

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Town of Moreau  
Planning Board Meeting  
Monday, June 21, 2021

**Planning Board Members Present**

John Arnold	Planning Board Member
Gerald Bouchard	Planning Board Member
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Erik Bergman	Planning Board Member
Adam Seybolt	Alternate Planning Board Member

**Also Present:**

Jim Martin	Zoning Administrator
Travis Mitchell	Representing Applicant Nexamp
Gary Robinson	Representing Applicant Denno Contracting
Mark Stewart	Representing Applicant Denno Contracting
Marty Andrews	Representing applicant Hoffman Development
Tom Hoffman	Applicant Hoffman Development

Chairperson Peter Jensen was absent from the Planning Board meeting tonight. Gerald Bouchard will be acting as Chairman of the Board.

The meeting was called to order at 7:01pm by Chairperson Bouchard.

Chairperson Bouchard First item on the agenda is to review the minutes from May 17<sup>th</sup>, 2021 Planning Board meeting. Do any board members have comments questions, or deletions?

Ms. Purdue Looks good to me.

**A motion was made for the May 17<sup>th</sup>, 2021 Planning Board meeting minutes to be accepted by the board with no amendments or exceptions. This was seconded by Ms. Purdue.**

Chairperson Bouchard All those in favor say Aye.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

<b>Ms. Purdue</b>	<b>Aye</b>
<b>Mr. Arnold</b>	<b>Aye</b>
<b>Mr. Seybolt</b>	<b>Aye</b>
<b>Mr. Bergman</b>	<b>Aye</b>
<b>Mrs. Mathias</b>	<b>Aye</b>
<b>Mr. Shaver</b>	<b>Aye</b>
<b>Chairperson Bouchard</b>	<b>Aye</b>

Chairperson Bouchard Any abstentions.

Mr. Shaver I Abstain due to being absent that meeting.

Mr. Martin Can you roll call for the record.

Chairperson Bouchard calls roll

**Roll Call:**

<b>Mr. Arnold</b>	<b>Yes</b>
<b>Mr. Bergman</b>	<b>Yes</b>
<b>Ms. Purdue</b>	<b>Yes</b>
<b>Mrs. Mathias</b>	<b>Abstain I was not at the meeting.</b>
<b>Mr. Shaver</b>	<b>Abstain I was not at the meeting.</b>
<b>Mr. Seybolt</b>	<b>Yes</b>
<b>Chairperson Bouchard</b>	<b>Yes</b>

Chairperson Bouchard So that's five votes in the affirmative and 2 votes for abstentions. Motion Carries.

Chairperson Bouchard reads the Covid-19 Meeting Notice.

Chairperson Bouchard Town of Moreau Planning Board May 21<sup>st</sup>, 2021. Please take notice effective immediately based upon notices and health advisory issues by federal state and local officials related to the covid-19 virus the Planning Board will conduct a public hearing on video conferencing permitted by the NYS open meetings law and executive order 202. Due to public health and safety concerns the public will not be permitted to attend at the remote locations where department heads staff and constituents can be situated. The public will be able to fully observe the video conference meeting and will be able to comment on the public hearing. Please take further notice that the materials from the public hearing are available on the Town's website at [www.townofmoreau.org](http://www.townofmoreau.org). Please take further notice that comments from the public comment portion or public hearing can be sent through the zoom video conferencing of the meeting.

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## **#1 Baker Falls Solar**

**Nexamp**

**11-13 Electric Drive, Moreau NY**

### **Site Plan Review**

Project Description: The applicant proposed a 2.5 MW AC Community Distributed Generation solar project located on three parcels of privately owned, vacant industrial land located at 11-13 Electric Drive.

Travis Mitchell is virtually representing applicant Nexamps project Baker Falls Solar. Mike B and Eliza C. also on the video conference for consultation.

Mr. Mitchell Are there any questions that we can answer?

Mr. Martin According to my notes the major outstanding issue was the attention to the technical review. We did get a letter from LaBerge, the Town Board has authorized our access to them to serve that motion. They provided a letter, I think I sent it out to everybody. It's for services they reference a 3,200.00 fee the basis of an escrow account. That is where we are at with that component. I think that's a critical need since the decommissioning plan has been received, and the technical aspects related to that. I think it would be good to have some guidance relating to that plan, on behalf of the town and the board. There was also a question of a public hearing, whether or not you would like to schedule one. Those are the two primary issues according to my notes.

Mr. Mitchell I did forward the escrow amount to my team and they did complete the process to get a check cut to the town, Mike B can speak to that, but it should be here this week.

Mike B. Thank you Travis, Yes, the check will be there before Friday.

Mr. Arnold Does your company have experience working with these panels in the North East?

Mr. Mitchell Yes we do, I'd say the vast majority of New York State. I'd have to get back to you on the exact number but initially when we started our first construction project we were mostly fixed build, but the tractors that we've been using, we're comfortably we are financing projects with them on there. So far we have several up and running and many more in construction.

Mr. Arnold Do you have right-of-way across national grid property at this point?

Mr. Mitchel We have not.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mike B. We have been working on putting together an application which we've done several times before now.

Mr. Mitchell We've just recently made the decision to go to the southern access road, so we've got that written and ready to submit to National Grid. Of course, I would see that as a condition of your approval, but we have not made the actual submission yet, it should be within the next week or so.

Mr. Arnold The previous road would have also crossed at the same point.

Mr. Mitchell Yes it would have, and we would have needed that same type of permit, but until we made the firm decision to go with this road we were not going to get the application mailed out.

Mr. Arnold On the map I have page C300, I have a hashed-out area of land in front of the solar panels, between the powerline and the panels. I can't find anything in the legend that tells me what it is. It's to the right of the driveway or the access road.

Mr. Mitchell So that I believe is going to be a construction staging area. I will make sure that gets labeled and updated on the plans.

Mr. Arnold That's temporary.

Mr. Mitchell Yeah that's temporary staging there's some gravel, they will be holding equipment on site as it comes in. C400 there is a label right on top that points to that area.

Mr. Arnold So that area won't be impervious afterwards?

Mr. Mitchell That is correct. It will not.

Mr. Arnold Will it be replanted, I know right now it's a green strip there?

Mr. Mitchell Typically anything like that would get replanted, that's the process.

Mr. Arnold The only other comment I as a board member would like to see a public hearing on this. If the chairman would like to hear my opinion on that, I believe in my opinion a public hearing on this would be beneficial and more than fitting.

Mr. Purdue I agree with John, I do believe a public hearing would be warranted for this. The other thing is I believe prior to a public hearing we should hear back from the consultant about the plans. We would do the same if this was a private landowner as opposed to the town. I also have a question whether the town at this point has reached an agreement with Baker Solar subject to the Planning Board in terms to the site plan. Anybody know?

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Arnold In what manner, Ann.

Ms. Purdue In terms of a lease or sale of property.

Mr. Martin I don't think the Town owns this property. Do they Travis.

Mr. Mitchell No, Mike you can speak to this but, this is owned by Moreau Industrial Park.

Ms. Purdue Isn't the LLC owned by the Town?

Mr. Mitchell No.

Ms. Purdue Who owns the LLC?

Mr. Mitchell Moreau Industrial Park LLC is separate from the Town. There are Town parcels within the park, but these are privately owned.

Ms. Purdue Oh, okay.

Mr. Mitchell To answer a little bit more of your question, I don't think the town has approved anything, we have sent them their way, but we have not had subsequent discussions.

Mr. Martin We didn't initiate anything with the technical review until the board met tonight and signed off on it. I did not want to start that process until the board was up to speed.

Ms. Purdue I do apologize for my confusion I did think the Industrial Park was owned by the Town but as you said these are separate lots, these are privately owned. That's fine but I still stick with the view that we should have some understanding that the landowner is agreeable to the project.

Mr. Mitchell I think Mike can provide some type of agreement with the Industrial Park correct.

Mike B. Sure, I mean I would prefer it not to be put on the website, but if the town needed approval for it we can certainly provide that.

Ms. Purdue Yeah, I think that in there should be required some evidence, that the owner of the site was agreeable to the project.

Mr. Mitchell Okay would a letter suffice in that from the principals?

Mr. Martin Yes, a letter would suffice.

Ms. Purdue I should think so.

Mr. Mitchell Relative to looking at scheduling a public hearing in review of the documents, we might ask the board consider scheduling that for next month in anticipation a review will be forth coming within the next couple of weeks and if it doesn't we can always hold a public hearing over until August if you'd consider that.

Mr. Arnold Travis do you expect that in two weeks?

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Mitchell The stormwater review is already done, it feels like it's a pretty light list for this review. We haven't changed the plan in the last couple months

Mr. Martin I think LaBerge has the site plan already.

Mr. Mitchell Jim, do you think they will be able to turn it around in a couple of weeks for a public hearing?

Mr. Martin I would be surprised if we did not receive a reply by the next Planning Board meeting. If I send it off tomorrow they have almost a whole month, I can't imagine we wouldn't have their comments back in time. I can get a schedule from them to confirm.

Mr. Arnold My concern with that is, I don't like calling for a public hearing and not being able to hold the date, that makes me uncomfortable. So, I wanted to know if there was a really solid feeling that two weeks' time would be reasonable.

Ms. Purdue I frankly would prefer to see results of their review and have the opportunity to raise questions and get some answers to that before a public hearing. I know we've got a draft decommissioning plan but ultimately I think we need to see a written agreement that's enforceable to ensure those obligations are performed.

Mike B. After the decommissioning plan I would say the other municipalities that we've worked through have given a conditional approval with an agreement in place before building is accepted. I just wanted to point that out there, we would be open to that as a potential solution to keep things moving.

Chairperson Bouchard Does the board have any comments?

Mr. Arnold Aside from those things, the only other items I see as outstanding right now is access to the site of the National Grid property.

Chairperson Bouchard Which would seem like that's an easy condition, if we got to the end and that was the last thing.

Mr. Arnold It would seem like an easy condition except I don't know if in my years of being on this town planning board that I've ever seen National Grid come through in the end with a contract right of way across from a powerline on any project. I would assume they would have no problem with it, and if anyone would have a feeling or it, it would be you guys. I can think off hand of 4 projects that have asked for right of way and as far as I know has never been granted. I'm okay with scheduling a public hearing if you think we can get our reviews back in two weeks.

Mr. Mitchell The decommissioning plans are fairly standardized these days in what we see from project to project so you can certainly have your consultant review and take a look, but I'd be surprised if there were any substantial comments.

Mr. Martin I've just got a question for Mike B. On this decommissioning plan isn't this something that is ultimately signed by the Supervisor or the Chief Elective Officer of the Town and the Town Board has to accept it.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mike B So that is something I can check, I believe that is correct, it is approved by the Town Board, but I do need to refer back to my log.

Mr. Martin You can see where I'm going with this. The Planning Board may think this is the greatest plan in the world but the actual Board that has got to accept it and sign it hasn't seen it yet.

Mr. Mitchell In most instances that's the case, the Town Board reviews the decommissioning plan and the Planning Board is part of the process, but the Town Board gets the final decision.

Mr. Martin My point is you can't have the Town commit to something because the Planning Board authorized it.

Chairperson Bouchard If I read the minutes from last month, Carla has said that we are simply making a recommendation to the Town Board.

Ms. Purdue So what does the Town Board approve?

Mr. Martin They have to approve the decommissioning plan. You guys can look at it and make a recommendation but it's really not binding, the binding nature is the Town Board authorizing acceptance and signing the site plan. So, my point is you have to have two boards approve not just one. So therefore, it would be a good idea to coordinate this on a parallel track.

Mr. Arnold So in our position we're not approving on the Decommissioning plan we are just advising on it. Am I correct on that?

Mr. Martin I think that's correct.

Ms. Purdue So that would be the case even if we were talking about private land.

Mr. Martin Correct, because even if there's a form of security that has to be accepted by the town, only the Town Board can do that on behalf of the town.

Ms. Purdue So how does the Planning Board register its comments?

Mr. Martin I think in the minutes and even by a written resolution. By resolution you pass a recommendation on to the Town Board with a series of recommendations or concerns.

Ms. Purdue There's something in our code that says that?

Mr. Martin Not that I can think of, what put this in my head was, only the Town Board can commit the Town to do something and execute an agreement.

Mr. Arnold Are there some reasons why solar installations are unique and require a decommissioning plan upon approval of development.

Mike B I appreciate the question, that's one of the same things I ask myself. There is nothing inherent in the solar project that would necessitate a decommissioning except for the fact that it's a new technology and I guess there are concerns from other types of installation maybe cellphone towers things like that where there has been decommissioning required. Nothing in my view that would particularly necessitate it.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Martin I think decommissioning plans do occur but with other forms of power generation, if you had a natural gas plan they're typically multi megawatt plans and the decommissioning plans are much more complicated and involved and also occurs at a much higher level like the Public Service Commission or New York State or something like that. I think decommissioning plans do exist but given the fact that solar especially these days have been under the threshold of 25 megawatt they occur at the local level rather than the higher levels of government.

Mr. Arnold Jim just so I can be clear. Is it that these are not permanent structures its more of because they have a finite period of usefulness we need to know what will be done with them at the end of that period?

Mr. Martin I think technically either John, just because there hasn't been a history of abandonment doesn't necessarily mean that it can't happen and therefore it's a scenario we shouldn't plan for. I think it can be either instance, the technology just ages out so to speak or something happens with the provider and they go out of business or go bankrupt whatever. If the equipment is just left there on the landscape I think it could play on either scenario.

Mr. Arnold So the reason I asked this, we have now been educated that this is not a property that is owned by the Town its owned by the Industrial Park, which I didn't realized there was a separate entity that owned property in the park. So this is private property, wouldn't if for some reason Nexamp decides to sell this facility or installation to another manager and eventually it gets abandoned and we have to fall back on that reclaiming bond, wouldn't the landowner also be responsible for it on his land.

Mr. Martin That's an excellent question and either one for LaBerge or Carla to address that. I think what's happening and I think Mike from Nexamp probably knows the state is about to take over the process for larger solar generators 25 megawatts and higher, correct.

Mike B. Yes, it is I mean, it was there in a different form. But the much larger projects it does encompass everything permitting decommissioning exception.

Mr. Martin I worked on a natural gas plan once and it was I think a 30 Megawatt I remember there was all these decommissioning plans, but it was at a higher level of government.

Mr. Mitchell Yep, you are correct.

Mr. Arnold With a case like that is New York State then the final responsible party at end of use to facilitate all the decommissioning.

Mr. Martin I believe so yes.

Mr. Arnold Thank you, ok so I ask you if you'd like us to behest to the public hearing we have a right of way we are waiting for, a review of the decommissioning plans, and review of the lease, is that the other thing we are looking for.

Mr. Martin Yeah just that the property owner is allowing this use.

Mr. Arnold There were two reviews Jim, what was the second review.



A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Martin I have down the Operation Maintenance plan and the Decommissioning plan.

Mr. Arnold Right the OM Plan, so if we have a good feeling from the applicant and you that the reviews can be to us in two weeks would the Chairmen entertain a motion to set a public hearing for next month at 7:01pm for the Nexamp project at Baker Falls Solar Electric Drive.

Mr. Martin I think the night is July 19<sup>th</sup>.

Chairperson Bouchard Okay we have a motion to set a public hearing for July 19 2021 at 7:01pm.

Mr. Bergman Are you making that Contingent John upon receiving the review?

Mr. Arnold Well I think Travis said after the public hearing and if we don't have it we could just open the public hearing with what we can and move on.

Mr. Martin Well we have to get the wheels in motion, we have to be 10 days prior and all so once we start doing this here the office has to move on it because there's a notice that has to go out.

Ms. Purdue This is the first time we're reviewing a project of this type. It would be the first time to see a report from a consultant like LaBerge on this project at this time. I really do think that if we have an extra month, I think longer is better to assess what's going on and to make appropriate decisions.

Chairperson Bouchard I don't disagree with what anyone has said so far. I think as a matter of order we have a motion in front of the board. Is there a Second to the motion.

Chairperson Bouchard I'm hearing none. I'll wait just a second for the online members. I'm hearing no second to the motion. Okay. Board, I guess that this point we are still waiting for the reviews to be completed so that we have an opportunity to review the end results and then at next month's meeting, if we have received that information we can look to schedule a public hearing at that point.

Mr. Martin Just to let everyone know what I am going to do know, I'm going to go off and authorize the board as soon as we get the check funds. I'm going to try and keep both boards, the Planning Board and the Town Board running a parallel track here in their respected reviews of the information going back and forth between LaBerge and the Town. Hopefully when we come back together here the Town Board and the Planning Board are roughly at the same point of understanding about the decommissioning plant and the technical comments we get back from our consultant.

Chairperson Bouchard Thank you.

Mr. Bergman Sounds Good.

Chairperson Bouchard I ask the applicant, are there any questions or concerns you have for the board tonight?

Mr. Mitchell No I think we are all set, Thank you for your time tonight.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Chairperson Bouchard Before we move on to the next item on the agenda I think there is a little bit of business we have to take care of. Last month the first thing we did was tabled the Jacobie Farms Public Hearing until this month so I think we may need to do that again.

Mr. Martin Yeah, my understanding is they are trying to pull together a meeting with the Supervisor or a Town Board member, Carla, and LaBerge because they are the engineer for the sewer expansion in regards to the Town Boards motion requiring projects within a half mile of the district to work on the sewer. So I was waiting for that meeting, and even the applicant lead me to believe that's what they were waiting for as well although I've been getting a lot of questions from Joe Dannible the applicant's representative from EDP as to when they will be on the agenda again. So it doesn't matter to me one way or the other, but I just know from my perspective, I don't see this going very far until this sewer connection issue is resolved.

Chairperson Bouchard That seems reasonable, Yeah. I just know we tabled it until this month, so I just think for housekeeping purposes we need this addressed. I don't know did we table it for one month or did we table it until they inform the board.

Mr. Martin Well the reality is now we have to go out and re-notice everybody again, you know there's a cost to that, there's work associated with that. I don't mind doing it obviously when you have earnest interest in a public hearing but just to do this on a contingency basis each and every month that does get a little costly and time consuming, additionally and probably more importantly it's got to be very confusing to the public if we keep sending out public hearing notices and the tabling them.

Chairperson Bouchard Agreed, that's why I'm asking what should be done.

Mr. Martin I would rather wait until we get a firm resolution and an indication from the applicant that they have a configuration that they can move forward with either sewer or septic.

Chairperson Bouchard I just know we had a public hearing scheduled for last month and we have not conducted it. So as long as everyone is comfortable with tabling it to this month and then we just don't worry about re-tabling it, its fine I'm good with moving forward I just wanted to make sure we weren't leaving anything hanging and create some sort of problem with timing or the applicant at some point.

Mr. Martin I'm kind of at a nebulous spot here I don't know, I mean technically speaking we can reschedule a public hearing and re-notice it for the July meeting. There is somewhat of a risk I think but it's a small one that they are not ready. They did say through Joe Dannible that they want to be on for July I can tell you that.

Mr. Shaver Well then they need to make the decision if they are going to hook to the sewer or not, so if they hook to it there's no reason why they cannot be on it. Correct.

Mr. Arnold You keep saying there pushing to be on the agenda, I had some questions last month on this, are they prepared to move some of the plan that includes hooking into the sewer district or are they trying to push ahead with the plan that has septic they already proposed.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Martin Joe Dannible told me as their agent they're moving forward with the septic proposal, but I don't know how that can be in consideration of the Town Board resolution that passed which said all projects within a half mile of the district have to hook on. I think Carla agrees her interpretation of what has to happen is that they must hook in.

Mr. Arnold If Carla who is our attorney says this is legal and they have to comply, if they want to be on the agenda, they already have the public hearing scheduled when they propose something that doesn't tie into the sewer we say it doesn't follow per Town Law, they will have to go talk to the Town Board.

Mr. Martin Well that's actually what they are doing. They are trying to schedule a meeting I think sometime this week to do that. They retained counsel and are trying to schedule that meeting this week to do that very thing.

Mr. Arnold My position on it is that we probably should re-table it this month, obviously they are not on it and see what comes of that Town board meeting right.

Mr. Martin Well the problem is that in that scenario we can't schedule a public hearing until the July meeting for august. If you want to schedule a public hearing and have a notice for July I will do that. If you want to wait until July and schedule for august I will do that too.

Mr. Arnold Well I don't know how to move forward as a Planning Board if you have an application that doesn't fit with our current code. Until they get something from the Town through their attorney that says it's not, that's what we have to move forward with right, our recommendation from our town attorney.

Mr. Martin When I spoke with Carla about this, she said the Town Board resolution has to be complied with.

Mr. Arnold Then I move on with the position that we cannot schedule a public hearing for a project that does not meet or fit our code and we know it.

Mr. Shaver He is Right.

Mr. Martin It is your prerogative as a Board to do that, I understand, I wish I could guide you more on this. I'm hearing one thing from the applicant that they want to be on the agenda, but yet the major issue has not been resolved yet and that is wastewater. I don't see how it can be resolved other than complying with the Town Board resolution.

Chairperson Bouchard I would like the Board to refocus on the task at hand here. What do we have to do to make sure that we have a public hearing? Do we need to take some action in order to continue it?

Mr. Martin You need to take action if you want to continue it.

Chairperson Bouchard So by not continuing it the applicant will have to come in front of the board and ask for a public hearing again

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Martin That's my understanding of it, yes. Especially in consideration of the recent turn of events on the sewer issue I think so, you're supposed to go to a public hearing with an accurate portrayal of the project and I don't know if I understand that right now.

Chairperson Bouchard Then I think the thing to do is just to abort, I'll follow the example of Chairmen Mr. Jensen who last month asked if anyone wanted to put forth a motion to table the public hearing and re-notice it. So, I will ask the same question to the board. Does anyone want to put forth the motion to table the Jacobie Farm Subdivision Public Hearing that is scheduled for 7:01pm tonight.

Mr. Arnold I'm going to say yes Jerry.

Chairperson Bouchard You want to make a motion to reschedule.

Mr. Arnold We have a schedule for a public hearing tonight but it's not on our agenda. So that's a mistake.

Mr. Martin I don't want to characterize it as a mistake, to my standpoint, I consciously did not put that on the agenda because we had no updated project plan, the occurrence with the sewer and policies with the Town Board changing dramatically and finally no subsequent indication from the applicant if they were going to comply or not comply. I left that off the agenda because we could not portray to the public an accurate representation of that project.

Ms. Purdue We did not put out another public hearing notice for tonight did we.

Mr. Martin No we did not.

Ms. Purdue For the most part this project had been tabled with the applicant consent was kind of an indefinite deferral of action on their part.

Mr. Martin Exactly.

Ms. Purdue So it wasn't an agreement to have a public hearing tonight. So, I think we probably don't have to take any further action other than decide among ourselves if we want to schedule a public hearing for next month. I wouldn't take the time or expense setting that up fearing that an agreement might not be reached, and the plans are not revised to meet the current town requirements.

Chairperson Bouchard That sounds like a good approach.

Ms. Purdue It sounds like we do not have to do anything other than to acknowledge that current status, that it was tabled with applicant consent for next month without any action and that we are still waiting some indication from the applicant and the town that there is some reasonable basis for going forward.

Mr. Arnold The problem with that is Jim is telling us the applicant is asking for it.

Mr. Martin Well I'm confused by the applicant, on one hand the applicant himself indicated to me that he just wanted to hold off until he can figure this out with the Town Board and his agent is asking to be on the agenda. I'm getting mixed messages out of the applicant themselves.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Arnold I think I will defer to what the Board would like to do here. I think I know what the applicant is trying to do but I will defer to the board, whatever the Board would like to do will be reasonable.

Mr. Shaver I think we should just wait until the issue is resolved.

Chairperson Bouchard As long as everyone is comfortable with that tabling until tonight, that will continue along and we are still good, I'm good with that. I just wanted to make sure there wasn't anything hanging. Unless someone has an objection to it, I think we can move on.

Mr. Shaver I agree.

Mr. Bergman I'm fine with that.

## **#2 Denno Subdivision**

### **Denno Contracting, LLC Subdivision**

**305-309 Reynolds Road, Moreau, NY 12828**

#### **Sketch Plan Review**

Project Description: Proposal of a four-lot subdivision of an existing parcel tax map no. 63.4-4-54.1 with frontage at 305-309 Reynolds Road. The total area consists of 5.09 acres and the proposed lot sizes will range from .55 acres to 2.49 acres in area.

Gary Robinson a consulting engineer and general contractor and Mark Stewart represent the applicant Denno Contracting for this project.

Mr. Robinson Last time we were in front of the board we had a sketch plan that looked a little different than this one. We are proposing a cul-de-sac and decided that probably was not going to work so what we are proposing this month in a resubmission to have four lots that would be serviced by a common driveway that would come off Reynolds Road. Near the hydrant that is existing on Reynolds Road which would run up the subdivision. All individual lots would be off a common driveway. We drafted an agreement that we had done before for the five lots that we would like to do for this proposal of four lots. We've been out in the field and completed perc tests and test pits they were witnessed by the town and county. Lot 2 and Lot 3 there will be a boundary line agreement, some of that property would move to an adjacent owner which wasn't completed by the time we submitted this. We are showing that as a future agreement we've made. We have limited the buildable area to where that future boundary line will be. As far as stormwater is concerned that was one of the reasons that Saratoga County was out with us, they agree that this will need a full SWPPP attached to the site. What we've done is a limited

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

SWPPP. That's an update on where we are, if anyone has any questions, we'd be happy to help.

Mr. Arnold Regarding the Perc test, test pits are you saying the ground water is at ground level.

Mr. Robinson It is not at ground level, if you look at the chart on sheet 1 it talks about the mountain depth, MD which is listed for each of the lots.

Mr. Arnold So you're looking at raising up the locations for the septic and homes, you're not digging basements?

Mr. Stewart That's correct. The town has a requirement that the foundation has to be 2 feet above seasonal high ground water. So, you see we put in there FB as the footing base elevation, so now the FB is above or a little above rainwater there.

Mr. Arnold Next question, looking at this site on this map that I have, page 1 of 4, it appears to me that I'm looking at an at least 6-lot subdivision.

Mr. Robinson It would be a 4-lot subdivision.

Mr. Arnold I see 4 lots that are proposed to be developed, but I see a future lot line that you're saying isn't going to happen so that's still just lot 2 in the top left corner right.

Mr. Robinson Right, that piece will be part of lot 2 with this plan.

Mr. Arnold Then I'm seeing a portion in the bottom right next to the existing pond it's a lot on 197.

Mr. Robinson That is not our property.

Mr. Arnold So this property has already been subdivided to only include lots 1,2,3 and 4 only that portion of the land for this proposed site plan.

Mr. Robinson That's right.

Mr. Arnold So at the moment there's a deed that doesn't include that lot on 197 to the east of lot 1.

Mr. Robinson That's correct.

Mr. Arnold So you're not making that lot, it already exists on its own.

Mr. Robinson Yes, that lot exists. It is only a 4-lot and your correct on lot 2 that includes that little piece up there which won't be a lot in the future it will be a boundary line adjustment and that lot will go to one of the adjoining. Same on lot 3 if you go towards the pond and come west or left of the existing pond there's a dash line, it's the same thing.

Mr. Arnold So to be clear here, the existing pond is part of the stormwater management for Grey Fox Drive.

Mr. Robinson I don't know if there is actually a line that goes down there but it is part of the drainage for things that are upstream of that pond.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Arnold I know that when we did a subdivision off of Grey Fox Drive that it was told to us the that pond in the back, that was owned by the developer at the time that is was part of the stormwater, managing that stormwater from that subdivision. So now it's being proposed to be tied into building lot #3.

Mr. Robinson At this point that would be correct.

Mr. Arnold I don't know that its normal for the town to allow stormwater for a development to be owned by some other property. Do we have any other projects that we allow that on?

Mr. Robinson I don't know of any, but I mean right now it is. It didn't have an easement or have a separate parcel when Grey Fox Drive was done. It's tied to this parcel which is 5+ acres, it's going to be the same as it was previously nothing's going to change.

Mr. Arnold So who is going to own the existing stormwater after the 4-lot subdivision is approved without health department interference and it is no longer necessary to avoid the 5-lot subdivision issue and it gets future boundary agreement, who's going to own that existing pond?

Mr. Robinson I think Mark can better address that than me.

Mr. Stewart Basically when we purchased the land, the original owner, he owned that small little box which on your map is to the south east corner of the existing pond, it's his own deed, he has the right of way for the pond overflow, so the future boundary line agreement is going to be given back to the original owner where we continue to have this 40 foot right of way with pond overflow and the new proposed future boundary line.

Mr. Martin How wide is the lot there with the pond overflow, that narrow lot that's what's it's going to be attached to?

Mr. Stewart That small little section there, my understanding it has its own deed, I couldn't tell you what it is, that was agreed upon years ago.

Mr. Arnold This is where I was going with this. If we approve this as a 4-lot subdivision and someone comes back and wants to do a 2-lot subdivision to disconnect the existing pond and reapply it to the original owner's box in the corner there, that's creating a lot with no frontage on any public road.

Mr. Stewart Correct but would that be frontage on right of way of the pond overflow.

Mr. Arnold No because that is a separate property. How wide does that pond overflow stretch? I'm going to take a guess it's not 50 feet.

Mr. Robinson No, I don't think its 50 feet.

Mr. Arnold Okay so we can't create that.

Mr. Robinson I guess what I'm looking at John is, that I don't see that it's going to be any different than it is now. The existing pond is on that private lot and what we're proposing to do is put it in a private lot that is attached to the small lot to the south east.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Martin The big difference is Gary, right now you have a 5-acre lot that is compliant, it has proper frontage, what's going to happen when that gets sliced off, that little trapezoid non-conforming lot absorbs all that property and its creating a large non-conforming.

Mr. Robinson Yes, I agree with you there.

Mr. Martin You can't do that.

Mr. Arnold It's also a 5-lot subdivision, we're just finding a sneaky way to do the 4-lots with the remaining lands.

Mr. Mitchell It's not a sneaky way of doing 5-lots we're basically moving the existing pond which has stormwater from which it used to be Grey Fox Road when he subdivided this 4 lines and connects over, I want to say the other side of the road, there's some hard lines going to a ditch. So I don't believe there's been any intention ever to own or build homes on that section because it's going to continue to be part of the stormwater plan and legally it was just a way we could put it back on the original developer who's going to own that and not be putting lot 3 the owning and existing stormwater pond to a developing from a far. It's not a sneaky way to try to build, it's actually a way to protect lot 3.

Mr. Arnold The problem is that it was sold to Denno, okay. The stormwater from Grey Fox Drive was sold to another property owner with the contingency of after the 4-lot subdivision, that eventually there would be another 2-lot subdivision of lot 3 to give the developer back the stormwater for Grey Fox Drive.

Mr. Robinson It's not a subdivision it would be a boundary line agreement.

Mr. Martin I understand that Gary but it's increasing a non-conformity to a boundary agreement, and you can't do that because the simplest thing to do would be to just leave lot 3 alone and don't do the boundary adjustment.

Mr. Robinson Ok.

Mr. Martin Then it's a conforming lot, lot 3 owner has got the stormwater essentially for Grey Fox Drive on his or her property.

Mr. Robinson I'm thinking the way we have to show if the boundary line agreement is not approved then that is what will happen.

Mr. Martin Well, if you submit that then I'll deny it. I will deny that boundary because it is not compliant.

Mr. Robinson Right, so that will remain what it remains. Let me ask you this. Is there something you would rather see? I mean does the Town want to take ownership of that.

Mr. Martin You can offer it.

Mr. Arnold Gary, I guess I would like to see first of all is, I'd like some kind of explanation of this. Its listed as the existing pond, is it a natural pond or is it a drainage pond for the sub-division. Does the stormwater from Grey Fox meet Grey Fox's property and go onto another parcel?



A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Robinson I think that pond goes deeper than the water elevation, than the ground water elevation. So that pond, I've seen water out there every time I've been out there, that's always had water in it as long as I've been involved. I suspect it would be the same ground water elevation as we found on lot 3.

Mr. Arnold Is that existing pond above the grade of Grey Fox Drive?

Mr. Robinson Above the Grade, no.

Mr. Arnold When there is a stormwater event, does the stormwater from Grey Fox find its way to the pond and then out the pond to overflow to the over under to 197?

Mr. Robinson I can't say for sure. I believe that some of it does, but I don't know if there's something on Grey Fox that directs it some other way.

Mr. Arnold I guess I'm really uncomfortable, we don't allow in the town usually breaking up a parcel separate from a subdivision.

Mr. Robinson I've asked you for suggestion, I haven't seen something like this.

Mr. Arnold When that was done with Grey Fox Drive, the owner of Grey Fox Drive still owned the parcel the stormwater was on. The person that owned the development at that time is on a public record stating that the stormwater is handled through that pond that he owned and would continue to own. I don't know if we ever asked him to tie it into the development but at the time those 3 lots were subdivided or 4 lots on Grey Fox Drive the land is now proposed to be developed by Denno who listed it as remaining land. It's still part of the housing development. We are separating it from Grey Fox housing development. Right.

Mr. Robinson Yes, I guess, I mean I don't know how they would have. They wouldn't have been able to attached it to Grey Fox Drive I mean he essentially sold the lot right, if it was part of the subdivision before, he sold the lot and I guess what we are trying to do is what was in his agreement. If he was saying he was going to own it then that's what we would do if we created a boundary line agreement he would own it.

Mr. Arnold So if it's Mr. Congdon who owns lot 3 then that's compliant, but if he sells lot 3, then you are asking us for a boundary line adjustment for a parcel that is land locked. So that would have to go to the Zoning Board.

Mr. Robinson I understand, and he does not own lot 3, Denno owns this property, they don't have a contract on it they own it.

Mr. Arnold No he owns that little tiny parcel in the South East corner that he's then going to take back ownership of the existing pond with the lot line adjustment, and in order to do that it would form a non-compliant lot.

Mr. Robinson Correct.

Mr. Mitchell So I guess if we made this simple and easy, we just completely ignore the future boundary line agreement on lot 3 and move forward and handle that elsewhere as if that line

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

wasn't there. Right now Denno Contracting owns that property that has nothing to do with Grey Fox Drive. Nor am I trying to go back into what happens to the water. we are looking to move forward with the 5 acres that we bought. Obviously here we are trying to put it back or doing that is creating issues so let's ignore that line and boundary line agreement.

Mr. Arnold At that point I would have to ask Mr. Martin to look back into the site plan approvals for Grey Fox Drive and the most recent subdivided lots there if this existing pond is actually part of the stormwater of Grey Fox.

Mr. Martin I will look and see, do you know what year that was John.

Mr. Arnold Like ten years ago.

Mr. Mitchell its 2015.

Ms. Purdue Mark is there an easement retained by the owner before they conveyed this property for stormwater management?

Mr. Mitchell Nothing that would have gotten overseen during the title search that showed that. So that would be where we would have to go back to, going back to our title company.

Mr. Martin Well the other place to check would be you deeds and see if there are any easements or deed restrictions or anything like that in reference to that pond there.

Mr. Arnold I'd like to see if this is actually a stormwater pond to see if its somehow attached to Grey Fox Drive. At this point once this property has become developed the only parcel that he's going to continue to own as an entity is that stormwater pond and that ditch that goes out to 197.

Mr. Mitchell At this point right now Gardner doesn't own anything with the exception of the small little lot in the South East corner that's land locked. So, this has already happened and no matter what we do we cannot attach it back to the Grey Fox development, all the lots that attach to this area are already sold.

Mr. Martin Well what could occur is you could have a boundary adjustment to one of the lots on Grey Fox Drive or one of the lots to the South on 197 but not the land locked trapezoidal parcel that's not going to work.

Mr. Robinson So how can we do that, we don't own those properties nor does Gardner.

Mr. Martin Yeah but those owners if they want to adjust their boundary to accept this property, they could do that because they have a compliant lot and you'd have a compliant situation in the end it would just be a larger lot with a pond, but I doubt they would want to do that.

Mr. Mitchel Yeah, I don't think they would either, I mean I guess we could ask.

Mr. Martin You could ask, to me the simple way to deal with this is leave this part of the lot 3 and extend the drainage function, that should be entered into the deed of lot 3 as an easement or a convenient to that effect. I'm not an attorney but I think that would work. That would preserve the function of the pond as a drainage component.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Arnold An easement would go to who, the Town?

Mr. Martin No it would go to Gardner, or his heirs or whoever.

Mr. Mitchell But Gardner doesn't own that now.

Mr. Martin What I'm saying is it might be a mechanism to preserve that pond as a drainage source. Because I can tell you, that does slow, it gets blockages in the system and backs up on 197 and backed up all through this. DOT cleared the debris and it started to flow again.

Mr. Arnold So the property was previously owned by the developer of Grey Fox and was considered part of the Grey Fox subdivision. Then the sale went through, at this point we now have, if the sale went through we now have created a situation where the stormwater for Grey Fox is now leaving the Grey Fox subdivision and going to another private parcel. Eventually the goal was to transfer it back to Gardner except in order to do that it would create a non-conforming lot, and Gardner from what I can tell would have no access to that stormwater system. So, I guess Jim we would have to look into 2015 or the other Grey Fox development to see if this was an official part of the stormwater management system.

Mr. Martin That information would reflect in the stormwater plan.

Mr. Arnold So to Denno Contracting, your subdivision is not the problem, don't get the wrong idea. I like your plan here I think it's a nice use of the property. Unfortunately, that stormwater is a bit of an issue.

Mr. Mitchell So I guess my question is if we eliminate the boundary line agreement like Jim says and leave it to lot 3, it will have to be listed out in the deed that is theirs. We are not looking to disturb or change the pond all of our stormwater for lot 1,2,3 and 4 to my understanding with the exception of maybe lot 3 have nothing to do with it. I guess I'd be looking to say ignore those lines in there, we're still looking to move forward. We are still going to own the lot attached to it and nothing is changing.

Mr. Arnold Okay so let's go forward from there. At that point you've now eliminated the non-conforming lot. With access agreement that allows Gardner Congdon to access that stormwater system for maintenance. That still leaves us with a stormwater management system for a development locate don another property.

Mr. Mitchell Which we are already doing with this property.

Mr. Arnold I'm not sure that was something that should have been sold. I'm not sure that the stormwater from Gregory Manor and Grey Fox Drive can be sold to another entity. I'm just trying to make sure we are complying with the code.

Mr. Robinson Is Grey Fox Drive a Town road.

Mr. Arnold Yes.

Mr. Robinson I don't understand where Gardner would fit into it, because its run of coming from the Town right of way.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Arnold Because at the time he did Grey Fox Drive, when those lots were subdivided we were assured that the existing stormwater pond was still a part of the subdivision because the land between those lots was still owned by Gardner Congdon, but now that it's sold so it's no longer owned by or a part of, this is where it's becoming a dilemma.

Mr. Martin I still think, and maybe Mark you should approach an attorney. I think this can be handled with an easement or covenant that restricts that pond to the benefit of the people in Grey Fox. I think you can keep the drainage system working with an easement and a covenant.

Mr. Arnold Jim, what if lot 3 is conveyed to Gardner?

Mr. Martin We can't get hung up on an individual, it's got to be in the conveyance of the function.

Mr. Mitchell Can the easement to the pond be the pond overflow, because I do want to say the pond overflow is 40 feet, therefore it would not be creating a landlocked issue. I believe that right of way, that wooded section I believe that's why it's there, that's 40 feet wide.

Mr. Martin That's not 40 feet wide this map is a 40 scale, so it has to be 1 inch wide.

Mr. Arnold Not only that but I don't think you can access that by the overflow, it's too wet.

Mr. Martin I'm telling you I think the solution here is to keep it to lot 3 with an easement and a covenant.

Mr. Mitchell Well I think we know what we have to do.

Mr. Martin I want to be clear here, this is a mess that's left by Grey Fox subdivision and now we are trying to get it cleaned up.

Chairperson Bouchard When the Grey Fox subdivision was done and said that this 5-acre lot was listed as remaining land where those considered part of Grey Fox subdivision.

Mr. Arnold At the time that the 4 lots of Grey Fox Drive were subdivided, I asked about this other land and he said it was remaining land. I said wouldn't make it 5 lots. He said no it's just remaining lands to be developed and I asked specifically if the pond should have access to Grey Fox Drive so that it could be accessed through the development and maintained and still be part of the development even in the future when sold.

Chairperson Bouchard If that remaining lands, if the developer of this is the same person as Grey Fox Drive would you think we would still be in this situation if lot 3 kept the pond on it.

Mr. Arnold As long as it was still connected to Gregory Manor no.

Chairperson Bouchard So that's the question.

Mr. Martin I think this is something for an attorney to address, and I think the applicant has got to employ the services of a good land attorney and try to get to the bottom of this.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Arnold I think I agree with you on that Jim. I think that's the best path forward. I'm not opposed to seeing this property developed. We just got to find a way to deal with that stormwater from Gregory Manor again.

Mr. Mitchell This isn't on my deed or on the business's deed. How is this becoming the burden of somebody that is trying to develop it. It sounds like some ball was dropped years ago, not planning this out. How does that now fall on the new owner if it's not specifically laid out in the deed and I have no problem going over and getting a land attorney and getting into this but who is this going to come back on. Is it a Town oversight especially since it's not in a deed and it wasn't in any minutes?

Mr. Arnold I will agree with you, if there is nothing that put a deed restriction on the 5 acres to say that this land cannot be conveyed. I still think Jim is right, the best way forward is to get access to the stormwater so that it can get maintained.

Mr. Mitchell I think that is what our approach is. We are not trying to hie the fact, that's why we thought this would be the best way. I wasn't aware it had to be an accessible 40 foot right of way. So, my understanding when we were drawing this was we were approaching the access of 197, its going back to the original owner and we are clearing any issues for future owns of the we are having right now.

Mr. Arnold It's a 50 foot right of way.

Mr. Mitchell Okay, can we move forward from that, and ask if there is anything else you would like to see on the map. What we need to do with this pond is kind of at the hands of the council at this time.

Mr. Shaver What about the driveway again.

Mr. Martin Well we've gotten to as a matter of approach, a fairly standardized process to deal with these things. We'd like to see a maintenance and access agreement that goes with each lot. The deeds for each lot have to properly convey the right of access across properties to make this driveway function properly going forward and that's the best we can do.

Mr. Shaver Do we need to get the roads built to accommodate heavy machinery in here somewhere. Also make sure we get the roads wide enough for emergency services. I think he said 20 feet and its only 15 here, am I correct on saying that?

Mr. Arnold You are correct on saying that.

Mr. Mitchell We will widen that the whole way.

Mr. Martin What we want to see here you got a good start on is cross section detail on the construction of the driveway, but it needs more specification, I think you've got the start of it here. Whatever the specification is it will need to support heavy vehicles even in spring.

Mr. Mitchell Yeah, when I talked to the Fire Chief, he was saying that what we had before was good. This is a little shorter than it was before but still the intent is there would be a turn around there for the fire trucks. I mean I'll go in and talk to him again, but he was good with it before.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Martin With the access and maintenance agreement, and the easement access and all that, was prepared and the Town attorney looked at it before the board signed off.

Mr. Michell We do that the agreement which we have used in the past for multiple lots. The one thing that's an issue is that each of the driveways are shown a layout on the lot, but their easement would be.. it would move depending on where those driveways are. so, it's not like you can cement down the exact site as of now. I think we covered that in the agreement that we had, and that was done by an attorney. We've used it 4 or 5 times before so that's what we are looking to do.

Mr. Martin I think that's sort of the process here, you should be able to narrow it down pretty good to where those driveways are going to go.

Mr. Robinson I mean, we're showing house locations but when you sell the lots, he's not going to build spec homes there, he's going to sell the lots, and somebody could decide to alter the location. I don't know how we could make an exact location now until at some point the lot is sold.

Mr. Shaver I understand that.

Mr. Martin I just want to make sure Gary that when the buyer goes in he understands he is sharing a driveway and they have to understand that they have to share the maintenance, this all has to be clearly understood, buyer beware.

Mr. Robinson We have a note on the plan that says that Lot 2 will have the agreement with the sale.

Mr. Arnold Just a little break down for the room, was someone talking about the shared driveway being only 15 feet wide?

Mr. Robinson Yes, we're going to expand the whole width of the 20 feet.

Mr. Arnold Okay, that's a good idea because you can't get two cars safely past each other on 15 feet.

Mr. Mitchell Right, well the Fire department requirement is 20 feet, so we will expand that to 20 feet.

Mr. Martin Are you going to be submitting for a preliminary next time.

Mr. Robinson That's what we would like to do, I mean I think we've got everything else shown, I think we've done pretty much everything else we need to do but yes we would like to submit for the preliminary next time and get a public hearing that would be great.

Ms. Purdue Does the proposal show the surveyed land?

Mr. Robinson We have a survey that we submitted previously on our first submission, but there is a survey and I will submit that this coming time.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Martin That's why I stressed preliminary, the submission required in the preliminary are a lot more stringent then they are in the sketch plan.

Mr. Robinson Yes, I'm aware.

Mr. Arnold The last time this was in front of us. I asked about that little sliver of land behind lots 1 and 2 that doesn't meet the road, or if it was a glitch, or if that's owned by somebody or what the deal is with that. Is that something you will be adjusting before the next map.

Mr. Robinson Yes, it does show in the subdivision map, there was a piece that was going to be conveyed, so we will make sure, we can put it on all the maps.

Mr. Arnold It's not a requirement it's just a request.

Chairperson Bouchard Anything else board?

Chairperson Bouchard Is there anything else from the applicant?

Mr. Robinson No, I can't think of anything.

Chairperson Bouchard, Okay, well we look forward to seeing your submission

Mr. Robinson Can we schedule a public hearing next month.

Chairperson Bouchard No, we have to go through the preliminary submission review first, unless the board would want to waive the requirements. Based on everything we've been talking about tonight.

Mr. Arnold I think we need to make clear what's going on with lot 3 before we move to public hearing on this.

Chairperson Bouchard I agree.

Mr. Arnold That really doesn't have to take a lot of time, it's just a matter of coming to some kind of conclusion on how we move forward.

Mr. Robinson I'm still very unclear on what we even could do that would be better.

Mr. Arnold Gary, I think in my opinion, if you want to create a non-conforming lot you'd have to go in front of the zoning board and get the okay for that.

Mr. Robinson No, that's what we're saying, we will take that line out, we will not do that.

Mr. Arnold So if you want to keep it as part of lot 3, then there is the issue of easement and continued use as stormwater. Which means having someone, some way having access to get in there and do that.

Chairperson Bouchard John, if I may, I think the board has expressed its concern. I don't think the board should be in the position of making that type of recommendation. We have expressed that there is an issue with this stormwater, there is research that needs to be done. I think that if I understand the applicant saying they are struggling for what would be a better answer I don't think it's the boards role to provide that answer.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Arnold I'll agree with you Gerry on that one.

Chairperson Bouchard I think the next step is a preliminary review and we take it from there, unless the board wants to do something to expedite that process and that would require a motion and discussion. If anyone wants to make a motion, I can listen, and we can vote. Does anyone want to make a motion in regard to anything to do with this application.

Chairperson Bouchard Okay there are none, we will be moving forward towards the preliminary.

Mr. Mitchell Okay, thank you we will see you next month.

### **#3 Hoffman's Carwash**

**Hoffman Development Corp.**

**1387 Route 9, Moreau, NY 12828**

#### **Site Plan Review**

Project Description: Proposal of a 6,400 sq. ft automated carwash located on recently subdivided 1.65 acres located at 1387 Route 9 in Moreau. The proposal involves a completely reconstructed private road which will require and application and involvement with DOT.

Marty Andrews is virtually representing applicant Hoffman Development Corp's project Hoffman's Carwash. Tom Hoffman is also on the video conference for consultation

Mr. Andrews So for tonight we are just doing a sketch plan, I will go through the elements within the proposal that we feel are important to show the board at the point. We are looking to build a 6,400 sq. ft automated car wash on route 9. The subdivision was filed, and everything has been taken care of pertaining to the sale. As you know there are two structures related to this parcel the larger Autoworld would be still remaining, the older commercial building on the eastern side of the property is slated for removal. I believe the property owners have schedule the removal of that building within the next couple of weeks. As the site is now, nothing would remain as part of this proposal, including all the existing asphalt, any small building or utilities there. The new site plan in front of you shows an automated car wash located on route 9 at the intersection of Reynolds Road and Route 9. To gain access to the property we would be completely removing the existing driveway and would be replacing it with an access road. We will be submitting an application to DOT, we have not spoken with DOT yet, we know they will be a big player with this access road that we ultimately design. So, we will be submitting plans to DOT to get there say very early on after our meeting here tonight. Once we get onto the new town road intersection, we would have three lanes, there will be two exiting lanes and one entering lane, we would then process with proposing the new driveway into the parcel approximately 115 ft from the intersection where we've been talking with Jim Martin on trying to get this entrance and exit on our property as far away from the intersection as possible, in order to provide additional stacking if needed, in the future. Once visitors get to the property, they would then be directed



A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

towards the automated tellers, which are the small islands on the eastern portion of the property on the eastern side of the building. Once through the tellers they would get into a single lane that enters the north side of the building. The north side is the actual entrance into the car wash, south side is the cloth mask. Other identifying features on the site plan would be the vacuum stations they will have a double-parking area that's immediately to the western side of the building towards the rear. We would also be proposing separate employee parking as well as a trash enclosure, towards the back of the property. As far as landscaping we have a quick rendering of our thoughts on how to landscape the property. Hoffman prides themselves in the way they present their properties. With regards to all the parking if you add up all the parking spaces both with vacuum and employee parking you have a total of 26 parking spaces. Water will be available on Route 9 we will be making a gravity connection as well as a new water service to the car wash. That is all I wanted to present tonight we are all here to answer any questions.

Chairperson Bouchard Board do you have any questions?

Mr. Shaver How much water do you use on an average day?

Mr. Andrews We use approximately 40 gallons of freshwater per car. We do have a recycling system that can process 160 gallons a minute, we use that primarily to flush the lower part of the car to remove any heavy stain and grit before the foam friction material catches the vehicle.

Mr. Shaver So when dispose of whatever you have got to get out of the water, are you disposing it into the sewer system?

Mr. Andrews Right its capable of removing down to 5 length cyclones so it spins all the heavy stuff down and they drop out of the bottom and return to the same settlement bank.

Mr. Shaver So on an average day do you have a minimum or maximum?

Mr. Andrews We try to wash as many as 100 cars an hour. So, it would be 100 times 40 times our hours of operation, which typically run between 8am and 8pm in the summertime and 8am to 7pm in the wintertime.

Mr. Shaver So you're looking at 40,000 Gallons an hour, a day. I'm looking to see what the strain would be on the water system, it's certainly good to flush the sewer system, that's a good thing.

Mr. Andrews Well the other thing that happens in the car wash industry, when communities allow commercial car washes, all of our washer is recyclable 100 percent of it through municipal treatment plants and it also reduces the amount of water people use in the driveway washing their cars in the summertime. You know 10 gallons a minute, and that goes down the driveway into the storm drain to untreated streams and rivers and you know it's a source of pollution so a professional car wash helps recycle tons of water and removes pollution from streams and rivers so that's the real benefit .

Mr. Shaver Being an environmental guy, I like that answer. The only other question I had is, was that road going to become a town road.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 21st day of June 2021 at 7:00 pm.

Mr. Andrews Yeah, in the early discussions, speaking to one of the members in our office was that this would just be a private road to begin with, but it would be designed to town specs, that way once more people come on board to the new road system eventually it would become a town road but for now it will be just private.

Mr. Martin It's like a super private driveway. DOT is going to have a lot to say about this too.

Mr. Arnold The only issue I see is traffic flow at the exit of the car wash and the cars coming in the entrance of the property. are you guys going to have linage on the pavement there to direct traffic?

Mr. Andrews We usually have, when the customers exit out of the building there is going to be a spot right in front that will direct them to the right.

Mr. Arnold Who's going to own that rights regarding the private road, because it's not on the property that you own, is that going to be owned by the property owner or is that going to be owned by you.

Mr. Andrews I'm pretty sure the arrangement was the original property owner would still own that with an easement.

Mr. Arnold But it's your road and you have an easement to use it on his property.

Mr. Andrew That is correct.

Mr. Arnold Okay I just wanted to make sure we understood it. Otherwise I think this looks like a very nice project.

Chairperson Bouchard Quick questions, is the rendering the second sheet that we have with the elevation, is that the building style your intending to build.

Mr. Andrews Yes, this is a building we just completed in December just past the Albany county airport also in the city of Saratoga there's another very similar version of this style.

Chairperson Bouchard Also did you say your hours of operation were going to be 8am to 8 pm in the summer and 8am to 7pm in the winter, is that what you were thinking?

Mr. Andrew Right, and I should say that the self-serve vacuums are also closed down, they are not 24/7 operations.

Chairperson Bouchard Did you get a couple of the staff notes from Jim?

Mr. Andrews Yes we did.

Chairperson Bouchard I think there were some issues in there, like more information on the lighting the board will want to see.

Mr. Andrews Yes we would be providing all the information with the detailed plans.

Chairperson Bouchard Does anyone else have any questions or concerns to add?

Mr. Shaver Is he going to need approval from Jessie for the water application?

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Mr. Martin Yes they will. As a matter a fact I've spoken with Jessie a little bit about this, he's our water super intendent if you haven't talked to him yet. He said there is an existing line that's there already that needs to be taken out and reestablished.

Mr. Andrews Yes that's what we were anticipating.

Mr. Martin So you are anticipating a more detailed submission as we get closer to public hearing correct?

Mr. Andrews Correct.

Chairperson Bouchard Does the applicant have any questions for the Board?

Mr. Andrews I don't believe we do. I think we are all set.

Chairperson Bouchard Does anyone else on the bord have anything else they would like to ask the applicant?

Ms. Purdue Just to echo Gerry's comment on the staff notes they are very important to be fulfilled for the SEQR form and I'd like to comment on the traffic considerations and how peak hour traffic is going to be affected.

Mr. Andrews Yes we will be using a traffic engineer, they will be providing short area findings, not only that but working with DOT with the new driveway.

Mr. Andrews For our car wash operations, we peak in the middle of the day when traffic is the lightest so it's kind of works out great for us.

Chairperson Bouchard Alright, if there are no other comments I'll say we look forward to seeing the applicant at the preliminary review as well.

The board thanks and dismisses the applicant.

Chairperson Bouchard Does the Board have anything further that needs to be addressed tonight?

Mr. Shaver I make a motion to adjourn

**A motion was made to adjourn tonight's Planning Board Meeting for the June 21<sup>st</sup>, 2021**

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Chairperson Bouchard All those in favor say Aye.

<b>Ms. Purdue</b>	<b>Aye</b>
<b>Mr. Shaver</b>	<b>Aye</b>
<b>Mr. Arnold</b>	<b>Aye</b>
<b>Mr. Seybolt</b>	<b>Aye</b>
<b>Mr. Bouchard</b>	<b>Aye</b>
<b>Mr. Bergman</b>	<b>Aye</b>

**All in favor. Motion carries**

Meeting was adjourned at 9:11 pm.

Respectfully submitted,

*Katrina Flexon*