

A meeting of the Town of Moreau Planning Board was held on September 16, 2013 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Chairman Jensen called the meeting to order at 7:00 p.m. Present:

|              |                       |
|--------------|-----------------------|
| Peter Jensen | Chairman              |
| Linda Riggi  | Planning Board member |
| John Arnold  | Planning Board member |
| Reed Antis   | Planning Board Member |
| Erik Bergman | Planning Board Member |
| Dave Paska   | Planning Board Member |

Absent: Ron Zimmerman, Planning Board Members

Also present: Joe Patricke, Code Enforcement Officer. Mike McNamara, Consultant for the Town, Stephanie Dilallo-Bitter, Attorney for the Town.

The minutes of the August 19, 2013 meeting were reviewed. Mr. Arnold made several corrections including to the spelling of "Airmith Development," on page 1671, the 10year storm on page #1678 should be 100-year, the 1679 water meter room was mentioned, page 1681 "flag lot" should say "five lot", and on page 1685, the Board agreed that the property is in the Ag District. Mr. Paska motioned to approve the minutes of the August 19, 2013 meeting with these corrections and Mr. Antis seconded the motion. Motion carried unanimously. Mr. Zimmerman abstained.

#### #1 NRP Group Sisson Reserve- Phase II

##### Public Hearing

##### Site Plan Review

Motion was made by Mr. Zimmerman and seconded by Mr. Arnold to reopen the public hearing for NRP Group and carried unanimously.

Chairman Jensen: You had some issues to be addressed with Town engineers, correct? Mr. Dell:

Correct.

Chairman Jensen: Mr. McNamara, have those been resolved to your satisfaction?

Mr. McNamara: Yes, they have.

Chairman Jensen: All items?

Mr. McNamara: All items, I think there are some outstanding issues with the road name, postal addresses very small miscellaneous things that they are working on.

Mr. Patricke: You have two roads that meet right in the middle of a building?

Mr. Dell: Yes sir.

Stone Hill Drive becomes Sand Hill?

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Mr. Patricke: We want you to take Stone Hill all the way to the end of the drive, otherwise you have two roads. That way you have consistent and you have numbers that go straight up the middle of it. Chairman Jensen stated the ground rules for a public hearing, anyone can comment, please state your name for the record, maintain decorum. Our recording secretary isn't *here* so you may have to give us some time to take notes.

Richard Hughes on Harrison Ave. my concern is I own the prop on the bottom line, there, and when you bring fill in here water ends up on me, as it did a few years ago. Another parcel up the street that's approved is going to go.

Chairman Jensen: This is why we have a consulting engineer, and post-construction runoff cannot exceed pre-constriction runoff so they are looking at that, and if it fails, see Mr. Patricke because that is a violation. Our engineers are going to look at it and they know how water flows so they want to make sure that all the infrastructure is in place so this does not occur.

Richard Hughes: It was supposed to drain into a stream back there, but there was no mention of fill brought in. It went up three or four feet, that water has got to go somewhere, and I don't want it to go on to me. There's not a pond but a stream back there.

Chairman Jensen: Can you address that Mr. McNamara?

Jason Dell, representing the applicant. That's an area where we made some comments. Fill is being placed but it tapers down to the property line. With efficiency of grade, we did make sure that the low spot is on their property and there are structures there that will bring it back to the interior of the property where there storm water management is.

Mr. Hughes: Where on their site does it flow to?

Mr. Dell: It is more or less directed to the roadways where the storm system picks it up; they do have a storage basin. Your concern is common and we don't want it to go on public properties.

Mr. Hughes: I am very concerned that it is going to come to me.

*Mr.* McNamara: Everything is tipped to center, it goes into the basin, and then to the storm sewer, and some will go into the stream. They have to see how much water goes into the system before and after, we are independent and will verify that it is working.

Ms. Riggi: On that side of the property I see that draining towards the swale. IS that going to catch everything?

