

A meeting of the Town of Moreau Planning Board was held on October 21, 2019 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Ron Zimmerman	Planning Board Chair
Jerry Bouchard	Planning Board Member
John Arnold	Planning Board Member
Reed Antis	Planning Board Member
Peter Jensen	Planning Board Member
Ann Purdue, Esq.,	Alternate Planning Board Member
Meredithe Mathias	Alternate Planning Board Member

Also present: Jim Martin, Zoning Administrator

Planning Board members not present: Erik Bergman, Mike Shaver

The meeting was called to order at 7:00 pm by Ron Zimmerman, Chair. The Board reviewed the minutes of the September 16, 2019 meeting. On p. 2216, "Use the proposed driveway to serve Lot #4 & 4." should say 'Lots 4 & 5.' Under the corrections from last month, "area" should be 'are'. p. 2207.

Motion to approve the minutes as amended was made by Mr. Arnold and seconded by Mr. Antis. Motion carries, all in favor with no roll call but two members abstaining.

Ms. Purdue disclosed a relationship as outside counsel to Hudson Headwaters and stated that she would abstain from comment and the vote on the upcoming application. Mrs. Mathias also disclosed that her husband works for Hudson Headwaters.

**HHHN Moreau Family Health
Route 9
Site Plan Modification**

Richard Jones, architect for the project. They are proposing a change of use for the building that was supposed to be a pharmacy on the site. It is the building closest to Route 9 and adjacent to the gas station. They would like to have that be a specialty medical practice with one doctor and nursing staff, with four exams rooms, an office, mechanical room, storage and ancillary rooms. They would remove the drive-thru canopy and the associated loop driveway, and some changes to the parking spaces with an additional 5 spaces for staff on the back side. Entry walk on the back would remain, some windows would be added to the exam rooms and office. The drive thru window would be changed to a fixed window. No changes to the footprint of the building. The light poles that went around the back for the drive thru were deleted and some on the front were moved. The proposed change is a less intensive use as the hours are Monday-Friday 8-4 or 5pm which matches the Health Center itself. They will change the sign panel for the pharmacy to one for the practice, and they would have small sign on the front of the building.

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Mr. Jensen asked, and the total number of handicapped spaces was not reduced, they just moved two to different locations closer to the front entrance. Mr. Antis asked whether the Health Center might actually operate on Saturdays, and Mr. Jones conceded that it might, he could not be certain. The specialty practice would probably not also do so.

Mr. Arnold asked about the map. The dotted line on the map is a septic field. It is further explained on C104. Mr. Arnold explained that this is temporary, and they plan to hook up to the public sewer that is coming when it is available. Mr. Martin pointed out that this is a net gain in permeable area due to the elimination of the driveway, also more landscaping and less lighting. The elimination of the retail use will mean that there is less traffic overall compared to the pharmacy plan. Mr. Martin commented that the site is really taking shape, and Mr. Jones stated that they hope to be ready for Health Department inspection mid-December and opening shortly after that. Mr. Martin asked and some landscaping might have to wait until the spring because of weather. Topsoil is in place. Mr. Martin recommended that they revise that C102-5 and bring it in for signature.

Mr. Martin asked the Board whether they wanted a public hearing for this and Mr. Jensen thought it was not necessary. Mr. Bouchard pointed out that there was little public comment when this Site Plan was originally approved, so he had little reason to expect there would be any public interest in this change.

Mrs. Mathias motioned to approve the Site Plan Modification for HHHN Moreau Family Health with the understanding that no public hearing is necessary due to the minor nature of the change, that the SEQR Review for the previous plan remains intact, and that two copies of the revised plan will be submitted to the Administrator for signature by the Chair and a member. Mr. Antis seconded. Mr. Zimmerman clarified that C102 to C105 would be submitted.

Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mrs. Mathias, Yes; Mr. Arnold, Yes; Ms. Purdue, Abstain; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion that the Chair and one other member sign the new mylars when they are presented was made by Mr. Arnold and seconded by Mr. Antis. All in favor, motion carried with no roll call.

Chet Sanders
1216 Route 9
Site Plan Review

Mr. Sanders explained that he and his wife own Action Septic. Business has grown and they want to add another building on the lot to house service vehicles and an office. They have three or four vehicles.

