

A meeting of the Town of Moreau Planning Board was held on May 21, 2018 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Jerry Bouchard	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member, Acting Chair
Erik Bergman	Planning Board Member
Peter Jensen	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary; Atty. Karla Buettner, Attorney for the Town

Not present: Ron Zimmerman, Chair; Mike Shaver, Planning Board Member

The meeting was called to order at 7:00pm. Minutes of the April 16, 2018 Planning Board minutes were reviewed and revised as follows: On p. 2101 'a' was changed to 'and' in the introductory paragraph. Motion was made by Mr. Jensen and seconded by Mr. Antis to accept the April minutes as amended. All in favor, no roll call. Motion carries.

#1 Snyder Drywall Update

Applicant is still waiting for National Grid. Mr. Snyder is willing to cut off that part of the building since he has had no progress from National Grid except for being given a new address to which to send his request. Even if he removes it, he will still need variances because he is too close to the lines. It is National Grid property, not right of way. It could be another 7-8 months before he gets a response, actually "Several months." If he removes it, he would be at zero lot line for about 3 feet. He can't take off the whole jut-out because it has the restroom in it. What National Grid is considering now is an easement for him to be on the property and 97% of the time they grant those.

Mr. Antis asked and Mr. Snyder doesn't know when the building was built, but the back part was put on 18-19 years ago. Mr. Arnold asked whether he still means to go to the ZBA. Mr. Snyder would like to go ahead with the easement, but he's here because he's concerned about whether the Board has a time frame. He is willing to wait on the garage construction project application that caused the discovery in the first place.

Mr. Arnold told him that even if National Grid agrees to the easement, Mr. Snyder should still go to the ZBA for the variance. Mr. Snyder asked for guidance. Mr. Bouchard asked whether he needed to

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withdraw formally. Site plan remains as it is, he is asking for leniency on the time frame. Mr. Martin has seen steady progress. There's no need to pursue a ticket or appearance. This problem doesn't impact anyone else. It's to Mr. Snyder's benefit to clear it up so that he can make changes to the property in the future, or sell it cleanly. He is here tonight because the Board inquired about his status last month. Mr. Martin advised him that towards the end of the wait time he ought to start his ZBA application. Mr. Arnold polled the Board and Mr. Bouchard motioned to table the application until further notice. Mr. Bergman seconded. All in favor, motion carries.

#2 Stewart & Bovee Developers & Investors, LLC
Spier Falls Rd and Mountain Rd
Public Hearing
Final Review

Garry Robinson, engineer. This parcel is on two roads. There are a total of 36 acres, and the proposal is to divide on 3 lots. One will be 27 acres on Mountain Road, including most of the wetlands. Lots #2 & #3 are on Spier Falls. Lot #3 is 2 1/2 acres. For the entrance, there was a permit for a logging road. It is pretty good milling. The State said it was very wide, 40 ft at Mountain Road. They would not allow a subdivision entrance there, but said it would be okay as a 20ft wide driveway entrance. They have drawn it with 10 ft on each side of the property line. That is one of the updates. Other small things added included an adjoiner indicating the edge of the pavement since the road was very wide there and there was confusion about the map. Jessie Fish was fine with the water services, but he doesn't like to write letters to the Board. Perc tests and test wells done with Matt in attendance were very nice with sand. So they changed from a shallow fill system to a conventional. Signs were posted.

For the public, Mr. Robinson demonstrated a proposed house location where the width is good, but it can be anywhere. Test pits were done in that general area. He described the location of the driveway on Spier Falls Road. The existing driveway is from a logging effort. Those lots do not have wells.

Mr. Arnold opened the public hearing and set ground rules.

Mary Johnson, 79 Spire Falls Road. How far will these houses go into her property? Mr. Robinson advised that it will meet the required 30 ft rear year setback at least, but the buyer would not be very likely to build all the way back there because of difficulty to access. Mrs. Johnson said that there is a creek and wetlands. Mr. Robinson said that it's all as shown on the map.

Jim Kaiser: What kind of houses or apartments or whatever are you going to put in there? This is a subdivision for sale, and the seller doesn't determine what's going to go in there. The zone allows 1 & 2 family houses. These lots do happen to be big enough for two family houses. Mr. Kaiser asked how close it would be to his daughter's lot and Mr. Robinson pointed out that it will be within required setbacks, and could be in view, but it might not.