Mr. Dell: That is designed for the 100 year storm and Mike McNamara had us add topo and draining there.

Ms. Riggi: DO you have additional plans

Mr. Dell: Additional plans were submitted to the Town.

Mr. Antis: How much is a 100 years storm?

Mr. Dell: In Saratoga County that is 5.8" in 24 hours.

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Mr. Antis: And it's built to handle that?

Mr. McNamara: There is additional capacity too, but that is what it is designed for.

Ms. Riggi: IS that the maximum it has to be designed to, 100 years?

Mr. Dell: Yes.

Mr. Zimmerman: Did we talk about DEC wetlands with this?

Mr. Dell: No DEC.

Mr. Zimmerman: Army Corp?

Mr. Dell: There's army Corp. in the corner. There are no DEC Wetlands.

Chairman Jensen: Have we accommodated all our screening and everything? Mr. Patricke have you had an opportunity to review and are satisfied?

Mr. Patricke: Yes.

Chairman Jensen: We have a good place for snow?

Mr. Dell: Yes.

Long Form EAF was reviewed and comments were made.

Mr. Paska asked about extra parking spaces outside the apartments and they were pointed out on the map, some in groups and some scattered.

Mr. Arnold inquired about herbicide and pesticide is just for landscape maintenance, and water use is normal.

Mr. Zimmerman: Did we hear from Parks and Recreation?

Chairman Jensen: They reviewed the whole thing, we are good.

Chairman Jensen inquired about response from the school district.

Mr. Patricke: On Phase One we put in a bus stop, anticipating.

Chairman Jensen: And they are happy campers?

Mr. Patricke: Yes.

Chairman Jensen: Any other environmental concerns with this site? Public Hearing closed 7:34 p.m. Motion for a negative declaration on NRP Group Sisson Reserve Phase 2 made by Mr. Arnold, seconded by Mr. Paska.

Roll Call vote resulted as follows: Ms. Riggi, No; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-1 Motion carries. Anything further you would like to do?

Ms. Dilallo-Bitter: Applicant did fill out a designed storm water management agreement for Phase I and we will have to amend that to include Phase II.

Mr. Arnold: Do you want us to include that in the motion?

Mr. Bergman: Motion to grant site plan approval for Sisson Reserve Phase Two apartment complex contingent on comments of engineering and legal counsel.

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Roll Call vote resulted as follows: Ms. Riggi, No; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-1 Motion carries.

Mr. Arnold made a motion that the Chair and one other member sign the mylars when they become available and Mr. Bergman seconded. Motion carries, no roll call, one abstention.

#2 Route 9 Mini-Storage  
David Rogge  
Public Hearing  
Preliminary Site Plan Review

Mr. Rogge: I'd like to put up another building, 20' by 55' in a spot that meets all the setbacks at Route 9 Mini-Storage on Route 9.

Chairman restated the ground rules for the public hearing.

Mr. Antis: Is this the last building on this spot?

Mr. Rogge: There could be more, there's a 10,000sq.ft. pole barn and more property back there, but there's a lot of storage in Town and I don't know if the market warrants it.

Mr. Arnold: Where is access to this property?

Mr. Rogge: Through Bean's Country Store.

Mr. Arnold. Okay. This there a second access point?

Mr. Rogge: There's two. One goes to a locked gate at the shop for Lamplighter Acres, and there is a gate at the former YMCA. Excuse, me there is another under the power lines...

Mr. Arnold: I was just looking at emergency services. Can they get in there?

Mr. Rogge: Yes.

Mr. Arnold: No barriers?

Mr. Rogge: There's a padlock, easily cut. And it's a 30 ft. gate. If we lease it again we will maintain that access in the least that we can get through there.

Mr. Arnold: I thought I remembered that from before. Electric is a light and an outlet?

Mr. Rogge: There's no electric in the buildings at all, but there is outside lighting and cameras that have electric. Not inside.

