

A meeting of the Town of Moreau Planning Board was held on May 18, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York and via Zoom.

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

Absent: None

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

The meeting was called to order at 7:00 pm by Ron Zimmerman, Chair. Chairman Zimmerman stated that this meeting is in agreement with the Governor's order that suspends open meetings law as the public has been provided with the ability to join in online or by phone, notices have been posted on the door and bulletin board, website, Facebook page and newspapers. There is a public hearing for an application on a 4 lot subdivision which was given required public notice.

The Board reviewed the minutes of the March 16, 2020 meeting. There was no April meeting. Motion to approve the minutes was made by Mr. Shaver and seconded by Mr. Jensen. All in favor, motion carried with no roll call.

**Gardner Congdon
Selfridge Road
Preliminary and Final Review
Public Hearing**

Matthew Webster with Vandusen and Steves Land Surveyors representing Gardner Congdon for a four lot subdivision for Selfridge Road attended the meeting virtually.

Mr. Webster explained that the grade of the existing driveway is shown on the revised map. Max slope is 9.8% and 10% is allowed. Available building sites have been shown with wells & septics. There was a discussion of changing the lot numbers, but since this is still part of the parcel across the road the County would not accept it that way, so it was left numbered 5, 6, 7 & 8.

Mr. Martin said that since this is close to and similar to the other one, but smaller, an erosion and sediment control plan is needed. Matt Dreimiller concurs that will be sufficient.

Address numbers for the lots will have to be shown on the final plat and Mr. Martin acknowledged that they had added the shared maintenance agreement language to the plat as requested.

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Mr. Webster stated that they assessor's office has not been accessible of late but he would be happy to have signature be conditioned on addition of mailing addresses when he can get them.

Mr. Bouchard noted that he is the applicant's nephew but has no personal stake in this action.

Mr. Arnold asked if this is tied into the previous subdivision or separate. Mr. Webster explained that it was one parcel with the other, although they were split by the road. There was one tax map number. Mr. Martin explained that the tax map renumbering takes time and has not yet been recorded. The lots will all be separate, but all 8 were members of the same parent parcel at one time.

Mr. Arnold expressed concern that the previous subdivision had really been 5 lots and is becoming 8. He also stated that he has no problem with shared driveways, but there is always something new each time one is presented. This one has a significant portion that is on one property, in fact the owner of Lot 8 would own land on both sides of the driveway. He wondered if the map could be redrawn to not do that. Lot 8 doesn't even need to use the shared driveway, they could have a drive in the Southwest corner. Mr. Webster stated that the driveway was existing and the 5 acre minimum did come into play when drawing lot lines. The current driveway will require some re-construction. They also wanted somewhat regular lines.

Mr. Martin noted that the grading and changes to the driveway would need to be completed as planned before any building permits were issued.

Chairman Zimmerman asked and in this case there are no requirements that would have been involved if it had been done as 8 instead of 4 + 4. Department of Health would not have been involved.

Mr. Jensen stated that the Board would not have had the authority to waive the separation between preliminary and final as they applicant has requested.

Atty. Buettner stated that the Board could move forward tonight, but should be careful not to accidentally divide the parcels like this again.

Mr. Arnold stated that he had not realized that the two were part of the same parcel. This should have been done as 4 lots + remaining lands. It probably doesn't have any impact on what is happening tonight.

Mr. Bouchard asked if Fire had been consulted about the driveway and they have not according to Mr. Martin. Mr. Webster stated that there was no specific conversation with Fire but they have met the grade requirements and included the required turnarounds. He has contacted the Highway Department to make sure that there was a permit for the existing driveway. If they can't show that they would like the approval to be contingent on getting a permit. Mr. Arnold asked and Mr. Martin guessed that the driveway is about 500 ft.

Mr. Bouchard asked what had been established about the order of events.

Atty. Buettner explained that different places do it different ways. She determined that SEQR should be done now, then the public hearing opened, and if something came up in the public hearing the SEQR could be revisited.

The Board reviewed the Short EAF. To differentiate from the North Branch Brook, the title was changed to North Branch Brook at Selfridge Road. No additions or corrections were made to Part I. On Part II, all answered were no/small. Motion was made by Mr. Jensen to make a negative declaration regarding

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SEQR and seconded by Mr. Vantassel. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Vantassel, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Members of the public were advised that legally they do not have to state their name, although the Board has traditionally asked for names and addresses.

The public hearing was opened at 7:45pm. Deborah stated in the chat box that she believes the driveway never had a culvert under the roadway and wasn't permitted. Mr. Webster reiterated that they are checking into that and will get a new permit if needed. If a culvert is required they won't get a building permit until it is in place. Thomas Rourke asked if all the lots will use that one driveway and Mr. Webster stated that they will. Deborah stated that the water from the driveway runs down to hers because the culvert doesn't go all the way under. Mr. Webster verbally committed to making sure there is a culvert or fixing the one that is there. There was no further public comment.

Public hearing was closed at 7:55pm.

Mr. Bouchard reviewed the conditions the Board had considered: submission of an erosion and sediment control plan, addition of street addresses to the plan, driveway permit obtained, driveway must be completed before a building permit will be issued. Driveway design requirements must meet State Code, Mr. Bouchard also noted that the name of the adjacent property owner south of Thomas Rourke is missing. Fire Dept. approval should be requested. Zoning information needs to be added.

The driveway detail is unclear and looks to be only 18ft. wide.

Mr. Webster stated that the detail is for a low volume road, which is the standard for a private right of way. Mr. Martin advised Mr. Webster to clarify that with his client. Mr. Arnold stated that this length of the driveway is required to be 20 ft wide and have a height of 13 ft., and a cross section will need to be shown. Approval of Fire should also be a contingency.

Motion was made by Mr. VanTassel to grant preliminary approval North Branch Brook at Selfridge Road and was seconded by Mr. Shaver.

Roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Vantassel, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion to waive the requirement for separation between preliminary and final approval was made by Mr. Bergman and seconded by Mr. Bouchard. All in favor, no roll call. Motion carries.

Motion to grant final approval for the North Branch Brook at Selfridge Road Subdivision with the contingencies noted was made by Mr. Bergman and seconded by Mr. Bouchard. Roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Vantassel, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion that the Chair and one other Board member sign the mylars when they are presented was made by Mr. Bouchard and seconded by Mr. Bergman. All in favor, no roll call, motion carries.

Keystone Novelties Distributors, LLC

Route 9

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Site Plan Review

Keith Lambert joined the meeting by phone representing Keystone Novelties Distributors, LLC.

Chairman Zimmerman explained this is for 1315 Route 9 in Moreau. He would do the same as last year. 9a-9p until the 3rd and closing July 6th. They have an agreement with the property owner. There was a statement read into the record Covid Compliance Program Summary of Operating Procedures.

A New York State Permit is required for this so the plan will be reviewed as part of that.

Mr. Martin stated this is subject to spot checks 24/7, and there is someone on site at all times. No issues were raised when they operated in the Town last year. This is the same plan with the exception of the additional Covid procedures. This outlined what the customer and staff would do to meet the requirements.

Atty. Buettner noted that this would be curbside retail under Phase One, people would not wander through the store. NY law may be different from PA law. The plan has to be on site but is not submitted to or approved by anyone. This also has to go to the Saratoga County Planning Board, which meets this coming Thursday.

This will operate June 25th to July 6th. Any activity anticipated on the building site nearby will not take place until after this has closed down.

This Board meets June 15th next month.

Chairman Zimmerman asked whether the Board members had concerns about this operation needing a public hearing. Mr. Jensen motioned for a public hearing because this is on Route 9 on June 15th at 7:01pm. Mr. Arnold seconded.

Mr. Lambert asked whether the Board anticipated a problem, and Chairman Zimmerman stated that no concerns have been raised thus far, and it looks to be in good shape, but no promises can be made. He explained that everything on Route 9 is subject to a public hearing as a matter of standard operating procedure. Mr. Arnold asked whether this is a change of use, since it was the same use last year. Mr. Martin explained that it is not, but that the approval last year was time specific.

Atty. Buettner wanted him to be aware of that requirement that he keep a copy of his plan on-site, and that if we are still in Phase One it would be curbside pickup.

Chairman Zimmerman stated that this is probably outside the purview of this Board which is about the layout, etc of the plan.

To the motion, all in favor, motion carries no roll call.

Mr. Arnold asked whether the signs fit the sign Code. Mr. Martin stated that he has to apply, and he won't be able to have the signs that are shown in the pictures as they are far above the size allowed in the Town.

Mr. Arnold asked whether parking arrangements would need to change to accommodate curbside pickup and the applicant might want to look into that in case we are still at Phase One when the time comes.

Any changes should be submitted by June 1st. He can also submit changes as a contingency plan to cover either situation.

Mr. Lambert was asked and stated that they have staff present on site overnight and at all times.

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Mr. Lambert asked again if he could be sure he could proceed after the 15th and Mr. Martin stated the Board would just need the final plan for signature after that meeting. The aerial photo that was supplied represents the Site Plan. Mr. Arnold asked about the storage truck that was shown last year and is not referenced now. There will be no storage truck this time.

Mr. Martin agreed to send Mr. Lambert a copy of the sign application. The Board felt that the ten days between the public hearing and the scheduled start of the tent would be enough time to get everything ready.

Stewart's Shops
Route 9 and Spier Falls Road
Site Plan Review

Chris Potter attended the meeting over the phone. He was also able to screen share.

This is on the corner of Route 9 and Spier Falls Road.

The existing store has been demolished. Existing tanks will be pulled and canopies taken down. They propose canopies on three sides with gasoline and diesel, and on the side a high flow diesel canopy. Currently there are 4 fueling points, they plan to have 2. Underground fuel storage tanks will be out in front. It will all be new.

There will be full access from Route 9, in the next submission they will work in comments from DOT. They are proposing 40 parking spaces total on two sides of the building. There are two entry doors. They plan some parking behind the store mainly for employees, parallel spots on the edges of the site for vehicles with trailers. For site lighting, a couple of poles in the right of way will be adjusted. They have reached out to Hudson Headwaters for their lighting plan, but have not received that back yet so they may adjust their lighting plan to match that per staff comments. The building will be stone veneer, will fit in with neighboring properties well. They plan one 17 sq. ft. sign on the building, a 63 sq. ft. freestanding sign on the intersection with their fuel prices on it. Septic drywell meets the state requirements cost-effectively for the short-term as they will be joining the sewer when it comes through. The tie in will be in the green space.

Access goes all the way around the building. Drainage is collected for infiltration and underground storage in multiple points. Green space takes sheet flow from the road. They have a sidewalk shown connecting to Hudson Headwaters, the location of that is tentative. Plantings are planned along the sign, planters along building. They will have nothing in the DOT right of way. Maybe some landscaping at the intersection.

They are working on light spillage comments to keep it off Route 9.

Chairman Zimmerman asked for turn radiuses for fuel delivery and product delivery trucks.

The drawing shows trucks entering from Route 9 headed north and exiting Spier Falls to go North, or entering from Spier Falls and leaving going South on Route 9.

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Mr. Jensen asked about site contamination since it has been a gas station for so long. Mr. Potter stated that test drilling was done and there were no findings, but they anticipate that some contamination will be found and plan to clean it up.

Mr. Shaver asked whether there could be handicapped parking at the side entrance, currently it is only shown in the front. Mr. Potter stated that they like to keep all the handicapped spots together. Mr. Shaver thought that it would be nice to have a couple that were accessed more directly by using the other entrance.

Mr. Arnold asked how the number of parking spaces was calculated. Mr. Potter said they had 3,975 sq ft and one spot per 100 sq ft., which is the requirement for retail space. Mr. Arnold stated that the Code only requires that they be 200 sq ft, but that he drives a pickup truck and prefers them to be 20 x 10 ft. These are 9 ft spaces and they are really tight. Mr. Potter thought that he couldn't meet the parking requirement if he made them bigger. The Board reviewed the floor plan and Mr. Martin pointed out that storage space and space lost behind service counters would not be counted in determining the required number of spaces. So it could be that they need fewer spaces and can accommodate larger spaces. They only need to use patron accessible square footage.

Mr. Martin pointed out that this is a gateway area, and the Town would like to see a nice impression made and are looking for a larger and more robust planting space in the corner (but no trees).

Mr. Arnold asked why there is something that looks like a curb-cut partway between the entrance and the intersection. Mr. Potter stated that it was proposed and DOT asked that it be removed, and it didn't get adjusted correctly on this drawing.

On the septic, Mr. Martin would like Mr. Potter to call Matt Dreimiller and get him to sign off on that seepage permit. Mr. Martin is not sure that is an allowed approach, even though it is temporary.

Mr. Arnold commented about the sidewalk and wondered if there is room for a roadway between the two properties instead. Mr. Potter stated that it would have to be so far in the back that it wouldn't be practical, and would go right into a building that is about to be finished at Hudson Headwaters. Mr. Martin stated that he liked foot path better.

Chairman Zimmerman asked what the status is of review with DOT. Mr. Potter stated that Stewart's would like to keep full access (all directions) at Route 9, while DOT has asked them to restrict left turns out. He thinks it will be difficult in the morning, but will work the rest of the day, because there is a turn lane. They are getting a traffic study and hoping it will bear that out. Other than at peak times, he thinks it will work.

Chairman Zimmerman asked whether the Board should consider this as all three full ingress/egress or with limitation, and Mr. Potter said they are all full right now and they hope not to be limited.

Mr. Martin stated that if there is going to be a revision based on that it should be submitted by the June 1st deadline so that the Board can know what they are looking at, and Chairman Zimmerman agreed.

Mr. Jensen stated that if there is a traffic study, the Town's consultant will have to look at it for peer review.

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Mr. Potter asked what sense the Board had about the entrances & exits. If they agree with the County and DOT, maybe he won't pursue the traffic study. The State is requiring something for the large tractor trailers, but not a full study.

Mr. Bouchard commented that he uses the I-87 interchange regularly and there is a sense overall that there is a traffic issue on that stretch of Route 9. Mr. Potter agreed and stated he lives close by as well.

Mr. Arnold agreed that there is high traffic volume for 4-5 hours a day, but that at other times it is easy. He wondered whether a three-lane exit would be better so that those turning right will be able to get out without waiting for someone turning left. He thinks people will learn to use the light at the intersection to make left turns pretty quickly. Mr. Potter commented that the no left turn out came as a surprise over email and wasn't mentioned in the phone call he had with DOT. Chairman Zimmerman stated that while everyone has anecdotal information, it is in everyone's best interest to have a traffic study and be able to answer concerns from the public that are likely to come up during public hearing. Otherwise it is guesswork. Mr. Bouchard agreed.

Mr. Jensen moved to require a traffic study on this Site Plan in order to evaluate and satisfy DOT concerns, and Mr. VanTassel seconded. All in favor, motion carried with no roll call.

Mr. Martin stated he would send an estimate for the cost of the peer review to Mr. Potter.

Mr. Jensen moved that the Town's Engineer peer review the traffic study and Mr. Vantassel seconded. All in favor, motion carried with no roll call.

Mr. Bouchard asked, and the hours of operation have not been set yet. They will likely propose 4am-midnight. Ms. Purdue asked for comment about the setbacks. Mr. Potter explained that they had been to the ZBA for Variances for the gas canopies for the front yard setbacks on two fronts.

Mr. Arnold asked and this is just a Stewarts, there is no other retail space associated with it. It will have a beer cave.

The Board's requests are to add handicapped spaces at the side entrance, change the parking spaces to ten feet wide, recalculate the ratio of parking spaces based on actual retail sq footage of patron areas, call Matt Dreimiller to approve the septic, provide enhanced landscaping at corner, and traffic study peer reviewed with escrow to pay for it.

Mr. Potter was asked and reiterated that they have not found contamination but they expect to due to the condition of the site, and they have a geologist on site all the time who will address remediation as soon as it is discovered. Mr. Bouchard remembered what was done at Bluebird Road and asked if they go right to the property line; Mr. Potter said they will proceed as far as DOT will let them.

Mr. Potter should submit documents by June 1st if he would like to proceed on June 15th. If traffic is not done by then, they will probably wait to come back.

Mr. Martin explained to the Board that there was a pause in Zoning law re-writes when the State PAUSE happened but he has re-started the work and shared some of his goals. A proposed Solar Farm law has been drafted and sent to Atty. Buettner. The Supervisor has it and it will go to the Town Board this week. On multi-family, they are removed from the Ag Districts. That should also go to the Town Board this week, but as the moratorium expires August 30th they need to move forward.

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Motion was made by Mr. Shaver and seconded by Mr. Bouchard to adjourn at 9:59 pm.

Respectfully Submitted,

Tricia S. Andrews