Mr. Arnold pointed out that the new owner/builder might not want a view of other houses either.

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Charlie (Bancroft?): There is a tributary of Snook Kill in there so will Army Corps be involved. DEC requires 100 ft setback, that is the most restrictive. Mr. Robinson demonstrated on the map where those wetlands would be buffered. This is all approved by DEC. Army Corp wetlands are also delineated but they are smaller and the buffer is closer. Septics would be far away from the stream. There is no setback from streams unless there is a wetland. Neighbor asked if it could be subdivided again, but the lot has no frontage. There's a lot of land, but no road available. The applicant had applied for 5 lots before, and couldn't get it.

Mr. Arnold explained that with the wetlands, etc, no one would want to build a road there because they couldn't afford to make a road there with such a small number of lots to sell to pay for it.

Tim Donbeck, Mountain Road. Has no problem with the proposal, and would like to know the price of the larger lot.

Damon Alecsynas of 69 Spier Falls Road: Lot 1 way in the back- would someone build there? Setbacks would not allow it and the wetlands make it difficult to access. He asked whether the Zoning there had been changed recently and the proposed zoning change he remembered was not pursued.

Mr. Martin read correspondence into the record. DEC and Saratoga County consented to Town Lead. DEC letter was read into the record by Mr. Martin alluding to permits required for work inside the buffer and that it should remain undisturbed. Silt fencing will be required. SWPPP is required. Endangered frosted elfin on site may require a permit. SPDES Permit for more than 1 acre disturbance.

Mr. Antis asked whether the 20 ft opening is ok. It is ok according to Mr. Martin and he thinks it's a nice solution. Mr. Antis thinks the line of sight is adequate.

Mr. Arnold asked whether either driveway would be more than 300 ft long and Mr. Robinson thought it was unlikely.

Mr. Martin said that the Board could specify the building envelope on the final plot that would be binding, if that were a concern.

Mr. Bouchard thinks that the proposed Lot 2 building site is almost 500ft. Mr. Arnold thought it would require a larger driveway for turnaround etc. for fire code, and that should be specified on the plan.

The public hearing was closed at 7:41pm.

The Board reviewed SEQR and found no concerns on Part 1. Part 2, no concerns.

Mr. Jensen motioned to make a negative declaration regarding SEQR on Stewart & Bovee Developers & Investors, LLC Mountain Road and Spier Falls Road Subdivision, and Mr. Bouchard seconded. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Bergman, Yes; Mr. Jensen, Yes; Mr. Arnold, Yes. Motion carried 5-0.

Mr. Jensen motioned to waive the requirement for separation between the preliminary and final approval and Mr. Bouchard seconded. All in favor, motion carried, no roll call.

Mr. Jensen motioned to grant preliminary approval to Stewart & Bovee Developers & Investors, LLC Mountain Road and Spier Falls Road Subdivision and Mr. Bergman seconded.

No amendment to the driveway agreement is required because no agreement is required.

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This will be less than 5 acres and it is a limited SWPPP. Mr. Martin asked that that be a condition on any approval. Street number and mailing address should go on the final plat.

Mr. Bouchard asked about sheets 2 & 3 of 4 which were not submitted, and that was because they were not changed.

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

Mr. Bergman motioned to grant final approval to Stewart & Bovee Developers & Investors, LLC Mountain Road and Spier Falls Road Subdivision with the condition that the limited SWPPP be provided and that the street address and mailing address be recorded on the mylars, as required by the assessor. Mr. Jensen seconded. A SHiPO Letter needs to be received. Emergency access regulations must be shown on the plan. There was some discussion about whether those regulations apply to 1 home, or only multiple homes. That should be addressed by the building inspector anyway. It will be shown on the plat.

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

Motion that the chair and one other member sign the mylars when they are available was made by Mr. Bouchard, seconded by Mr. Antis. All in favor, motion carries with no roll call.

#3 Hudson Headwaters Health Network
Moreau Family Health
1299 Route 9
Site Plan Review

Richard Jones, architect; Craig Jones, John Montayne from Peterson, site consultant.