Chairman: Do we have any correspondence from the County, or is this more than 500 ft. [from Route 9j?

Mr. Patricke: It's not 500 ft. They went to Zoning last month. And he did receive the Special Use Permit from Zoning at that meeting. They had come to you last month, went to zoning and now they are back. Chairman: Board, any questions?

Mr. Zimmerman: Was this building part of an original plan you had but never built?

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Mr. Rogge: No, the problem was I didn't own all the property around it to have enough setbacks, and I have since purchased it and have enough room for another building.

Mr. Zimmerman: Is it about the same as the one next to it?

Mr. Rogge: It's the same thing 20' by 55'.

Chairman: Board, anything further? Short EAF for DMMH Corp.

The Board reviewed the Short Form EAF. Number Ten should be 'Yes' because there is a Special Use Permit.

Mr. Zimmerman motioned to issue a negative declaration on the Short Form EAF for DMMH Corp. Route 9 Mini Storage and Mr. Arnold seconded. Roll Call vote resulted as follows: Ms. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-0 Motion carries.

Mr. Arnold motioned to grant Site Plan Approval for Route 9 Mini Storage David Rogge and Ms. Riggi.

Mr. Zimmerman: It said previously that there were some engineering concerns and I was wondering whether Mr. Robinson had gotten what he needed.

Mr. Robinson: Perc test were long ago so we did some new ones, it was all fine. One this we talked about is that the system is designed for less than 100 year storm and that he would like that on file.

Mr. Rogge's engineers: This property is somewhat depressed and it won't flood offsite and it doesn't flood inside the units, either. That's primarily Dave's concern.

Mr. Robinson: So just put a note on the plans.

Mr. Arnold: Does that take into account water from surrounding lands?

Rogge Engineer: It will not flood the adjoining residential areas. It's that depressed.

Chair: Mr. Robinson, are you satisfied?

Mr. Robinson: Yes.

Roll Call vote resulted as follows: Ms. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-0 Motion carries.

Mr. Arnold made a motion that the Chair and one other member sign the mylars when they become available and Mr. Zimmerman seconded. Motion carried, no roll call

#3 Congdon, Gardner  
Deer Park Subdivision  
Site Plan Review

Mr. William Rourke appeared representing Gardner Congdon and explained that the subdivision. It is residential with water, 4 lots leftover from a previous subdivision that were lower at the time, ten years ago. They have been filled and new topo has them higher by 3 or 4 feet. Fill is clean. Perc tests look good. Whole subdivision drains through a ditch under 197 and South, been there for years and years.

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The Board asked for a 6 ft. chain link pond and some 1:3 slope around the pond where they were quite steep. Lots are double the required size; it's just an extension of the existing subdivision.

The Chairman reviewed the ground rules for public hearings.

Is all them once acre lots?

Mr. Rourke: There's one that's just over and the other 3 are .8 of an acre, which is double the requirements.

Mr. England: There was supposed to be another entrance from 197 and you only have one. When I bought my lot they said there would be six houses built in there, stick homes, and modular, he's changed them to stick and back.

Mr. Rourke: Gregory Manor is a loop and has two entrances into the subdivision. There's only one out to 197, there's 2 into Gregory Manor and this is a loop with two entrances connecting with Gregory Manor Mr. England: I'm sorry but there's only one. Where's the second?

Mr. Rourke: There's only one onto 197.

Mr. England: In the event of a fire, or major accident on 197, I've been locked out of my house for hours because there's no second entrance into that development. Any kind of emergency at all there's no way for us to get in or out.

Mr. Rourke: I am sure that was discussed when the subdivision was approved, but these four added lots are not going to change much to the situation.

Mr. England: I brought this here so the Planning Board does know that this problem does exist and in the future they should take this into consideration because it is a problem for people in that area.

Mr. England: Tell me what the state law or Town law is on how many people can live in a development with only one exit, for safety reasons?