Mr. Martin had provided comments. This is a separate lot, undersized but grandfathered. He wants to utilize the same driveway, which Mr. Martin thinks is a good approach on Route 9. They will need an

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easement from the parent lot to access this one. Not required to do a runoff plan, but discuss it. There is some slope to the lot. It might be a good idea to talk about a grading plan. It could be tricky to control erosion and make sure there is no runoff. Placement of electricity supply, information about signage are not there and there has been no lighting or landscape plan submitted. parking is not shown. He may not need it, but the question should be raised.

Mr. Sanders was asked and he did not get a copy of these concerns previous to the meeting. Mr. Martin explained that that was because no email address was provided with the application. Mr. Sanders explained that he didn't think he would need a grading plan because the soil is gravel. He will be having an excavator come in to remove the stumps, and he will know more about the soil type then. There is soil behind that they can pull in and use if needed.

Mr. Martin said that over 45-60 ft they are dropping 8 ft in elevation. They will need to balance the site; that is one approach. It just needs to be discussed in advance to make sure what they are going to do is acceptable. The current building is on land that is almost level. The second lot is a 20 ft drop across the whole.

The easement will not be a big deal he will just call his attorney. Mr. Martin pointed out that it is also not a big deal to join them. Mr. Sanders asked which the Board would recommend. Mr. Arnold explained that as long as he intends to only ever operate one business on the area, it would be a good idea to join them and avoid the need for an easement. They would never be separated. Mr. Martin explained that this could be done in an hour through the County office.

Ms. Purdue asked for clarification on the driveway. It looks like it is not always on Mr. Sanders' land. Does it cross over others'?

It is parallel to Route 9. There is State land, which is considered public right of way.

Mr. Arnold pointed out that there were no parking spaces for employees shown, unless they plan to park in the garage. The spaces don't need to be paved and painted, but shown on the plan to demonstrate that there is room for them. Chairman Zimmerman asked and they do rarely have customers come to the office. They will need parking space for that too. They have five employees altogether now but may get more. Only the secretary works on that site. They already park at the upper garage so three or four more may be added. He will show that. Mr. Arnold explained that in addition to drainage, they will need to show that there is no water running off the site onto the neighboring properties. They may not need to do a perc test because it is fast, but there are times of year when they need to make sure it is staying in site. Chairman Zimmerman pointed out that they may even need to amend the soil to slow down the drainage when they go to install the septic for the new building. He asked whether there is a septic system for the existing building and there is. The Chairman pointed out that the Board will need to see the location of that, and Mr. Arnold mentioned that they should make sure they plan the new one with separation from the well.

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Mrs. Mathias asked whether Mr. Sanders would be keeping the tree line near Route 9 and Mr. Sanders thought that it would stay the same.

Mr. Antis asked and Mr. Sanders stated that he is currently working out of his home at 246 Reservoir Road, and that is a driving force for the application, per his wife.

Mr. Arnold asked whether Mr. Sanders planned to add exterior lighting to the site. He was encouraged to come and see Mr. Martin to discuss all the additions to the plan that have been mentioned. Edits and modifications would have to be submitted by Nov. 4th to be considered at the next meeting. Mr. Sanders asked whether the joining of the two lots would have to be completed by then. Mr. Martin said that he could help him file that with the County, and told him that submissions are always due on the 1st Monday of the month, so he could file in December if he wasn't ready in November. Winter is coming and there is plenty of time to be ready before spring allows him to really get started.

A Board member asked whether the nature of the truck traffic in and out of the site would change when the additional building was up, and Mr. Sanders said that they have two pump trucks now that are service vehicles, they are not adding anything right away.

Chairman Zimmerman asked whether he had any landscaping in mind and Mr. Sanders explained that they want to drive through the garage, so they will be entering from the north end. He will take that into consideration. Chairman Zimmerman explained that they will need to see that as well as a cut sheet regarding the lighting so that they can be sure nothing will spill off onto Route 9.

