

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 March 2022 at 7:00 pm.

Town of Moreau
Planning Board Meeting
Monday, March 21, 2022

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

Planning Board Members Present

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

Mr. Bouchard is present virtually via Zoom

Also, present

Jim Martin	Zoning Administrator
Katrina Flexon	Meeting Secretary
Justin Rossi	Representing applicant Ty Hall
Shawn McKenna	Applicant for McKenna Subdivision
Kristin Darrah	Consultant from Darrah Land Surveying Representing applicant McKenna
Josh O'Connor	Consultant from GPI representing applicant for Alltown Fresh

Approval of Minutes

The minutes from July 19, 2021; Special Planning Board Meeting January 12, 2022 were prepared and presented to the Planning Board in advance of the meeting for review, comment, correction and approval.

Chairperson Jensen asks the meeting secretary to adjust the specifics of the final motion in the July minutes, other than that correction he is satisfied with approving the minutes in front of the Board.

Mr. Arnold makes a motion to accept the minutes as amended.

Mr. Bergman seconds the motion

Chairperson Jensen states a motion has been made and seconded and if all in favor say aye.

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John Arnold **Aye**
Gerald Bouchard **Aye**
Erik Bergman **Aye**
Ann Purdue **Aye**
Peter Jensen **Aye**

Mr. Seybolt abstains

5 in favor, none oppose, 1 abstains, Motion Carries

A motion was made to approve the minutes from the July 19, 2021 meeting by Mr. Arnold and seconded by Mr. Bergman.

Chairperson Jensen asks the Board is there are any corrections, additions or deletions in regard to the Special Planning Board meeting of January 12, 2022.

Mr. Bergman makes a motion to accept the minutes of January 12, 2022.

Mr. Arnold seconds the motion.

Chairperson Jensen states a motion has been made and seconded and if all in favor say aye.

John Arnold **Aye**
Gerald Bouchard **Aye**
Erik Bergman **Aye**
Ann Purdue **Aye**
Adam Seybolt **Aye**

5 in favor, none oppose, 1 abstention Motion Carries

A motion was made to approve the minutes from the January 12, 2022 as typed by Mr. Bergman and seconded by Mr. Arnold.

#1 Ty Hall Zoning Amendment Request

Ty Hall

**Route 9; Tax Map No 49.60-1-39.2; 49.60-1-38; 49.60-1-37;
49.60-1-44.1; 49.60-1-46; 49.68-1-9**

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Zoning Amendment

Mr. Rossi revisits the last time the applicant was in front of the Board which was November 2021 for a PUD Amendment for Ty Hall's Jack Hall Plumbing and Heating which they proposed to build a commercial building. During the discussion the zoning issue was raised regarding the rear lot lines. They have consulted with Mr. Martin and Town council on how to rectify the issue, they came up with a map amendment moving the C3 district to match up with the rear lot line of the parcels in the PUD. The purpose of this is to continue with the PUD applicant as proposed.

Chairperson Jensen feels this is not going to give the applicant an instant result.

Mr. Martin states this will be more of a linier process. He identifies two separate matters here. Rezoning is one item, and the PUD is another. He will have two sets of staff notes, one relating to the zoning and one for the PUD due to this. He feels these need to stand under individual review under individual merits.

Mr. Rossi asks if the Board is comfortable with the current zoning map amendment as an independent request, that will then permit them to continue with the PUD application.

Chairperson Jensen agrees with Mr. Rossi's statement

Mr. Arnold states just the zoning amendment is on the agenda for this evening.

Chairperson Jensen asks if the applicant has taken adequate safeguards for the neighboring properties particularly the residential that will be impacted by the zoning boundary line adjustment.

Mr. Rossi explains that overall it's assumed the zoning goes all the way to the rear boundary line. He continues to explain that most of the parcels in the rear are owned by Ty Hall as well and guarantees there will still be buffering from the residential zone required to the commercial zone.

Mr. Arnold states if the Board votes no to the zoning amendment request, the applicant could still move ahead with the PUD by relocating the lot line.

Mr. Rossi confirms Mr. Arnolds statement.

Mr. Arnold asks if any of the residential property is developed if they will all be aware that there is commercial zoning on their back property. He identifies one property on Jacobie Road.

Mr. Martin identifies one on Merritt Road. He states the zoning request only really affects the four center lots on Route 9.

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Mr. Arnold suggests if the Board approves the zoning adjustment that the Board can place a restriction on the approval that the area near the residential property cannot be developed. Suggesting it can be used as a setback, but a building cannot be placed there. He asks the applicant if the lots are developed, whoever buys the property will already have the adjustment made.

Mr. Martin emphasizes to the Board this is not a decision they are making but a recommendation.

Mr. Arnold makes a note for the record, if the Board were to make a recommendation for this zoning change, it doesn't necessarily mean the Board is supportive of the application that is driving this.

Mr. Martin informs the Board, the effect of their recommendation is if the Board recommends disapproval the Town Board is required to have a majority plus one in order to pass the motion.

Ms. Purdue comments on the 50-foot setback that's required between a commercial and residential zone. She request clarification on the implication there is an extra amount of footage for the buffer with vegetative screening.

Mr. Martin confirms Ms. Purdue's comment and adds that it's not just a setback, the distinguishing feature is the buffer is a no disturbance area. He also mentions the ownership of the property might not be there forever the buffer would.

Mr. Rossi suggest to the Board that the applicant will be in front of the Planning Board a number of times, this being the first he suggest the time to talk about the buffering issue is when the applicant comes back for a site plan review.

Mr. Bouchard asks

Mr. Arnold Makes a motion to not hold a planning board public hearing for the zoning amendment for the Ty Hall project.

Mr. Bergman seconds the motion.

Chairperson Jensen asks for a roll call for the motion.

Roll call results as followed:

John Arnold	Aye
Gerald Bouchard	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Adam Seybolt	Aye

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Peter Jensen **Aye**

All in favor, none, opposed Motion carries.

Mr. Bergman makes a motion to recommend to the Town Board that the C-3 zoning be extended to the rear of the property with the condition that where the R-1 boundary is currently remains a buffer of no disturbance.

Ms. Purdue seconds the motion.

Chairperson Jensen asks for a roll call

Roll call is as follows:

John Arnold	Aye
Gerald Bouchard	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

6 in favor, none opposed, motion carries.

The applicant Thanks the Board and is dismissed.

#2 McKenna Subdivision

Shawn McKenna

444 Selfridge Road, Moreau NY

Preliminary Review

Ms. Darrah introduces herself and refreshes the Board on the project. She explains based off the feedback the Board gave them on their previous meeting they put together a preliminary review with driveway layouts, potential housing locations, septic locations. She states the configuration has changes from the sketch plan.

Chairperson Jensen states before they continue with this project he wanted to state that he has done some work for Mr. McKenna, but that work has no connect whatsoever with this Board and making decisions related to this project.

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Mr. Martin suggests for the next submission the engineer and surveyor coordinate and get one plan set for the board. He states the SWPPP fee has been paid and the review has been initiated with no comments back yet.

Mr. Arnold comments on the length of the driveway for proposed homes C and D. He verifies it is 20 feet wide with a clearance of 13 feet and is capable to withstand the weight of a firetruck. He also asks what the soil is like on site.

Ms. Darrah confirms the driveways is to the specifications he has described.

Mr. McKenna introduces himself and explains there is sand and cobble rock nothing too big that they can see.

Mr. Martin states the soil designation is in the Charlton series which is fairly well drained for septics. He stated that no wetlands came up on any of the mapping.

Mr. Arnold comments he requested a designation that there are no street signs, he didn't see a note on the plans for this.

Mr. McKenna states there are 28 numbers so choose for addressing so he is confident they will not have an issue.

Mr. Martin states the applicant will need to reach out to the assessor before they get to final review.

Mr. Arnold adds a bank of mailboxes will be required out on Selfridge Road and if the plan is to bury all utilities.

Mr. McKenna confirms that a row of mailboxes will be places at the start of the subdivision. He states the utilities are planned to be buried, they have not met with National Grid but its less expensive.

Mr. Bouchard states he is uncomfortable with a 1,000 plus shared driveway but doesn't know what the alternative is based on the applicant's layout. He states he has had some experience with shared driveways. He states most homeowners are not in favor of driveway maintenance. He sees this as a risk.

Mr. McKenna addresses the driveway agreement page 2, that the attorney separated the percentage of responsibility of ownership maintenance by homeowner. Lot A is 18%, Lot B is 25%, Lot C is 28.5% and Lot D is 28.5% which seems to be the fairest way.

Mr. Matin comments what they have done in the past is put the maintenance agreement through review with the Town's attorney.

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Ms. Purdue suggests the fire department review the driveway proposal as well as far as the road condition and dimensions.

Mr. Martin states they will need written indication that the fire department has review this and are okay with this.

Mr. Martin asks the Board if they feel the applicant is in a sufficient place for a public hearing.

Mr. Martin states the items that will need to be addresses in the next submission is Address numbers, endangered species, grading and topo plans, if the board agrees to a public hearing the applicant will be required to put a sign up 10 days prior to the public hearing.

Mr. Arnold asks if there are any wetlands on the parcel.

Mr. Martin states he looked at this land and didn't see any. He tells the applicant they should submit Part I of SEQR for the next submission also.

Mr. Arnold makes a motion to set the public hearing for Subdivision 2-2022 located at 444 Selfridge Road for April 18th at 7:10pm.

Ms. Purdue seconds the motion.

Chairperson Jensen ask the board al those in favor say Aye

Results are as follows:

John Arnold	Aye
Gerald Bouchard	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

No abstentions, none oppose, motion carries.

Mr. Martin asks the applicant if they will have an updated set of plans before the next submission date.

Mr. McKenna confirms.

The Board thanks and dismisses the applicant.

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Alltown Fresh Convenience Market

Drake Petroleum Company Inc.

1401 Route 9, Moreau NY

Final Plan Review

Josh O'Connor of Greenman-Pederson Inc. will be representing the Alltown Fresh project for Drake Petroleum.

Project Description: Redevelopment of 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 similar convenience store (Extra Mart)

Mr. O'Connor goes over what the applicant has accomplished since their last visit. He states SEQR has been completed with a negative declaration, they were waiting on resolution comments from NYSDOT which they have received for phase II the applicant has not response to DOT on all those comments. In the status of the plans today, the applicant has incorporated all the changes that were required by DOT pursuant to the scope of the planning review. DOT asks for crash data and some additional information in finalizing the assessment in the potential revisions in the road itself. He states they will not be able to move forward until that is resolved with DOT. He specifies that permit will not be complete, but this is not part of the Town's action. He clarifies the applicant in informed of the situation and is willing to do whatever DOT requires. They goal for tonight is the plan which satisfies the structural, zoning and planning related components in the DOT comment letter satisfies the Board requirements so that the project can be approved conditional.

Chairperson Jensen asks Mr. Martin if he received comments back that satisfies the consultant's review.

Mr. Martin states he believes they have, the SWPPP has been completed, the comment letter has been fully responded too, and the only outstanding item from his notes was the DOT and traffic concerns.

Mr. O'Connor states they have not responded to the entirety of the DOT review, such as the trip generation and crash data which they didn't have answer yet. But he states he is confident they will satisfy DOTs comments.

Ms. Purdue mentioned the comment about adequate parking.

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Mr. O'Connor states they meet the minimum parking spots required and feels there is adequate spaces for the site.

Mr. Martin asks if the applicant is all set on their water and sewer connection.

Mr. O'Connor replies yes, that is supposed to be completed in June. He sent plans to Mr. Mooney and reviewed the plans on the phone with him and said Mr. Mooney sees the service as small and due to this doesn't have anything to say about it.

Chairperson Jensen asks the Board if they have any further questions or comments

Ms. Purdue had concerns in regard to the traffic study incompleteness and she would like to see how it will be resolved.

Mr. Arnold agrees with Ms. Purdue he would like to see the completion on the traffic issues and some feedback from the fire department.

Mr. O'Connor replies yes. He states he will be making an effort to make contact with the fire department for their comments.

Ms. Purdue talks about how the Board received a new set of plans on Friday she asks overall what has changed

Mr. O'Connor responds what's changed is basically what's on the comment letter from DOT. They asks for reference to DOT standards specifications, they asked for clarification on the curving, so they added notes to the plans about the curbing on the property line. They asked to identify where grass was being planted, so labels were added for grass. Originally there were proposed entrance and exits on the site, they asked those labels to be removed, the signage restricting truck traffic is still going to be present. They asked about conduits for electric and telecommunications which was resolved when the applicant put in a work order. He states there are approximately 5 traffic comments they are still waiting to resolve and those are trip distribution, pass by trips.

Chairperson Jensen asks the applicant if they will be prepared to be on the agenda for the next planning board meeting.

Mr. O'Connor states he will do everything he can possibly do to be ready.

Chairperson Jensen asks the Board if there are any further questions for the applicant.

Mr. Martin states this application will be tabled until April.

The Board thanks and dismisses the applicant.

Mr. Arnold makes a motion to adjourn the Planning Board meeting of March 21, 2022.

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Mr. Bergman seconds the motion.

Chairperson Jensen asks the Board all in favor say Aye.

Results are as follows:

John Arnold	Aye
Gerald Bouchard	Aye
Erik Bergman	Aye
Ann Purdue	Aye
Adam Seybolt	Aye
Peter Jensen	Aye

No abstentions, none oppose, motion carries.

A motion was made by Mr. Arnold to adjourn the Planning Board meeting on March 21, 2022 and seconded by Mr. Bergman.

Meeting was adjourned at 8:38 pm.

Respectfully submitted,

Katrina Flexon