Route 9 facility is a mile north of this site. 5-6,000 sq ft. There was no room there for expansion because of the size and shape. This site is next to Dunkin Donuts. This is the more accessible of two sites in the Town that were considered. Two buildings- a health center and a Glens Falls Hospital Imaging Center, single story slab buildings with steel frames with composite, stone, glass front similar to others built in the area recently. Site has a lack of sewer, so they maintained area for on-site septic near the front. Route 9 access is the main entrance. There is parking in front for patients, in back for staff. Access is also available to Fawn Road and Spier Falls Road. They will have a turning lane to get into the site. Site is flat, open meadow and treed at the back, which would be cleared. They are trying to keep some trees near the adjacent house for a screen.

They have comments from Mr. Martin they are addressing. Tax lot numbers were just received and still need to be incorporated. Street labels were added. Number of parking spaces: the space for GFH imaging dept size requires 31 spaces. HHHN parking needs are determined by each patient treatment space they do 4.5 spaces for patient, staff, clinician, etc. So that is what they used. Handicapped parking

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was added per Mr. Martin's request, still very close to needs. Typically they do a signage package during the permit process. But they are going to do a freestanding pylon sign, nothing on the building except directional signage which would also be in the parking area. The only building sign will be on the pharmacy. Basic description was given.

Light fixtures will be poles and bollards. They have done a site plan with foot candle lighting levels on it. They presented a larger version. Spill off site is next to nothing, what there is, is next to the entrance. Fixture cuts are provided, 20 ft poles and 30 inch bollards around the perimeter walk.

SWPPP deposit was made for engineering review, would like to know whether comments will be back in time to make the next deadline. Mr. Martin thinks so, but he will have more information tomorrow.

Traffic study found that it is consistent with a land use perspective with uses evaluated in the Northeast corridor study. It is suitable and meets the requirements of the study that was done.

Loading areas for the building indicated on the original are better labeled now. Dumpster location is provided. Fence enclosures planned. Landscaping plan provided with plantings around the building and schedules provided.

Irrigation system is always used. This is done as a separate vendor solicitation towards the end of the project.

The residence that is on site will be a construction office and then will be demolished after being looked at for asbestos. There is existing stockade fence so with the trees there is adequate screening in the back. Snow removal stockpile is on drawing C102. The canopy on the front is a guideline for health facilities. A highway permit from NYS DOT will be requested by Petersen. That is for the curb cut.

Mr. Antis asked whether the entrance on Route 9 is required or they could come from the side roads, due to concerns about traffic.

Mr. Jones felt that the options of three entrances will help with traffic backup, but that direct access to Route 9 is necessary. During busy times motorists will seek out the alternate entrances.

Mr. Arnold asked about the dumpster and when it would be serviced. Mr. Jones agreed that the time of day might need to be limited. It will not be medical waste.

Mr. Antis asked what kind of delivery vehicles would be expected. Box truck size is typical or a van.

Pharmacy is not very big. It is possible that a truck would have to back in, and would do so before 7am.

Mr. Antis asked for an arc template to be placed there for delivery trucks.

There is ambulance service at the back entrance. They would be picking up patients who need to go to the hospital.

Mr. Bouchard asked who will operate the pharmacy but that has not been determined yet. It will have a mounted sign and one on a pylon.

Mr. Antis asked how many visit per day they expect in the facility and Mr. Jones estimated about 54 patients before including the imaging center. Mr. Antis asked for a number of vehicles. They used a minimum of 75 and a peak of 113 in the afternoon.

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Mr. Arnold asked and there will be a phlebotomy lab included which is part of the number of vehicles. There is.

Mr. Bouchard expressed concern about the parking design if people miss the turn because they pull in fast off of Route 9. The route to the pharmacy would be circuitous if the first turn is missed. What if they stop right there and cause a problem? He would like them to look again at the entrance flow.

Mr. Antis voiced support for a Spier Falls entrance and Mr. Jones explained why that would be an inconvenience for someone going to the pharmacy.

Mr. Bouchard asked why there is such a large area in the one corner unused. It is for septic. Mr. Martin pointed out that a large area will be lost because of the need to build a leach bed on this site, which would not be necessary if there were sewers in the area. DEC regs want to reduce runoff and return it to the ground. This site doesn't have runoff.

Mr. Bouchard asked whether they could make the exit right turn only, and they anticipate DOT might require that. Their next step is to get DOT feedback. Mr. Arnold expressed support for that idea. Another possibility was to make it an entrance only.

Mr. Bouchard asked whether this Board will have to look at the construction office use of the house, but Mr. Martin said that as it is temporary and will not be in use after the health center is open, there is no mechanism for that to be looked at separately. If there is an adverse impact noted, they can address it.

Mr. Jones pointed out that if they have to destroy the house sooner they will bring in a trailer, and those are allowed as part of a project and don't require a separate permit.

Mr. Martin said this is part of a construction maintenance plan.

They anticipate about 10 months for the project beginning in August as possible. If sewers pass, they will hook up.

Mr. Bouchard asked whether that space would be converted to parking area in that case, and Mr. Jones said they would keep it green. They would have had PT/OT there if they had some room.

Mr. Martin asked how soon they would be speaking to DOT and Mr. Montayne said they'd be calling tomorrow. Mr. Martin said it would be valuable to wait until that happens before doing anything because it may impact the site plan. There will also be coordinated review with the County. County will also be involved with the curb cut on Spier Falls Rd.

Mr. Antis asked whether Fawn Road needs to be upgraded but this report doesn't indicate that.

Mr. Antis asked whether there might be signage at the gas station corner, they only plan to put a sign on their entrance. Mr. Jones asked for the gas station to be asked to enclose their dumpster, and Mr. Martin made a note of it.

Submission date for changes in June 4th. Mr. Jones asked what could be expected at the next meeting and whether they could get a public hearing scheduled. Mr. Martin said that was up to the Board and whether they heard from the County/DOT.

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Motion to declare Lead Agency was made by Mr. Jensen and seconded by Mr. Bouchard. Involved agencies are County, DOT, DEC, DOH, Shipo letter already received. Mr. Antis asked for an estimate of # of employees, patients, vehicle count.

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

Motion to set public hearing for HHHN at 7:01pm on June 18th, was made by Mr. Bouchard and seconded by Mr. Jensen. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Bergman, Yes; Mr. Jensen, Yes; Mr. Arnold, Yes. Motion carries 5-0.

**#4 Maurice Combs
Fawn Road
Site Plan Review**

Mr. Combs appeared. Mr. Martin explained that this is in a C-1 zone and came through as a Special Permit application. He had asked for a Variance, 50% rule was invoked and allowed and expansion of a non-conforming use. 7 homes were expanded to 3.5 and an application for a fourth was withdrawn. ZBA looked at the Special Permit and he got that. This is an expansion of an existing mobile home park.

Mr. Jensen asked, since the Town reserves the right to review mobile home parks, does this have to go to the Town Board? Atty. Buettner says that review is not required for an existing park.

Mr. Arnold counts 5 on one lot and 2 on another parcel. Mr. Combs said that is the Fortsville side. So Mr. Arnold asked whether is this an expansion of an existing parcel? Mr. Combs says it's all the same one.

Mr. Martin thinks this has had existing mobile homes on this lot. He didn't own all the land before but now he does. Even with 3 new homes, Mr. Arnold doesn't understand why there are 8 in one area and 2 on another.

Mr. Combs had leased the land for 30 years and more recently bought it. They have always been treated as one park as far as he knows. He is treating them all as one but some are separate lots.

Mr. Arnold said that if this is an expansion of a non-conforming use, they need a site plan that shows this use. The separate two aren't shown on the site plan. What did we expand? The business, or the use on a property?

Atty. Buettner stated that there is no documentation on this. Ben made a determination, but there is no written record of it. No one argued it when it went before the ZBA, so the use and its non-conformity are not in question.

Mr. Arnold said he is more concerned about the fact that all the homes he wants are not on the site plan provided. 5 existing, 3 new and 2 not included in the parcel.

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Atty. Buettner suggested that Mr. Combs just needs to add the others to the map. He should identify the tax parcel and show the neighbors' properties and the setbacks. This is an incomplete site plan application.

Mr. Martin stated that the lots needed to be combined into one lot and that will resolve many of the issues.

The homes are 14 x 70 and they will not be on separate lots.

Mr. Jensen raised a density concern. The density calculation will also need to be shown on the map. 9,000sq ft of site for each unit has to be shown.

Mr. Arnold asked why the driveway is done the way it is, and that was Mr. Martin's suggestion.

