr. Martin: Approach angles need to be demonstrated. I don't think that's been looked into yet. He has a \$6,000 budget. The engineering alone will be in excess of that for the approach analysis. DOT won't register this without that.

Mr. Arnold: There's no boilerplate for that?

Mr. Martin: There is but you have to apply it to this site.

Mr. Lant: The helicopter people did give me a picture showing the entrance and exit. The thing is, if we don't do this, they are going to land there anyway, because in an emergency they don't need permission.

Mr. Martin: The Town's insurance carrier also has distinct concerns.

Mr. Arnold: There's a difference between an emergency landing and using an official helipad. I am sure insurance has concerns.

Mr. Lant: The fire company policy provides coverage, I don't know about the town.

Mr. Martin: We just talked how long about a private driveway can be, this is on public property.

Mr. Antis: Maybe get an engineer to donate his time.

Mr. Lant: I wasn't looking for an official decision. But do you feel it should come to you?

Mr. Bouchard: Yes. We reviewed the emergency squad for their expansions, their facilities. They are a public service but we still have a requirement to review these improvements. A building is anything attached to the ground, and the helipad is one.

Mr. Martin: The Zoning Admin is the first line of decision. If they don't like it they should go to ZBA. If it stands, it has to come here for Site Plan Review and public hearing at a bare minimum out of deference to the neighbors.

Mr. Zimmerman: I built the one at the hospital, and you have to go to the public.

Mr. Lant: Hospital ones are different.

Mr. Bouchard: I've never heard a request for a helipad before.

Mr. Martin: That's why I did research. In the interest of how it operates, and in deference to the neighbors, we should have an opportunity to discuss it with the public.

Mr. Jensen: You can't get away from a public hearing. It doesn't have to go to the ZBA. Come before this board and satisfy a Site Plan. No one is opposed to what you want to do. You can get it done in two meetings here.

Mr. Lant: But how many dollars?



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Motion to adjourn was made at 10:25pm by Mr. Bouchard and seconded by Mr. Bergman. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews