

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 20th day of December 2021 at 7:00 pm.

Town of Moreau
Planning Board Meeting
Monday, December 20, 2021

Planning Board Members Present

John Arnold	Planning Board Member
Gerald Bouchard	Planning Board Member
Erik Bergman	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Adam Seybolt	Alternative Planning Board Member
Peter Jensen	Planning Board Chairman

Also Present

Jim Martin	Zoning Administrator
Katrina Flexon	Meeting Secretary
Joe Dannible	EDP Consultant for Applicant Schermerhorn and Hoffman's
Denise Crete	Resident of the Town of Moreau
Marty Andrews	Director of development for Hoffman's Carwash
Tom Hoffman	CEO of Hoffman Carwash
Alanna Moran	VHB PE Traffic consultant for Hoffman
Don Pidgeon	Representing applicant Harrison Ave All Purpose Self Storage
Tim Wilkins	Applicant of Harrison Ave All Purpose Self Storage

The meeting was called to order at 7:01pm by Chairperson Jensen. Planning Board members Ann Purdue and Jerry Bouchard are present virtually via zoom.

Approval of Minutes

The Board did not have any meeting minutes to review or accept. They moved to the first item on the agenda, Harrison Avenue Apartments.

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#1 Harrison Avenue Apartments

Schermerhorn Residential Holdings, LP

112 Harrison Avenue, South Glens Falls NY, 12803

Site Plan Review – EAF Review and Public Hearing

Project Description: The applicant is proposing to construct four buildings with four dwelling units per building on an existing lot consisting of 2.02+acres. The footprint of each building will be approximately 37 feet deep x 78 feet wide. The project will include a kiosk-style building for mail delivery and 64 on-site parking spaces, 16 within attached garages and 48 surface spaces. A stormwater pollution prevention plan (SWPPP) is required.

The Planning Board begins the Environmental Assessment Review Process for Part 1

Chairperson Jensen asks the Board if they have any questions on Part 1 of the Environmental assessment form for Harrison Avenue Apartments?

Mr. Arnold responds no.

Chairperson Jensen directs the Board to review Part II.

There are 2 sections of Part II that have potential large impact on the environment, they are as follows:

1. *Impact on Land* – Proposed action may involve construction on, or physical alteration of the land surface of the proposed site.
14. *Impact on energy* – The proposed action may cause an increase in the use of any form of energy.

The Board had a question during the review, the questions and answers are as follows:

Mr. Arnold asks the applicant how long they expect construction to take place.

Mr. Dannible anticipates it would be less than a year.

Part II of the EAF is complete.

Mr. Martin states he thinks this is an unlisted action.

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Chairperson Jensen Asks the Board if there is a motion to final notice.

Mr. Bergman makes a motion to declare a negative declaration on the SEQR for Harrison Avenue Apartments.

Chairperson Jensen states there is a motion on the floor to declare a negative declaration for the SEQR on Harrison Avenue Apartments and if anyone from the Board will second.

Mr. Arnold seconded the motion.

Chairperson Jensen ask the Board f there is any further discussion, if not he asks for a roll call.

Roll Call is as follows:

John Arnold	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Jerry Bouchard	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

A motion was made by Mr. Bergman to declare a negative declaration on the SEQR for Harrison Avenue Apartments and seconded by Mr. Arnold.

All in favor. None opposed. Motion carries.

Chairperson Jensen states there is a public hearing scheduled for this evening for this applicant. He clarifies ground rules for the public hearing. He explains and invites anyone who has questions or comments regarding this application to do so, prior to any questions or comments state your name which is for record keeping purposes only, and he emphasizes the most important rule is a sense of decorum that will be maintained at all times. With that he asks if there is anyone who would like to ask a question or make a comment concerning the Harrison Avenue Apartments.

Chairperson Jensen opens the public hearing.

Mr. Martin states for the record that this was a properly advertised and noticed public hearing, and there was no written correspondence concerning the hearing.

Mr. Shaver Asks Mr. Martin how the sidewalks turned out for this application.

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Mr. Martin replies that the Highway Superintendent's opinion was that he would like to see the sidewalk remain on their property, he does not want to have it in the right of way.

Mr. Dannible gives an overview of the project to refresh the Planning Board and give some insight to the members of the public who are attending tonight's public hearing. He speaks about the conversations at a previous meeting related to sidewalk placement associated with the storm ponds. He states that the applicant is willing to do whatever the Town wants them to do, there will have to be an easement to the Town for the use of it as a public right of way.

Mr. Arnold asks Mr. Martin if Paul mentioned why he didn't want the sidewalk in the Town right of way.

Mr. Martin believes it's a combination of liability and in relation to the maintenance of the sidewalk.

Mr. Martin identifies that there are two individuals attending the meeting virtually, he asks them to unmute if they are attending tonight's meeting for the public hearing.

One individual specifies they are attending for a separate application, the other individual does not respond, the Board moves on.

Mr. Dannible states a traffic assessment was done for the 16 units being developed, which was requested to be reviewed by the Town's third-party engineer who was GPI. They concur with all the findings in the traffic review and assessment. He states the plan has been found to have no impact as the Board has found through SEQR, he reiterates that the applicant is in front of the Board for a public hearing and if the Board feels appropriate a final approval.

Ms. Crete states her name, Denise Crete and that she lives at 101 Sisson Road. She explains that her home is on the corner of Sisson and Harrison Avenue. She feels there are enough Schermerhorn apartments in the area then asks what is going on with the water and why she is in the highest paying water district. She also asks how the school system will be effected when this many apartments are going in. She mentions her opinion of the traffic flow, which is poor. She expresses concern about how this build will impact her taxes.

Chairperson Jensen Thanks Ms. Crete and ask Mr. Martin if anyone else who is attending virtually is interested in speaking.

Mr. Martin states no one is showing interest for this applicant.

Chairperson Jensen Closes the public hearing and asks the Board what they would like to do regarding the application in front of them.

Ms. Purdue circles back to the sidewalk issue, she is concerned about the concept that the Town cannot take care of sidewalks or is not prepared to take care of them. Typically they

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would like to encourage public safety, if a builder or applicant is willing to construct a sidewalk she believes it would be to the benefit to the Town to maintain them. She feels that's the sidewalks are something that the Board should sort through sooner rather than later.

Chairperson Jensen agrees with Ms. Purdue. He feels that the Highway Superintendent should explain why is it that the Town cannot maintain them or why he doesn't want the sidewalk in the Town right of way.

Mr. Arnold asks Mr. Dannible if he thinks his client would have a problem maintaining the sidewalks if they were in the Town right of way.

Mr. Dannible reassures that will not be a problem, his client already maintains sidewalks that are on the Town property on the adjacent parcel and will do so in this instance on this property.

Mr. Arnold states he agrees with Ms. Purdue and Mr. Jensen on this matter and would like to refer to the Highway Superintendent again to discuss the sidewalk matter more in depth.

Mr. Shaver disagrees with the issue, he visited the site that day and it wasn't maintains as proposed. He thinks the Board should have legal look at this issue, the Highway Superintendent is responsible for the right of way and believes his opinion should hold some weight on the matter.

Chairperson Jensen asks the board if there is anything further to discuss.

Mr. Dannible request from the Board some sort of direction. His client has agreed to do what the Town would like but he would like a decision. He expresses the applicant's preference is within the right of way.

Chairperson Jensen ask the Board what they would like to do.

Mr. Bergman expresses that council should be the final say on the sidewalk position.

Mr. Arnold asks how it looks like on the site plans at the moment.

Mr. Dannible replies that on the current site plan the sidewalk is in the Town right of way.

Mr. Arnold suggests to the Board that one way forward with this is to approve the project as is with a note on the site plan stating that sidewalk maintenance will be performed by the owner, with the stipulation that it has to go past legal counsel to verify they are okay with the sidewalk placement.

Mr. Dannible agrees that could be a good way to go.

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Mr. Bergman makes a motion to approve subject conditions which include a note on the site plans regarding the owner's responsibility to maintain the sidewalk on the Town right of way, and the final legal determination by the Town's council.

Chairperson Jensen asks if there is a second to the motion.

Mr. Arnold seconded the motion.

Chairperson Jensen asks if there is further discussion.

Ms. Purdue asks for clarification on the legal determination the Board is looking for, if legal approves the sidewalk then there is no further issue. If legal says there is a problem she wonders if it has to come back to the Board to consider how the issue is to be resolved.

Chairperson Jensen states that the motion is pending the legal determination.

Mr. Shaver says he believes that the Board should respect the Town's Highway Superintendent since it is his responsibility to maintain that right of way. He states that for the record he does not agree with this motion.

Mr. Bouchard looks up the Town of Moreau code regarding sidewalks, Chapter 121-1 he reads no person shall construct or repair any sidewalk on or along any streets or highways in the Town of Moreau without first made written application for permission to do so to the building inspector and or code enforcement officer. He states that the Highway Superintendent is not references in the code. He reassures that he's not implying that the Highway Superintendent shouldn't have any input, but he is not certain that its actually his call.

Mr. Martin states the importance of the passage just read by Gerry is that the Town is not even considering maintenance. The way he interprets it is that it's totally the responsibility of the landowner and the Town is simply enforcing that. He continues with if this gets approved and the applicant constructs a sidewalk in the Town right of way they will need to get an easement to come on the property and maintain that section of the sidewalk. Which he believes is consistent to what Paul the Highway superintendents' attitude towards this issue is.

Chairperson Jensen redirects the Board back to the motion on the table that had been seconded. He asks if anyone has any further discussion.

Ms. Purdue States there should be one for condition that should be added to the final approval which is the final sign off from LaBerge on the SWPPP comments.

Chairperson Jensen requests a roll call

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Roll call is as follows:

John Arnold	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Jerry Bouchard	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

7 in the affirmative, none opposed, motion carries.

A motion was made by Mr. Bergman and seconded by Mr. Arnold to grant final approval to the 112 Harrison Avenue Apartments with conditional approval which include adding a description to the site plan stating the property owners responsibility to maintain the sidewalks on the Town right of way, the final legal determination by Town's council and final sign off from LaBerge on the SWPPP comments.

Mr. Arnold makes a motion that the Chairmen and one other Board member sign the mylars of the final site plans.

Chairperson Jensen asks for a second on the motion.

Mr. Bergman seconds the motion.

Chairperson Jensen asks the Board if there is any further discussion on the matter, and if not all those in favor say Aye.

Results are as followed:

John Arnold	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Jerry Bouchard	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

7 in the affirmative, none opposed, motion carries.

A motion was made by Mr. Arnold and seconded by Mr. Bergman to have the Chairman and one other Board member sign the Mylars of the approved final site plans for 112 Harrison Avenue apartments.

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#2 Hoffman's Carwash

Hoffman Development Corp.

1387 Route 9, South Glens Falls NY, 12803

Preliminary Review

Joe Dannible of EDP is representing the applicant at tonight's meeting.

Project Description: Construction of 6,400 sq. ft. carwash building on 1.65 acres. Project includes three queuing lanes, a single full access driveway on Route 9, site utilities include public sewer and water and on-site stormwater management.

Mr. Dannible introduces himself and the people who are also present, Marty Andrews, Tom Hoffman, and Alanna Moran. He goes through an overview of the site.

Ms. Moran describes the VHB traffic study completed, she states it was finalized at the end of October and they have recently received comments back for the study containing minor adjustments. They recommend that that applicant coordinate with DOT to potentially restripe the northbound approach to provide a left turn lane to create a better flow for vehicles.

Mr. Martin asks Ms. Moran what the intersection is operating at today in regard to level of service, he asks if it is a drop in the level of service. He also inquires the status of the DOT approval.

Ms. Moran responds yes right now the overall level of service is B, after construction of project the level of service will drop to a C. She explains once the three-color traffic light is turned on, adding the additional delay is when it drops down to C. In regard to the DOT status, the applicant has submitted their application to DOT and have not heard back.

Chairperson Jensen asks the Board if they have any other comments, questions or concerns.

Mr. Shaver inquires if utilities will be put in, down the road with water and sewer or if they will be done after.

Mr. Dannible explains that this building will be two lateral connection directly onto Route 9, whether or not there are future utilities sent up the road depends on ultimately what gets developed. He specifies there is a maintenance easement on the property, at the moment Hoffman is the only owner on the land but in the future they have the agreement for snow removal and those instances.

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Mr. Arnold clarifies that DOT will be turning on a three-way traffic light for a driveway.

Mr. Andrew replies that they had a similar type situation on Route 9 in Halfmoon, Hoffman's was the only business there and afterwards developments came in behind them.

Mr. Arnold identifies a spelling error on the map, he also inquires how the dump trucks will be getting out of the site, he asks if the turning radius has been checked to make sure they are efficient for a dump truck.

Mr. Dannible states the dump trucks will come into the site, back around the vacuum area and leave the site, they will be sufficient for the garbage vehicle.

Chairperson Jensen asks the Board if they have anything further to discuss.

Mr. Martin states that there has not been a public hearing or a SEQR review for this application yet.

Ms. Purdue wonders when there will be a response to the review that was done by Creighton Manning for the traffic study. She explains that the analysis that Creighton Manning provides is lengthy and detailed. Typically the applicant responds directly to Creighton Manning to address those issues.

Ms. Moran replies they received the Creighton Manning response just this past Friday, they will provide a formal response back for everyone to review including DOT and the Town. With the holiday in mind the response time could be extended, she expects to get something next week or early the following week of January 4th and believes they could get the response in by the next submission date.

Mr. Martin states the next submission date is January 3rd.

Mr. Arnold states that due to the holiday the Planning Board meeting is usually moved to the 4th Monday in January.

Mr. Martin agrees and states due to that the submission date would be January 10th.

Mr. Bergman clarifies the Board is waiting on the traffic review to be finalized with Creighton Manning and waiting on a response from LaBerge regarding the Stormwater.

Mr. Dannible states they have responded to LaBerge's comments which they should have, he believes it just a matter of finalizing their letter and getting it back.

Mr. Arnold makes a motion to schedule a public hearing for Hoffman's Carwash for Monday January 24, 2022 at 7:01pm.

Chairperson Jensen asks if there is a second to the motion.

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Mr. Bergman seconds the motion.

Chairperson Jensen asks the Board if there is anything further up for discussion, if not he asks all those in favor say Aye.

Results are as followed:

John Arnold	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Jerry Bouchard	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

7 in the affirmative, none opposed, motion carries.

A motion was made by Mr. Arnold to set the public hearing for Hoffman's Carwash for Monday January 24, 2022 at 7:01pm and seconded by Mr. Bergman.

Mr. Arnold asks if the Planning Board should change their Planning Board meeting in January to January 24th.

Chairperson Jensen agrees and asks if anyone would like to make a motion.

Mr. Arnold makes a motion to schedule the January and February's Planning Board meeting to the 4th month of the month to avoid federal holidays.

Chairperson Jensen asks if there is a second for the motion.

Mr. Shaver seconds the motion.

Mr. Martin points out there due to the application capacity there is a need for two meetings, and he suggests the 31st for a schedule date on the 2nd meeting date option.

Chairperson Jensen asks the Board for all those in favor say Aye.

Results are as followed:

John Arnold	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Jerry Bouchard	Aye

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Adam Seybolt **Aye**
Peter Jensen **Aye**

7 in the affirmative, none opposed, motion carries.

A motion was made to change both the January and February Planning Board meeting to the 4th Monday of the month to avoid federal holidays, made by Mr. Arnold and seconded by Mr. Shaver.

The applicant thanks the Board and is dismissed

#3 Harrison Avenue All Purpose Self Storage

Patriot Holdings LLC

138 Harrison Avenue, South Glens Falls NY, 12803

Preliminary Review

Project Description: Proposal of 7-unit expansion of site utilized for storage.

Mr. Pidgeon gives an overview on the project.

Chairperson Jensen asks the Board if they have any questions, comments, or concerns regarding this layout.

Mr. Bergman states he has no problems with the layout.

Mr. Arnold recalls the units in the back might have already been slated as future build.

Mr. Bergman states he doesn't recall that.

Mr. Pidgeon states they were not.

Mr. Arnold points out with certainty it will be dealt with that the plans show the buildings but not the extension of the gravel.

Mr. Pidgeon replies that it does, there are dashes they plan is to grade the area and fix it so you can drive around the buildings.

Mr. Martin states that will be the limit because they are at 40% impervious.

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Mr. Shaver asks about the fencing all the way around the site. He feels there should be some gates in the back of the property for safety purposes, more ways to get out if there is an emergency.

Mr. Pidgeon states they are on the plans just not labeled.

Mr. Arnold asks if the existing crushed stone in any way change the SWPPP to require a review of the stormwater if the proposal is adding a sizable addition of impervious. He estimates the proposed area is 150 feet wide and 300-400 feet in length.

Mr. Pidgeon says, he doesn't believe what they are proposing to add for gravel is a large amount. The stormwater has never been a problem in the past, the soil is pure sand and there are swales around the site.

Mr. Arnold states the applicant is proposing to add 130 feet of building and on top of that all the gravel. He doesn't recall how much extra capacity was built into this stormwater plan, because he doesn't know that he is uncomfortable.

Mr. Martin states that the proposed work is adding 290 feet by 170 feet which equals 49,300 Sq. Ft of impervious to the site. He informs the Board that if this gets approved that will be the limit for the site, they will be at 40% impervious and with Town code that's where it stops. There will be no more buildings, gravel or pavement of any kind this site will be maxed out.

Ms. Purdue asks Mr. Martin if there should be an EAF on this project. She believes it looks like an unlisted action.

Mr. Martin confirms with Purdue that this project will be subject to SEQR.

Mr. Wilkins introduces himself.

Chairperson Jensen clarifies that an updated SEQR is needed to schedule a public hearing.

Mr. Arnold states he doesn't think this project is too controversial that it needs a public hearing, he just wants to make sure the stormwater has capacity.

Mr. Martin states they have acquired a full sediment and erosion plan and have had Matt Dreimiller review it as the Towns stormwater officer.

Mr. Arnold states all he wants is that someone checks the original stormwater plan to make sure the original system onsite can handle the capacity the extra addition. He says other than that he doesn't think this project is controversial.

Mr. Bouchard agrees with Mr. Arnold that the applicant should provide proof that the stormwater can hold the newly proposed capacity.

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Mr. Martin explains that in those cases at a minimum what the Town had required in the past is an erosion and sediment control plan, silt fence shown and hay bales that Matt can review, not a full blown SWPPP if it is acceptable with the board. He adds it may be wise to add as a note on the plan that due to the impervious area that this will limit further development so there is a universal understanding.

Chairperson Jensen asks the Board if there are any further questions, he also asks the board if they feel the applicant needs a public hearing for this project.

Mr. Bergman states he doesn't think the applicant needs to have public hearing.

Chairperson Jensen responds that it should be placed as a motion.

Mr. Bergman makes a motion to waive the public hearing for Harrison Avenue All Purpose Self Storage.

Mr. Bouchard seconds the motion.

Chairperson Jensen asks if there is any further discussion on the project.

Ms. Purdue states she is in favor of a public hearing for this project.

Chairperson Jensen asks for a roll call for the motion.

Roll call results are as followed:

John Arnold	Aye
Erik Bergman	Aye
Ann Purdue	No
Mike Shaver	Aye
Jerry Bouchard	Aye
Adam Seybolt	Aye
Peter Jensen	No

5 in the affirmative, 2 in the negative motion carries.

A motion has been made by Mr. Bergman to waive the requirement of a public hearing for Harrison Avenue All Purpose Self Storage and seconded by Mr. Bouchard.

Chairperson Jensen asks the Board if there is anything further they would like to address with the applicant.

Mr. Martin states that the stormwater soil and erosion sediment plan needs to be reviewed by Matt Dreimiller the stormwater officer for the Town. The plan will needs updating regarding the

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gates on the fencing around the site for safety, and a note on the plans that indicates further development is prohibited.

Mr. Arnold asks Mr. Pidgeon if he can get the required items ready for the schedule meeting in January, the deadline is January 10th.

Mr. Pidgeon says absolutely.

The Board thanks and dismisses the applicant.

Chairperson Jensen asks Mr. Martin if he has anything further for the Board.

Mr. Martin states he is getting ahold of council, he had a thought he would like to share with the board concerning the Environmental Assessment on BioChar. It is his opinion which he is trying to speak with Karla about, he suggests to the Board that they consider rescinding their resolution on their lead agent status and refer back to DEC. After going through the assessment form, there were a number of items that were potentially impactful and all but one of those has to do with air emissions. He states that DEC has air emission staff, they will be doing the air emission permits and doesn't see why The Board couldn't give the lead agent status to them. He says the Planning Board will be a coordinating agency and will have the ability to comment. He believes this is a reasonable move for the Board to consider.

Chairperson Jensen asks if they will accept.

Mr. Martin states this is the first time he's brought it up, so it is unknown at the moment. Its up to the Board if they would like to keep it, He thought he'd ask since he has not had a chance to speak with council yet.

Chairperson Jensen responds he feels the Board should wait for council.

Mr. Arnold clarifies that the Board would be handing over the lead agency for SEQR to DEC, but it doesn't change any other approvals.

Mr. Martin confirms and states that the Board would still have site plan review and will still be an involved agency with opportunity to comment to DEC.

Mr. Arnold inquires that DEC will not just do a part of SEQR but all of it, the SHPO, everything and report back their finding to the Board.

Mr. Martin agrees with Mr. Arnold and says the Board will be able to move forward once they received the DEC's decision on SEQR. He feels that after seeing the preliminary results of the assessment he indicates 5 of the 6 impact items are air emission based at it has come to his attention that in a sense the Board doesn't have a lot of experience in this area including himself.

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Ms. Purdue feels it's more than air, it's about the condition and nature of the community.

Mr. Martin states the lead agency status is up to the Board to hand off or keep. He will speak with Town council and update the Board with her feedback. He states that is all the information he has for the Board at this time.

Chairperson Jensen Thanks Mr. Martin and asks the Board if they would like to make a motion to adjourn.

Mr. Arnold makes a motion to adjourn tonight's meeting.

Mr. Shaver seconds the motion

Chairperson Jensen asks the Board if all those in favor say Aye

Results are as followed:

John Arnold	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Jerry Bouchard	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

7 in favor, none opposed.

A motion was made to adjourn tonight's Planning Board meeting by Mr. Arnold and seconded by Mr. Shaver.

Meeting was adjourned at 8:36 pm.

Respectfully submitted,

Katrina Flexon