

A meeting of the Town of Moreau Planning Board was held on March 16, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

G. Peter Jensen	Chairman
Linda Riggi	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member
Ron Zimmerman	Planning Board Member

Tricia Andrews, Recording Secretary.

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the February meeting were reviewed. Mr. Arnold motioned to approve the minutes with corrections and Mr. Antis seconded. Motion passed unanimously with Mr. Bergman abstaining. The following corrections were noted:

p. 1797 4th line should say “they were going to use...” not “doing to use.”

p. 1794 4 lines from bottom “The do have” should read “they do have.”

p. 1795 6 lines down. “The requirement that final approval and preliminary approval be at separate meetings” should refer to separate meetings being an option only for 4 lots or less and this being 5, cannot be done tonight.

6 lines down, Mr. Holmes said “to control” not “for control.”

p. 1796 4 lines down. Mr. Killian has anything changed- the Board assured him that they didn’t know of any changes, not that there has been none.

p. 1797 Mr. Patricke: I don’t know about that. I’ve seen guys build with rafters with holes in them should be attributed to Mr. Arnold. Diminish “I” for support lumber should be “it.”

There was no agenda this evening but the Board is meeting to discuss some issues. Consistency is needed. As came up at the last meeting, the Board must not assume that expectations will be met, and that they cannot exceed their authority, both. There are a few items discussed recently where issues have come up and they cannot be enforced because they are not in the actual motion that the Board passes.

Mr. Arnold expressed concern that motions could become cumbersome and long if the Board attempts to think of every possible contingency.

Mr. Zimmerman asked whether the Board couldn’t add to the approval language that it includes any stipulations made during the process.

The Chairman pointed out that these need to be added to the drawings.

Mr. Antis asked whether we are dependent on Code Enforcement to enforce the drawings.

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The Chairman explained that that is the case, but it has to be on the drawings in the first place to be enforceable.

Mr. Arnold said every motion will have to stipulate that they can't do anything stupid.

Mr. Paska pointed out that if parking were arranged adequately, the approach of the tractor trailer wouldn't be a problem.

Mr. Antis suggested the Board should not have suggested that the applicant in question go to the ZBA for a reduction in parking, but made the applicant stick to the required number of spaces.

The Chairman said we can't deny the right to ask for appeal, but we could have advised the ZBA that we didn't think it was a good idea.

Mr. Antis pointed out that the Board hadn't just allowed the appeal, but advocated that they should do that.

Mr. Zimmerman: We did. It's unfortunate for future applicants, but don't Route 9 corridor applicants get a Special Use Permit, a change of use? Do they get a permit from the Town to operate that business?

Chairman: By approving his Site Plan we gave him his "permit."

Mr. Zimmerman: If there's been a fundamental change to the nature of the business, the quantity of business so to speak, is there any trigger to allow Joe to say that it's changed from what was approved?

Chairman: Only for a change of use, not the size of the use.

Mr. Antis: But he said he was a store, not he's having groups of people come and use the site for gaming, which was not part of the original site plan.

Mr. Arnold: He might have mentioned that that did happen one night a week. But what if we'd approved the full 16 required spaces, and he still had people on the street? We'd be in the same place. I can't expect to take extra heifers on my farm without adding space, and isn't there a health and safety requirement that this means he needs a bigger place to do business? A restaurant that suddenly couldn't seat everyone that wanted, they'd go get a bigger space!

Mr. Zimmerman: I'm trying to think of other times we tried to be mindful of public safety. There was a place on Bluebird Road that we had requirements in place regarding delivery truck access.

Mr. Antis: He never got in, he needed an easement and instead they blocked it.

Mr. Zimmerman: But we put it in the plans that time.

Mr. Arnold: I was asked once about a fence law, they were going to make a law about that because of sheep being allowed to roam free. I told them to call the police, and that's what happened. Maybe we should tell people who complain about trucks blocking Route 9 or parking on Route 9 to call the police.

Chairman: It's not illegal to park on Route 9, as long as you are on the other side of the white line.

Mr. Zimmerman: Worst case, what if EMS couldn't get by because they had an emergency at the time of day that the truck was doing that?

Mr. Chairman: How many accidents were at Rtes. 197 & 32 before a light went in?

Mr. Antis: The State has been very slow to make changes we have requested.

Mr. Arnold: Exit 17 at rush hour is ready for an accident.

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Mr. Zimmerman: Maybe as a Board we need to each think of points where we think we missed the mark, so we can create our own cheat sheets and checklists for things to think of.

Mr. Bergman: "The Overhead Door Clause."

Mr. Zimmerman: They've seen growth and good for them, but we try to be benevolent and it comes back on us.

Chairman: We look sloppy.

Mrs. Riggi: The person in the building next to him was going to keep the road open between the two and he closed it and sold it off.

Mr. Arnold: We didn't let them claim that because we knew it might change in the future. Unless it's on the plans you can't say you can use it. I always thought that the public record made it official, there's going to be a lot of stuff on the plans if we have to do that to make everything official.

Mr. Zimmerman: And we need to be more careful about what we say to the ZBA when we send people over to them or know that someone is headed there.

Ms. Riggi: We don't want to discourage people from expanding.

Mr. Arnold: Even with all the right parking, he might have exceeded, we have to say no overflow parking.

Mr. Zimmerman: That's our position, our contingency- if they exceed they have to come back.

Mr. Arnold: We did that with the strip mall next to the cabinet shop. We let him bank them, but he had room for it and just didn't want to build it.

Mr. Antis: Wouldn't they be exceeding occupancy from a fire safety perspective?

Mr. Arnold: He had stormwater?

Chairman: No. We have made shared curb cuts in the Code too.

Mr. Zimmerman: We even put in the paper connection at Dunkin Donuts so if it develops it can connect. We should think about stuff like that and be more mindful of it.

Chairman: I have another one that we really need to be consistent on. We may have to ask for interpretation of the Code, on archaeology, whether a letter is required. For example, Mr. Cerrone, for his storage facility on Route 9 had to have Phase I and II surveys because at 20 ft. they found evidence of flint and quartzite, etc. We required them to have boots on the ground archaeological work. Mr. Cerrone ended up with several pages worth of communication with Roberts Environmental for threatened and endangered species. They had contact with several agencies. They looked for a surveyed for all these things. We asked for nothing but a letter from another 38-lot subdivision. We need to be consistent. I am in a quandary about the recommendation from former counsel that we had to have them do the site walk on Phase I. Now it's less certain. Jarrett gave us the map raw data and right on it, it says "this may not be right."

Mr. Arnold: I thought we started requiring them because the State had changed some requirement. Then when he said they didn't want to do it, I thought the State backed off on it.

Chairman: Joe should talk to counsel about which way we go here.

Mr. Arnold: We required a site walk on one of Schermerhorn's developments on a site that had been a corn field for 6 years. We still had a guy walk the site to look for endangered species.

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Mr. Zimmerman: On Cerrone's, they dug up history.

Chairman: Because we asked to them to walk it.

Mr. Zimmerman: Could Joe ask what the Town of Wilton or other groups that he rubs elbows with, what they require of their applicants?

Mr. Arnold: If it's part of doing business in Wilton or Northumberland etc then it's fair.

Mr. Zimmerman: Right. I am beginning to feel sorry for the next applicant we see on Route 9.

Chairman: In 2007 the bald eagle was removed from the Federal Endangered Species list, but is still protected by the Bald and Golden Eagle Protection Act. That's from Fish and Wildlife. Do you want to hear from Counsel?

Mr. Arnold: Yes, and from other towns.

Chairman: Site plan reviews: There is a section on our Code that under site plan review is states that we MAY hold a public hearing. We have always had them. Is it the opinion of the Board that we should continue to have public hearings for Site Plans?

Mr. Antis: Is there any other time when they'd be public hearing-ed?

Mr. Arnold: When do we do them?

Chairman: They are required for Site Plans for subdivisions over 30 lots.

Mr. Zimmerman: We've always done them for Site Plans on Route 9.

Mr. Arnold: Should we change to Code?

Chairman: We can't change the Code. We can decide what we do about the "may" in the Code.

Mr. Arnold: I like the Code, it allows discretion.

Mr. Bergman: You have to do it for everyone.

Mr. Arnold: I think you should do it with good reason.

Mr. Bergman: People will question it.

Chairman: We always do it. No one questions it.

Mr. Antis: No one shows up.

Mr. Arnold: Because it's a minor change.

Mrs. Riggi: Where do we draw the line?

Mr. Zimmerman: Other Planning Boards don't do it like we do it here, we are very easy to do business with and Wilton is pretty close. Queensbury, Greenwich, Glens Falls are very tough to present to. We are so easy to deal with.

Mr. Arnold: Queensbury can afford to be tough, and in Greenwich it shows that they are. I don't know what we can do differently, other than realizing that being in the minutes doesn't make it official.

Mr. Zimmerman: But expecting to have people do a site walk, have a public hearing, I don't think it's out of line. On the Route 9 corridor, absolutely, beyond that, it's splitting hairs on who needs one and who doesn't.

Mr. Arnold: There's some advantage to us to get information from neighbors, at a public hearing. Peck is a good example.

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Mr. Antis: What's that?

Mr. Arnold: A flooring guy. And when Gardner Congdon came in. We learned a lot. People came up to me in public and told me things about that about water in their basements etc.

Mr. Zimmerman: My opinion is keep doing what we've been doing?

Mr. Bergman: What's the hardship, it's one meeting in 30 days?

Mr. Zimmerman: And we've gotten in trouble with that.

Mr. Arnold: And we just waived it for Reed. I asked if they had a hardship.

Chairman: If we grant exceptions, we need specific reasons how doing that is not going to compromise the rights of the Town.

Mr. Zimmerman: And he'd be here tonight and we'd approve it.

Chairman: As long as we can state that we have justification for doing it, not just because we like a guy.

Mr. Arnold: Can we waive it on certain site plans then?

Chairman: I wouldn't. They can be complete in two meetings. We can close it and approve it at the same meeting anyway. We have to be a little bit hard-nosed and err on the side of caution.

Mr. Arnold: Another issue. We had a Farm Plan that I guess they are working on, I have not bugged anyone about re-zoning with that in play. But I was on the Zoning meetings for 6 nights of my life and I don't know where it is now.

Chairman: We reviewed a portion of it, we asked for it to be re-typed. We wanted it to us to review and I didn't get it back.

Mr. Arnold: It took us 13 people forever to get through the definitions. But there were some really good ideas and changes. I've got Ags and Markets calling the Town to encourage them to move forward with the Farm Plan so that we can include it in a new Zoning plan.

Mr. Antis: I think it came up that there wasn't money in the budget for it.

Chairman: Maybe they decided to wait till the chicken law was fixed it could be included.

Motion to adjourn was made at 7:56 by Mr. Zimmerman and seconded by Mrs. Riggi. Motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

Tricia S. Andrews