Mr. Martin asked whether the Board wanted to set a public hearing for this and the Board asked Mr. Sanders whether he thought that he and Mr. Rourke would be ready. Mr. Sanders explained that he is having back surgery in a week and will be laid up for three months, but also that he could talk with Mr. Rourke during that time but not do much else. Mr. Jensen pointed out that he could send a representative to meet with the Board if needed. Mr. Sanders was satisfied with leaving it for review one more time.

Mr. Martin reviewed the list of outstanding items to address: Combining the two lots into one, showing parking spaces for employees and occasional customers (total of 4 or 5), location of septic tank, lighting plan with cut sheets (providers will supply). There will be little to no increase in vehicles. Mr. Martin encouraged the applicant to get some engineering help on the grading and drainage plan. It requires more expertise than a surveyor. A grading plan will help the excavator. The topo map shows what is there now but a grading map tells him what he needs to go. A list of engineers available to work in the Town is available in the office.

Rachel McDermott and James Czub
190 Old West Road
Site Plan Review

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Theresa Baker, with the law firm of Whiteman, Osterman and Hanna, along with Dominick Arico, an engineer with C.T. Male & Associates. They are speaking on behalf of the applicant. They have owned the property since 1984 and it has been used for a farm. There is currently a house and a number of outbuildings on the property. They plan to live in the house and are fixing it up. They are repurposing the barns for the farm brewery. They only thing that will be built new is a small porch on the back of the buildings. The goal is agri-tourism, brewing and direct sales of products. There are a lot of reasons for doing it this way. They will not do any wholesale. They might fill a growler, and they will have a taproom. This is very common in NY. This is located in a Ag District. The Ag and Market law allows them to do this because they produce more than 51% of the ingredients on their farm, mostly grains. This is M2 Manufacturing Zoned. They met with Mr. Martin and found out what uses are allowed. The Planning Board is only looking at the Site Plan, not whether the use is allowed. They also, because there were concerns about the direct sales, spoke to Ags and Markets and got information from them about what is allowed. Agricultural markets law section 305a has a provision that upon request the commissioner shall render an opinion in whether agricultural purposes will be impinged upon by a proposed change in use. Dept of Ag & markets has issued guidance and guidelines and have chosen to encourage breweries, distilleries, vineyards and meaderies as part of agriculture. The purpose is to encourage the growth and sale of agricultural products. They don't usually do this in Manufacturing Zones, but breweries are allowed in Manufacturing Zones per Mr. Martin. However, there is nothing stating anything about direct sales. So she would like to explain why they are seeking to do direct sales, and explain why wholesale won't work for this situation.

Mr. Martin just made his decision about the direct sales today, but they have a letter from Bob Summers at Ags & Markets as an example of the type of letter that might come to the Town in the future. She provided copies.

She asked the Board to remember, especially with regard to SEQR, that they are using existing buildings and only building a porch of 400 square feet on the back.

Mr. Arico appeared to explain details of the Site Plan. This is on the west side of the Northway. It is a little over 300 acres in one piece. They are developing about 4 acres and disturbing less than an acre. He supplied pictures of the barn which will be converted. It is mainly wood framed and will be modified to meet standards and be made accessible. They are making few changes, the access drive is one. There is an existing well on the property that will be used for the brewery. The yield on the well will be tested and if it is not sufficient, they will either drill another one or build a water storage container to supply the brewery.

For waste water, they have a leach field. They may have to build an additional one. They do not expect a large amount of runoff, because they are turning the water into product. There will be some from cleaning glasses, guest use. Parking is available over and above the Town's requirements. They used the requirements for a restaurant, which is one per 5 seats, and they plan on 35. They have a little over 700 sq ft for the brewery and tasting room, and if they use 15 sq. ft. per person, they would have space for about

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45 people. There is an additional outside seating area. That will add 15-20 seats. There is still ample parking, which they have laid out in a loop. There will be a gate, possibly with a lock box for emergency access, separating the parking area that is used by the residents. The owners' horses will be close by. No changes will be made to the tree line.

Mr. Martin spoke to the determination. The parcel is in Saratoga County Agricultural District. It has some protections. It is also in the M-2 Zone, which subjects it to Site Plan Review. Making and distributing beer is a manufacturing use, allowed and subject to review, but being in the Ag District gives it a special position. The example letter received today shows that. It says that local governments are prohibited from enacting and administering laws that unreasonable restrict farm occupations located within an agricultural district unless it can be shown that there is a threat to public health and safety. In that regard normally retail sales of beer from this location would not be allowed, but Ag and Markets classify beer that is produced on site from agricultural products that are grown on site (51% being the requirement), as sold as an agricultural use. There are some ancillary things that are also captured, such as non-amplified music, which is protected. That word 'non-amplified,' should probably be considered as a condition if there is a decision. This should be reviewed as a complete use, which is allowed per Ag & Markets. There is no role for arguing that it is not or should not be allowed. Ag and Markets takes this very seriously. It will be reviewed carefully with a site visit and will be monitored post-approval.

Ms. Purdue asked whether the operation of the tasting room had also been examined and determined to be allowed by Ag & Markets. Mr. Martin explained that it is permissible to serve cold food like cheese and crackers. Prepared food that has not been grown there, opening a restaurant, would not be allowed there. They are not asking for anything like that.

Atty. Baker stated that the liquor authority requires food to be available along with beer, like pretzels, peanuts, etc. That is all they are offering. They are not proposing a commercial kitchen.

Chairman Zimmerman asked whether they would have food trucks come in.

Atty. Baker stated that they might like to do that, but were willing to come back for that permission at a later date as it will take some time to get the brewery up and running. She asked how those would be handled. Mr. Martin said that the sale of food is not an allowed use in the M-2 Zone, so at first glance he would say that it is not allowed. Mr. Antis stated that a farm brew license allows you to do certain things, but that is not one of them at this time.

Mr. Antis asked about the size of the brewing operation in terms of volume.

Mr. Arico said it would be difficult to quantify. It is all on site.

Ms. McDermott stated that the equipment they plan to purchase is either a ten-barrel or a five-barrel.

Based on their projections they would brew once a week, 320 gallons and 3000 gallons to clean it.

Dairy cows drink 40 gallons of water a day every day, 200 cows so when it was a farm it would be going through 10,000 gallons a day. It was last a farm in the 1970's. Cows deposit 100 pounds of waste a day.

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Chairman Zimmerman asked about the mention she had made of selling kegs, because he thought that wholesale was already mentioned as not allowed.

Ms. McDermott stated that under the Ag & Market law they were allowed to supply their product to other farm breweries.

Mr. Martin stated that distribution is allowed under the M-2 use anyway.

Mr. Antis asked whether they would do any canning, and Ms. McDermott said that it is cost prohibitive to run a canning operation. Mr. Arnold asked why they were not going to predominantly wholesale, and Ms. McDermott said that the profit margin on wholesale is not that good. She also explained that they are trying to educate people on how craft brew is made. They want people to see the barley, rye, hops, fruit etc. It is not unlike going to a Finger Lakes Winery tour. It is not a bar. They are raising their family here. They are not encouraging people to drink to excess. They want to showcase NY agriculture in a way it is not otherwise seen. It is customary to put that beer into other shops as a way of increasing awareness of the brand. Craft breweries are better together.

Mrs. Mathias asked how the Board could review this as presented tonight while also know that the applicant has bigger plans for what they might add down the road. How can they do SEQR especially on something that could change.

Atty. Baker explained that the plan that they have shown tonight is a Type II unlisted action, and that was done intentionally. Originally she was looking at doing a PUD, but those encourage people to make a 30 year plan, but she wasn't willing to go that far out. At one point, she had considered a solar farm use as well, but that is covered by the moratorium and no one knows how that will turn out while the Town is re-districting. The governor wants to see renewable energy, but that is being put aside. This plan is going to be it for a while.

Atty. Buettner stated that there is no segmentation. This is the whole project, it doesn't have phases. They can look at what is before them.

Ms. McDermott stated that they are already producing crops that supply craft breweries for other breweries around the State. The plan is to produce a local beverage. They rotate their crops. They grow barley, hops, wheat, etc.

Mr. Antis stated that he believed they would brew more than once a week. He asked if they were going to sell elsewhere. Ms. McDermott stated that they would not. Mr. Bouchard asked and they are getting either a ten or a five barrel, not both. Mr. Antis asked if they planned to do zero net energy, and Ms. McDermott said she didn't know. He asked if they had a style in mind, and she said that she would leave that up to her brewer, who wasn't present to answer. They plan to do many micro-brews.

Mr. Antis asked if the crops would be lofted out somewhere until they were needed. She agreed that they would. There is no name yet.

Chairman Zimmerman asked whether there was water yield information available. Mr. Arico stated that they don't have it yet but if needed they will buy a 3,000 gal storage container to fill for cleaning. Ms. McDermott said that they are 10 inch pipes that are $\frac{3}{4}$ full. Mr. Arnold thought that they would have

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good water there. Water samples will go out, but the Health Department doesn't regulate the water source. Mr. Arnold said he had asked because restaurants have to test theirs if they use a well for cleaning, etc.

Mr. Arnold asked about sight line issues. The engineer stated that the east is the best, they have stopping distance. The road rises but not enough to make a problem. He stated you can see the bridge, past the hump. It is 45 miles an hour. Mr. Arico presented the maps.

Mr. Antis asked whether they would be looking to have signs on Route 9, otherwise how would people know they were there. Mr. Arico stated that would require permission from the State, which they were not looking to get. They might put up temporary signs for an event.

Chairman Zimmerman asked whether they had any estimated trip generation numbers, and Mr. Arico stated peak 15-20 trips with hours from early afternoon. There would be no morning peak trips. The operation hours proposed are weekdays 3-9 Friday 3-10 and Sat 12-10, Sundays 3 til 8. They probably won't actually be open 7 days a week. It will be similar to Common Roots, maybe closed Mondays. They don't want to be open when it's too quiet. They are not asking to be open late.

Mr. Arnold asked how much they have to sell on site in order to be viable and not rely on wholesale. Ms. McDermott said that is a hard question.

Mr. Arnold was just trying to get an idea of volume. Mr. Antis asked, since they knew what their farm could produce and how much beer they could get from the grain they produce. Ms. McDermott stated some of her yields and that it takes 80 pounds of grain to do one batch in a ten-barrel brewer. Mr. Arnold stated that math aside, what he really wanted to know was how much beer they think they need to sell on site to be utilizing the production of the farm. He had not understood until night that the goal was to be agri-tourism. He was just curious. Ms. McDermott said that she could get the numbers for him.

Atty. Baker explained that there are benefits to the direct sale as well as to the agri-tourism, etc. Ag and Markets supports this effort to get people into the farms and to see what is being grown and drink beer. They are not proposing a large operation, but the theory is the same.

Mr. Martin asked if they will be doing tours. Atty. Baker explained that there isn't much to see.

Chairman Zimmerman asked what they needed on the site plan. Mr. Martin stated he wanted more detail on stabilizing the area that would be graded. He wanted to see the connection points for the electrical as well as information for the power needs. The sizing, type and flow of the septic system, which has been mentioned but not detailed, including waste water. Is the house also hooked up to this? The house is separate. The Board needs more information about the well yield. It is an interesting point that it may need less than it did when it was an active farm. It would be nice to have some expectation of what the sign would look like. The lighting plan shows a few poles, details will be needed on those. Entry points for the public, handicapped access, landscaping plans which can be used to add character to the site. The grading plan needs more detail. He will need confirmation that the area of disturbance would be less than an acre. The traffic pattern with all the sight distances, volume and type of traffic. Do they envision bus

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tours? Will they be delivery trucks incoming with materials or outgoing with finished products? How will that mesh with individual customers safely? Can adjoining intersections handle truck traffic?

Atty. Baker stated that the intersection could handle 100 cars. Mr. Martin said he needed to see confirmation of that, as well as the parking plan, loading areas.

He stated that hours of operation was going to be an important issue in the plan. Atty. Baker stated she would be happy to provide all that. Mr. Antis warned her that it is a Town road, and the State is in charge of the speed limits.

Chairman Zimmerman asked whether any changes had been made in the plan since Mr. Martin had released his notes on the 17th and Mr. Arico said that there were not. Chairman Zimmerman asked whether he had any questions about those notes. Mr. Arico asked whether there was a need for additional traffic analysis. Mr. Martin said that they would start with the count information and see what bears out from there.

Ms. Purdue asked for information on types of operations in addition to the tap room, such as offering live music, because of concerns about noise. Mr. Antis asked if they would limit it at 45 because that is the capacity of the room, or would they have outdoor music events. Atty. Baker explained that under the Ags and Markets law, the size of the event has to correlate to the amount of beverages produced.

Atty. Buettner said that the license they refer to and will receive is a long document. It looks at different kinds of events, like weddings, it looks at total farm income. It is intensive. There is also State liquor authorith law that determines some things, and they haven't even applied to them yet for anything. There are a host of agencies involved in this.

Atty. Baker agreed and stated that they can't apply for their liquor license until everything else is in place as well.

Mr. Jensen asked if there was SEQR, and Mr. Martin said it was a Type II action. Atty. Baker thought they had turned in a Part I, but there wasn't one in the packet. Atty. Baker offered to provide one.

Atty. Buettner said that with respect to the application process, she and Mr. Martin had met with representatives of Ag & Markets and been told that it could take from 6 months to two years to get the final approval. She hoped they had said that to the applicants as well. After tonight they will complete the application and hopefully then receive the preliminary letter. They are not so much seeking approval from Ags and Markets as they are seeking a letter stating that the Town Code is restrictive and that Ag and Markets pre-empts that Code and applies the Farm law instead. A long conversation was had about the process and expectations going forward. There is no expectation of a PUD.

Mr. Arnold wanted to clarify that some of these farm brew licenses aren't even done on farms, they just use farm commodities at 51%. It isn't actually about getting people onto farms. That doesn't mean he's against it.

Mr. Bouchard asked if they will be going back to Ags and Markets while the Board is going forward with their review, and that is the process.

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Mr. Martin recommended that if there is an approval, it should be conditioned on receiving a determination back from Ags and Markets. In that way it will proceed very much like a normal Site Plan Review.

Chairman Zimmerman mentioned that the Board has received a large amount of correspondence from concerned neighbors. Town Board, Zoning Board and Planning Board members have received letters from different people, and all of the concerns in those letters need to be made clear to all the Board members. He asked the members to send everything to Mr. Martin so that he could compile a list for everyone, and that could become a part of the record. Chairman Zimmerman did read into the record a letter he had received, signed by 38 community members, expressing their concerns. It is addressed to the members of all three boards, and says it is in regard to the Old West Road Brewery, Solar Array, etc. It expressed concern about property values, and about well water quality and quantity in the absence of any water and sewer service in addition to the concern about the quantity of water the project would use. It will not improve the area, but rather cause 30 home and farms in the area to lose value. As the area is rural it is not appropriate for a retail or music establishment.

This is not a public hearing. This Board has limits on what it can do with regard to this Site Plan, and it is different from other projects they usually review. Chairman Zimmerman opened the meeting for 15 minutes of public comment, after which the Board will move on to other business. The public will be invited to future meetings. Members of the public are asked to provide their name and address.

13 Macory Way, Gansevoort had a question. She understands that they have no ____, so there is no way of knowing if people are bringing their own containers and leave with them, isn't that open carry?

Ms. McDermott clarified that they will have growlers available. Having a bottling operation is not off the table, but it seems to not be economical. A member of the audience asked what a growler is, and it was explained that it is a 64oz resealable container. The first commenter also brought up the blind curve, stating that there is a little boy on that corner who plays in the street. She wondered if patrols by the Sheriff's department could be increased, and the Chairman referred her to ask that question of the Sheriff. He explained that if a traffic study is warranted, it is usually the applicant who pays for it. It will also be peer reviewed by another expert.

The next person spoke about the character of the neighborhood, and the danger to people who bicycle on the road. She doesn't want to worry about whether the driver behind her has been drinking. They don't have money to invest in new wells if they run dry or are corrupted. A brewery or distillery should be located in an area with a public water supply and wastewater system. When PCBs and PFOAs were released into local waterways, they were thought to be safe. The roads are not suited for a lot of traffic. There are already large trucks going to the dump at Hiram Hollow. This will make it less safe.

__ Also on Macory Way. Has horses. Horses are considered an attractive nuisance. If a kid wanders into her pasture and a horse kicks them, she as the owner is responsible for that. She doesn't think it is fair for the people on the road are going to have their liability go up because there is an increase in drunk people coming onto their property. The 305a rule does say that safety pre-empts everything.

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310 Washburn, just South of the project, asked whether there was an environmental impact study required for this project. There is not. He is concerned because there is a small creek that has its headwaters on his property. He also expressed concern about the traffic, especially between 3 & 6 pm. It will be several years before they are making the amount of grain they need, they could create far more traffic than they are anticipating in a bad year.

Ms. McDermott stated that the grains are transported on pallets in pickup trucks, not tractor trailers as it appears some people are envisioning. They are already producing grain for the industry, so they do know what transporting it entails.

Mr. Arnold asked about the big trucks that are going to Hiram Hollow. Are they personal vehicles? The neighbors agreed that they are not personal trucks, they are big commercial trucks. Mr. Arnold remembered that when Hiram Hollow was approved, they specifically told the commercial garbage companies that the big trucks had to come in from the other end of the road and not use Old West Road, so that they would not be taking the hairpin turn.

The resident of 317 Old West Road stated that they are on point wells only 28 ft down, and any runoff from this project will go directly to them. How will that affect their drinking water?

Ms. McDermott stated that it wouldn't. It would have to travel 2,000 feet.

Mr. Arcio explained that putting water into the ground cleans it, and they have more to be concerned about from horses in the neighborhood. A neighbor argued that sand in the ground can't take care of whatever chemicals are being used to disinfect the system. Mr. Arcio stated that they are using a treatment system, and the neighbor thought that he had just said that it was going into the sand. Mr. Arcio said that the Dept of Health will be involved in making sure that the system is safe, there will be a separator on the septic system, it will be done carefully.

The next neighbor expressed concern about runoff, when the brewery decides to expand and make their parking lot bigger, that will cause rainwater to flood their properties. What recourse will they have?

Chairman Zimmerman explained that if they want to expand they will have to come before the Board again and the stormwater plan would be reviewed at that time. With regard to the current expansion of the driveway system they will be getting more information about it at upcoming hearings.

The next neighbor asked who decides the hours of operation and whether the Planning Board has control over that. Chairman Zimmerman explained that the Board has already heard what the proposed hours of operation are. He asked whether Ag and Markets has power over that and Mr. Martin agreed that it was up to the Planning Board. The agreed upon hours would be on the plans and therefore be enforceable.

Attys. Baker and Buettner also said that the Liquor Board has some rules in effect about what hours they can be open. The applicants want to be compliant but also need to run a business and would ask the Board not to unreasonably restrict their hours.

The next neighbor, who lived on Washburn Road, asked how they could be put in touch with the Ag & Markets people, since it seems they are the ones who will be making the decisions about this, and she would like to be in touch with them about the health and safety concerns she has. Atty. Buettner

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explained the process that would be followed if the Town wanted to disagree with what Ag & markets decided and take it potentially to the State Supreme Court.

Mr. Arnold wondered whether it would be a good idea to contact the State Liquor Authority with their concerns instead. They do take public comment.

To summarize, Chairman Zimmerman stated that the Town will be finalizing their paperwork for the Ag & Markets Board early next week. They are also expecting to receive additional information pertaining to the Site Plan from the applicant. Mr. Jensen asked if they are being asked to review a project that contravenes their Zoning Law. Atty. Buettner explained that the brewery meets Zoning Code, but the portion of the Zoning Code that prohibits direct sales in that Zone will likely be pre-empted by the Ag and Markets law.

Mr. Arnold asked the applicant what they would do if Ag and Markets didn't find in their favor, and Atty. Baker said that they couldn't say, and asked the Board to review it as listed.

Mr. Martin listed the outstanding information the Board had requested: well yield data, information on potable water, sight distance information, including trip counts and traffic data, justification for hours of operation, information on how much beer they need to sell to support their farm. On the last point the applicant argued this was outside the purview of Site Plan, and Mr. Martin said it had to do with determining the level of activity there would be on the site. Atty. Baker said that they would use the ITE category for the traffic study. Because there aren't 100 cars on the road, they don't need a level of service analysis. Mr. Martin also listed type and number of events planned, statement on the involvement of State Liquor Authority and what rights they have over the project and how that works. Although there isn't a SWPPP called for, more information is needed on grading and erosion control especially as it is a large area. The driveway has to be built commercial scale even though it isn't going to be a public road. Mr. Arnold agreed that some engineering would need to be done beyond a residential or farm driveway.

**Gardner Congdon
Hatchery Rd
Preliminary Review**

Matt Webster of VanDusen and Steves explained that they have reduced the size of the subdivision by one lot. They have made all the lots compliant for road frontage. They have added building envelopes and a proposed structure on Lot 2. They have added details for the road per requirements and for the shared driveway easements.

Mr. Arnold asked for notes about the shared driveway to be placed on the plan. he also commented that this was a very creative way to manage the requirements. Mr. Martin pointed out that this is not going to need a Variance from the Zoning Board anymore.

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Atty. Buettner explained that everyone who has use of the road should be included in the agreement. That includes the current house that was built years ago. That kind of information goes into the deed of both the user and the owner. Lot 4 will supply the access to all the lots.

The Board said at the last meeting that it would accept the Saratoga County wetlands mapping. When they go out to stake out the lots they will bring someone from that office to confirm that their building envelopes would be 100 ft from the wetlands. They plan to do that before the next meeting. Mr. Martin reminded Mr. Webster that they can build in the 100 ft minimum, but a permit will be required. Mr. Webster said that he would show on each lot where a suitable building envelope could be located, at a minimum. That way they don't accidentally create a lot that isn't buildable. They also plan to have the SWPPP before the next meeting.

Mr. Arnold asked about the site where the current building is going up. That is the furthest spot from the road. He asked how many feet that was but Mr. Webster didn't know. Mr. Martin said that what Mr. Arnold was getting at was the requirement for turnarounds and passing areas when a shared driveway is beyond a certain length. Mr. Webster stated that they have handled that. Mr. Arnold said that his main concern was that there would be passing space, so no one has to back up 400 ft because their neighbor got home at the wrong time. Chairman Zimmerman pointed out that they had also supplied a profile of the driveway materials.

Mr. Martin stated that his areas of concern with this application were the SWPPP and the wetlands, so if those two things are going to be taken care of before the next meeting, he is satisfied. Information about the driveways has to be included in the plan in written form as well as being drawn in. Just a narrative form of what he has done. Mr. Arnold thought that this might belong in the driveway maintenance agreement information. Atty. Buettner said that she could send a template for that.

Mr. Martin said that it appeared to be time to do the public notice of the subdivision. The required 3 x 2 signage will have to be placed on the street. Mr. Webster stated that he knew what they were looking for, and Mr. Martin said that he had spoken to Mr. Congdon about putting one on the corner of Selfridge and Hatchery.

Chairman Zimmerman asked the Board if they had enough information to move forward.

Mr. Webster thought that he could get it done by November 4th.

Mrs. Mathias asked what they would do if they found out that Lot 3 was really, really wet. Mr. Webster said that they would seek a buildable envelope. They would not sell unbuildable lots.

Mr. Arnold asked if he was reading it correctly and Lot 3 is 18 acres. Mr. Webster said it was, but that 2 & 3 have been cleared by a DEC biologist. This was on the paperwork submitted before but the applicant has not submitted paperwork to change the lot numbers per the new plan yet.

Mr. Martin stated that there are no other applications so this will have the first slot in November. Mr.

Arnold motioned to schedule a public hearing for North Branch Brook subdivision at 7:01pm on November 18th and Ms. Purdue seconded. All in favor, motion carried with no roll call. Mr. Martin advised Mr. Webster that the signs must be placed by Nov. 8th, and the Town will notify the neighbors and

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the newspaper. The three outstanding items are the shared driveway maintenance agreement, the wetland delineation proper, and the stormwater plan. This is an erosion control plan, not a SWPPP. Also the road detail must be shown on the plan.

The meeting was adjourned at 9:57 pm.

Respectfully Submitted,

Tricia S. Andrews