Chairman Jensen: Is there a Town Law, Mr. Patricke?

Mr. Patricke: No.

Mr. England: Is there a State Law?

Chairman Jensen & Mr. Patricke: No.

Mr. England: It's ridiculous to have so many people living there with one exit. All the other places, the new ones, have two or three. I am not here to object to his but I want to know why they are not getting more exits.

Mark Stewart: I am trying to purchase one of those lots. We are here for the building lots, and I would like all of this, although I totally agree with the concerns, not to affect the Board's decision. It's an issue that should have been raised when Kimberly or Gregory Manor addition was made. I agree with your concern.

Mr. England: People want to hear and appreciate the concern. We do not want to see this continue into your development or any other. They should be addressing it on every application.

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Mr. Stewart: Absolutely. It's in the past. The property on the other side of 197 is privately owned, there's no actual way to add anything to it.

Mr. England: You continue to compound the problem when you issue permits to add projects with the same issue.

Mr. Stewart: I don't have an answer for you.

Mrs. Jacox: Are the houses on those four lots going to be stick built?

Chairman Jensen: This is an application for a Subdivision. By law this Board can't determine how they are going to be built, that's between the builder and the Code Enforcement Officer. Anything that goes onto these lots has to meet building and zoning codes, that's as far as we can go. We cannot tell the applicant that they have to build "this kind" of house. We are looking simply at the creation of a subdivision which is a total of five lots and has to conform to the ordinances of the Town.

Mrs. Jacox: I am on the back side of that and I am concerned about my property values. Chairman Jensen: I can't comment on the value of a stick built vs. manufactured home, the blessings or evils of either.

Rich Morse: I think when you look at other developments in South Glens Falls, like Strawberry Acres, Michaels Rd., Briarhurst, they have only had one entrance, the proposal of an additional entrance would not alleviate the problem. Most blockages would probably come as a result of an accident at the corner of Routes 197 and 32. White Birch Estates or anyone for two miles. So if there's developments all along that road...is this a completion of an old subdivision?

Mr. Rourke: It's called a five lot because Gardner owns the 5<sup>th</sup> lot, it's on 197 down here, these are residential lots.

Chairman: This is an extension of existing subdivision, and when that was approved these lands were labeled "lands of..." so it was part of the initial subdivision.

Mr. Morse: This is the final phase?

Chairman: I think so. I am not sure about that. This gentleman had a question.

Joe Darrow: I have a question about the pond. You talked about you had to change the slope. Do you have specific details on that slope? It is being looked at? Is it going to be cleared.

Mr. Rourke: Some of it was straight down. It has to be made a 1:3 slope and 6ft, chain link fenced. Mr. Darrow: My property is right next store so I was just curious what was going to be cleared.

Mr. Rourke: Just to take the sides.

Mr. Arnold: Maybe you can just clear this up for me while you're on it. That pond doesn't have a berm on it, does it, this is just subsurface slope you're talking about?

Mr. Rourke: Yes.

Bob Barody: I'm the President of Reynolds Road Rifle Club. My only concern, I am not against the project, is drainage. I've been filled in all the way around. My property is the only one at existing grade,

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everyone around me is built up. Also buyers should be told there is a rifle club in the area, I don't want them moving in and then trying to shut me down.

Mr. Arnold: Since you brought up that property, in case you didn't notice with the map, there is an ugly chunk/slice of land adjacent to yours. It's a pet peeve of mine.

Mr. DeRugge: That belongs to Gardner, we traded boundaries, it's a 20 ft. strip all the way back there. Neighbor: Can I ask you which roadway access to those four or five houses is going to come from? Which roadway?

Mr. Rourke: All the access is onto Grey Fox Road.

Neighbor: They will exit through the exit at 197? I have to insist that be taken into consideration. At times there is a long wait. I am sure the roadway can accommodate it. A total of 14 houses in there. Consider safety.

Chairman: Mr. Robinson? Any comments?

Mr. Robinson: We did have some comments on the storm water part of it. One was about that conduit that you talked about. They did give us a revised map with some notes on the pond that we discussed last week, slopes, fence. We had some technical comments on the SWPPP, he added some notes on that, they are acceptable.

Mr. Patricke: I don't know if I have that.

Mr. Rourke: I gave the whole Board that middle one.

Mr. Patricke: Does anyone have one?

One was located.

Mr. Antis: We're no longer concerned about access to that ditch?

Chairman: We were advised that an agreement had been reached between the applicant and the landowner.

Mr. Antis: And then we came into agreement with the applicant that the water, the pond, was going to take care of the excess drainage.

Chairman: Yes.

Mr. Patricke: We'd like a copy of that agreement if you go any further.

Mr. Arnold: I spoke last month with you about having access and control where the drainage goes through Lot #36 and I was told that that would be stipulated in the deed to that property stating that the developer has access to that to keep drainage open. I hope it's not too much to ask I'd like to see that representation on the maps that are signed, that that's going to be on the deed.

Mr. Rourke: I've been told it's been taken care of, I haven't seen it, but we will put that on the map. Mr. Arnold: Just a note on the map that states there's a deed restriction on there. Whoever buys Lot #36 decides not to keep it clear it doesn't matter if there's a pond there.

Chairman: If nothing further we will go on to the Long Form SEQR. Part A1-10.



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Mr. Arnold: 1.48 acres meadow and brush land non agricultural and 3.3 acres after the development. We're almost doubling meadow and brush land?

Mr. Rourke: We're going to make ...A lot of the lots are brush and we're going to have a meadow. ...lawn would be better.

Mr. Arnold: So what you're presenting is that that's coming from the forested land that that's starting at 7.2 and going to 5.08?

Mr. Rourke: Well, it's not forested,..there's a lot of brush on the property. Chairman: Board, what's your pleasure on meadow or brush land?

Mr. Arnold: Let's tie forested in too, where do we come up with 5.08 acres of forested land? Adjustments were made, review continued.

Mr. Arnold: On Number 11, am I to understand that no one came to spot for endangered species, you just went to the website for clearance on that?

Chairman: It would have also been deared when the original subdivision was done. Part B:

Mrs. Riggi: About the maximum height of 16 ft. Does that mean no two-story house can be built on this property?

Chairman: That's a guess. Anything can be built that conforms to Code.

Mr. Arnold: Question 3. What about the disturbed area to be reclaimed- it says n/a. Mr. Rourke: It should be yes.

Mr. Arnold: And then it asks if topsoil will be stockpiled to reclaim. Is there no response because it's fill? There's no response about subsoil either.

Mr. Rourke: That's because I had put n/a. It should be yes on both.

Mr. Arnold: You've got water supplies from wells? #22. I thought there was water. Mr. Rourke: It's Town water. Not applicable.

Mr. Zimmerman: Why NYSDOT, because of the 5<sup>th</sup> lot?

Mr. Antis: I think the 5<sup>th</sup> Lot abuts 197 which is a State road. Digging TFI? Chairman: Test holes.

Mr. Antis: I thought this was a five lot subdivision, then we had six, that 5<sup>th</sup> lot was going to be divided into 2?

Chairman: Could be. The zoning would allow it.

Mr. Arnold: It's potential.

Chairman: C10-12 Answer should be Yes to requiring community services like police, school, etc. and we need to say that we can handle four more residences. Part 2. Mr.

Arnold: They listed an 18-month window for construction.

Mr. Zimmerman: Does this project require a SWPPP?

Chairman: It should.

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Mr. Robinson: It's a limited SWPPP, an Erosion and Sedimentation Control Plan, and it's on one of your sheets.

Neighbor: There was fill in there for years, and I don't know if any of it would be contaminated. Chairman: What kind of fill?