Mr. Arnold asked and Mr. Combs owns all the trailers and rents them out. It is mostly older people.

There is a pole with a streetlight on it. That needs to be shown on the map.

Mr. Arnold directed Mr. Combs that he will receive a list of requirements to settle before he appears before the Board again. To be heard on June 18th, he will need to do that by June 4th. He should come see Mr. Martin tomorrow for clarification.

This is a Site Plan within distance of Route 9 so it will require a public hearing when the application is complete, maybe in July.

There are some water connection details that could be shown as well.

Existing septic systems needs to be shown on the plan.

#5 Bacharach, Lora
North Country Paws for Obedience
Site Plan Review

Ms. Bacharach appeared and explained that they are looking to lease a commercial space on Route 9. They are registered and insured. They only do dog training, no day care, no kennel, no sales, only dogs. They also train therapy dogs and their handlers. No agility.

There are a maximum of 10 dogs in a class. Largest classes are often held off site. Those are bigger reality training for dogs that are ready to be out in public, a maintenance program.

Training will be all indoors, they may go outside occasionally. If an owner can't keep their dog from barking, they will be asked to leave class.

They are renting the right side of the building, and the application needs to be amended to show that. This lot has no site plan, so no one knows where the septic and the well are. The Board needs a map to show the location of those in relation to the building, and to have parking shown on the map. It would follow the school parking rules. The applicants were advised that can ask the owner of the parcel to provide the map/survey information.

Lisa Capone, of White Birch, agent for Julio Camarillo, thinks there is public water. The plat says the owner is Evergreen Communities. She explained that is Julio. There is one tax id for the entire parcel,

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which includes 11 mobile homes and the commercial building. They asked to separate the parcels, Peggy Jenkins said they can't.

Lora feels they only need 10-15 parking spaces. There are 2 employees.

They will have 3,000 sq ft. They do not anticipate deliveries besides mail.

Signage is already there on a pole and they would use that. They were advised that they will have to come get a sign permit.

Hours of operation are M-S 10am-8pm.

Mr. Martin asked how noisy it gets. They are very hard on barking. Dogs are not crated, they do not free play. There is a designated potty area, sanitized every week. Waste is bagged. There is no dumpster, they take their own trash away.

Mr. Antis asked why they were drawn to this space and Ms. Bacharach said that they need a large space to do competitive obedience training.

Asked about exterior illumination, the parking lot is not lit and they don't see any need for it. They are leasing, so they don't want to invest in that kind of stuff. There is lighting on the building. Mr. Antis expressed that in the winter there are safety concerns being open til 8. The intersection is lit.

Most of the parking will be where the garage bay doors are, and on the Route 9 side there will be more.

They don't have access to the Bluebird Road entrance that the mobile home residents use.

They will use two points of entrance on Route 9. A few parking spots will be on either side, but not block the entrance used for the mobile homes.

A Site map can be based on the survey that was provided. They should add delineation showing use of the right side only, the lighting, the sign location, parking delineation, septic tank, hours, sanitary disposal, and that there is no entrance via Bluebird Road. Mr. Antis expressed concern about taking a partial site plan. Ms. Capone said that the owner might have that information. Mr. Martin asked her to bring in the large copy of this survey. Ms. Capone repeated that she would like to separate the uses, but was told they could not. She stated that they had no intention to lease the other side of the building to anyone.

Handicap parking should be delineated.

Applicants were advised to turn things in by June 4 to come back on the 18th.

Mr. Martin asked whether the Board would consider sending the Comprehensive Plan to the Town Board. Members of the Board had not had sufficient time to review. The changes suggested at the joint meeting and subsequent public hearing have been incorporated into the plan where appropriate and what the Board has now shows what changes have been made. Issues identified between now and the next meeting should be submitted to all by email for efficiency.

Some discussion was had about the non-takings lines regarding non-conforming uses. Mr. Arnold feels that they give the owners of non-conforming lots too many privileges. Mr. Martin wants to make changes to density requirements because they are archaic. In general usages should basically stay the same,

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boundaries should stay the same except where property lines need to be lined up with zone boundaries. Technology makes this easier this time around.

Motion to adjourn was made at 10:05 pm by Mr. Antis and seconded by Mr. Bouchard. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews