

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 and via Zoom on the 20th day of September 2021 at 7:00 pm.

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

**Planning Board Members Present**

Peter Jensen	Planning Board Chairperson
John Arnold	Planning Board Member
Gerald Bouchard	Planning Board Member
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Adam Seybolt	Alternate Planning Board Member

**Planning Board Members Absent**

Erik Bergman	Planning Board Member
Mike Shaver	Planning Board Member

**Also present:** Jim Martin, Zoning Administrator, Barbara Bartlett, Recording Secretary

The meeting was called to order at 7:00pm by Chairperson Jensen, and asked the board if there were any deletions, additions, or corrections to the meeting minutes of August 16<sup>th</sup>. Ann Purdue made a motion to accept the minutes as drafted, and John Arnold asked that they be tabled, as he had not received them yet. Due to a lack of a second, the motion was defeated, and the approval of the minutes was tabled. The board moved on to the first order of business on the agenda.

**#1 Denno Contracting, LLC  
305-309 Reynolds Road Public  
Hearing  
Subdivision – Preliminary Stage**

Subdivision requested: Applicant is proposing a four-lot subdivision of an existing parcel with frontage on 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. (Max Map No. 63.4-4-54.1)

Garry Robinson, Consulting Engineer representing Denno Contracting, reviewed with the board the changes since the last meeting. Changes included: attorney's recommendation for a "deed restriction" instead of a "conservation easement" a regarding access for any future drainage maintenance and they are working on that verbiage currently. Other changes included: acceptable easement for common driveway; lot addresses confirmed as 303, 305, 307, 309; confirmed only one driveway to come out onto 197; water plan was reviewed and found acceptable by Jesse Fish, Water Superintendent; and the Fire Chief (Pete) is in agreement with the "T" fire truck turnaround, and it is acceptable according to code.

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Chairperson Jensen confirmed that he is in receipt of memo regarding the shared driveway agreement, stating that it is necessary for the applicant to provide a survey and description to the Town, though it is not a condition of approval for legal review purposes.

Chairperson Jensen turned to Part I of the Environmental Assessment Form for this project and asked if the Board had any questions, comments, or concerns, and none were raised. The Board proceeded to Part II.

**Motion to make a negative declaration for Environmental Assessment review for Denno subdivision was made by Gerald Bouchard and seconded by John Arnold.**

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bouchard	Yes
Ms. Purdue	Yes
Ms. Mathias	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

Chairman Jensen opened the public hearing and explained the ground rules and expectations for the public hearing, and then asked for any questions, comments, or concerns for the proposed subdivision.

Mr. Bouchard asked if there was additional language regarding the “see note below” section for the deed restricted area for Lot #3. Mr. Robinson stated that Karla is working with the Denno Contracting Attorney on the final wording which will appear on the deed.

Mr. Arnold expressed concern with the absence of language regarding access for maintenance. Mr. Robinson stated that the attorneys are still working on that and that the final version will include that language.

Mr. Arnold also asked where the nearest fire hydrant was and was told that it was right out in front, by the road. He asked about the width and length of the driveway and Mr. Robinson stated that it is 20 feet wide and about 280 feet long. Mr. Arnold referred to a note on the plan regarding a stop sign “only if required by DOT” and stated that there should definitely not be a stop sign at the end of the common driveway.

Mr. Arnold asked if the mailboxes would be on Route 197, and Mr. Robinson answered that they would be there, possibly as a bank of mailboxes, and that he would consult the Post Office.

Mr. Bouchard asked, regarding the proposed common driveway, how much of it will be paved and how much will be gravel. Mr. Robinson stated that they will pave what DOT tells them to.

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Jim Martin stated that the applicant should provide the driveway permit at the time of the first building permit, and that this could be a condition of approval.

There was a comment from Zoom attendee John Jackowski, 34 Grey Fox Drive regarding the high-water table and the stormwater system. Mr. Robinson reviewed the information on the chart on the plans (top right) regarding the groundwater testing.

Mr. Bouchard asked if there were any other differences between the plans that board members had and the plans that he was presenting and was assured that the only difference was the width of the driveway which was a late change.

Public hearing was closed at 7:28 pm.

**A motion was made by John Arnold and seconded by Ann Purdue to grant preliminary approval for the Denno Contracting LLC subdivision with the conditions 1) that the driveway permit is provided at the time that the first building permit for the project is submitted, 2) that the driveway is a minimum 20 feet wide, and 3) that the board has the opportunity to review the language of the deed restriction prior to final approval.**

Mark Stewart, partner in the business, stated that Karla's letter clearly states that the language regarding the deed restriction should not be a condition of final approval. The Board clarified that the letter was only in regard to the shared driveway agreement, and not the language of the deed restriction.

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bouchard	Yes
Ms. Purdue	Yes
Ms. Mathias	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

Chairperson Jensen asked if the Board needed the applicant to return for another meeting. Mr. Robinson stated that Karla's language would not be affected by the board or by him and asked that it be not be made a condition of final approval. Ann Purdue agrees with John Arnold that the board should see and be allowed to weigh in on the language before final approval. Chairperson Jensen asked if there was a motion for final approval. No such motion was made.

Mark Stewart inquired about the Board's jurisdiction, and if they could vote against the town attorney, to which Mr. Arnold replied that yes, they can as she is not a member of the Board, however they trust her counsel and guidance.

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The conditions remain with no further motions at this time.

**#2 Hoffman Development Corp  
1387 Route 9  
Site Plan Review – Preliminary Stage**

Site plan review requested: Applicant is proposing to construct a 6,400 sq. ft. indoor automated drive through car wash on an existing 1.65± acre parcel. The lot is currently vacant. (Max Map No. 63.03-1-13.1)

Travis Mitchell of Environmental Design Partnership presented, along with Marty Andrews and Tim Hoffman (applicants) and Alanna Moran from VHB. Mr. Mitchell presented overall map, zoning map, and arial photo showing overlay of the 1.65± acre parcel being discussed. As a condition of the subdivision approval, the building that was there would need to come down and has since been removed. A detailed site plan was also presented to the Board.

Alanna from VHB presented the work done on the traffic in its preliminary stages including signals, traffic volume study, and traffic evaluation for future conditions.

Jim Martin inquired about permitting, and Alanna replied that they would submit to DOT at the same time they submit to the Town, following the traffic impact study. Mr. Bouchard asked when the traffic study would be done, Ms. Moran replied she anticipates it will be ready in about two weeks for applicant review. Mr. Martin asked to be kept in the loop when the traffic study is sent.

The Board asked further questions regarding possible back up on Route 9; which is a focus of the in-process study, the queueing area; capacity for approximately 25 vehicles on site, and the 6 spots for employee parking; adequate for staffing per shift.

Mr. Arnold asked for confirmation that the setback is sufficient, and as the access is a private driveway for this project, and not a dedicated town road, the old Suzuki building does not have to come down. In the future, however, if something else develops there and the access becomes a road, the building would need to be removed to meet that setback requirement.

Jim Martin reminded applicant that the escrow fee needs to be submitted before the engineer can move forward with review. Mr. Martin also confirmed with applicant that 100 percent of the water is captured, and sediments are caught. He suggested getting the stormwater review going now and that some comment from DOT is available for the public hearing.

Chairperson Jensen confirmed with the Board that they would like to submit the traffic study to the consultant for review, and Jim Martin agreed to set that up.

Ann Purdue inquired as to how the number of parking spaces were determined for this property; only parking spaces are for employees and the rest of the parking shown is just for self-service

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vacuuming. Parking is based on use in this case, which is a service, and not a retail business.

**#3 Drake Petroleum Company, Inc.**

**1401 Route 9**

**Site Plan Review – Preliminary Stage**

Site plan review requested: Applicant is proposing redevelopment of the lot for construction of 4,800 sq. ft. convenience store known as “Alltown Fresh” with gasoline and diesel refueling stations on an existing 3.16± acre parcel. The lot is currently used as a smaller convenience store - Extra Mart. (Max Map No. 63.03-1-15.2)

Josh O’Connor of GPI presented site plan for Alltown Fresh, gave an overview of the project, and reviewed the changes made since the last meeting: employee parking area was moved and reduced, the dumpster station was relocated, and the number of truck stalls was reduced from seven to five. A landscape architect was also consulted, and the fence modified to decrease possible light pollution. The traffic study was submitted, and impact assessment completed. Josh will send the submitted DOT permit application along to Jim Martin. Discussion of stormwater includes removal of all but 3 drywells (those on the corner near Lamplighter), possibility of creating a swale on Fitzgerald side of property. Previous inadequacies in the bulk table have been addressed.

Mr. Bouchard stated that, before the public hearing, there should be signs regarding no idling and no overnight parking. Comments should also be back before the public hearing regarding stormwater design. Mr. Martin suggested that Jesse Fish, Water Superintendent, should be contacted regarding valves, meters, and a hydrant.

Mr. Arnold inquired about signage, and it was confirmed the placement will be in the same established location with a compliant sign. Illumination plan information is also included in the package. Ms. Purdue asked if they will be hooking up to public sewer and it was confirmed that they will be once the new sewer is completed.

The public hearing will take place at the next meeting in which they appear before the Board.

As the meeting drew to a close, Jim Martin informed the Board that Peter Bachem is the new Code Enforcement Officer and supplied contact information. Mr. Arnold suggested, and Jim Martin agreed, that the Post Office should be included on the new application checklist similar to Water, etc.

**Motion to adjourn the meeting was made by Mr. Bouchard and seconded by Mr. Arnold.**

All in favor, motion carried, no roll call.

Meeting was adjourned at 9:02 pm.

Respectfully submitted,

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Barbara Bartlett