Neighbor: Woodchips, construction debris, we could walk around in there and see ten-gallon buckets of tar and other debris.

Chairman: On this site?

Neighbor: Yes. Trucks going in there.

Chairman: If we have asphalt and tar that's been dumped in there we need to go and address it. Congdon: I'm Gardiner's son. There's nothing like that in there.

Mr. Patricke: There was construction debris in there, years ago, but we've since gone in and cleaned it up.

Mr. Congdon: There was woodchips, construction debris but never tar or asphalt.

Neighbor: I mean the bucket the tar was in, I'm not saying there's tar.

Chairman: You are satisfied, Mr. Patricke, that's it's been cleaned up?

Mr. Patricke: You can condition it, I will go tomorrow and look but I believe it is clean.

Chairman: The Board would feel more comfortable if you would, that's an official request. Public hearing closed, 8:35 p.m. Board, to the EAF for Deerfield Subdivision, what's your pleasure as to the declaration? Mr. Arnold motioned to issue a negative declaration on the EAF for Deer Park Subdivision and Mr. Bergman seconded. We don't have to make it conditional we are requesting that Joe inspect it. Roll Call vote resulted as follows: Ms. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-0 Motion carries.

Chairman: We are approaching the conclusion of preliminary approval of the Deer Park Subdivision. Mr.

Zimmerman: Is Mr. Robinson satisfied?

Mr. Robinson: Yes, changes have been made, concerns addresses.

Chairman: We can make some sort of motion concerning preliminary approval and I have asked counsel, we have a section in our subdivision regulations that require for this that preliminary and final must be at separate meetings, would you correct me if I am wrong?

Ms. Dilallo-Bitter: Yes, that's correct because it's more than 4.

Mr. Zimmerman: So it's not the Board's prerogative to waive that?

Chairman: We have done that in the past but this is for more than four lots.

Mr. Rourke: Doesn't the fact that we only have plans to develop four matter?

Chairman: The fifth lot is still a lot.

Mr. Arnold made a motion to grant preliminary approval for Deer Park Subdivision contingent on final maps showing deeded access on maps for storm water control and plans satisfying the Town Engineer. Mr. Patricke: Let's provide the date of the meeting.

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Mr. Arnold: Oct. 21.

Chairman: So all information needs to be to Mr. Patricke by Oct. 7<sup>th</sup>.

#4 James Hooper Subdivision  
Preliminary Site Plan Review  
Public Hearing

Mr. Rourke: Two 5-acre lots off 197, here's T-bird South. Another two lots off of West River Road, and the 12 acre one contains some wetlands. Single entrances, off of 197 90 degrees and splits into two roads, one for each lot. One entrance off of West River Road 90 degrees, we put passing lanes in this long driveway and they split after they get past here. Private residences. Jim Hooper owns a horse farm, it has paddocks and he's got nice views, country setting, and the zoning is 5-acre agricultural. Chairman stated the ground rules for public hearings.

Mr. Arnold: I would like to commend the applicant's engineer for finally having the lands by West River Road and Route 197 on the map; he knew that I was going to be happy when I opened that map.

Chairman: I think we've had some previous discussion and should be brought up before the Board, is there State Code on driveways that may give us some trouble?

Mr. Patricke: I don't know that would give you trouble, but it states what a driveway should be- the width and the clearance a bit.

Mr. Arnold: At the point of entry to the highway?

Mr. Patricke: No, the length of it.

Mr. Robinson: They are called emergency access drives, and it's after you go so many feet off the road, this was in 2010 Code changes, and there are width, slope and signage requirements.

Mr. Arnold: In other words, if a fire truck can't reach it with a hose from the road and they have to go in on it, they have requirements.

Mr. Robinson: Someone got it into the Code.

Mr. Patricke: I don't believe it's going to be a problem, it has been where there are woods but this is fields. What is it Garry, 14ft.?

Mr. Robinson: It's 20.

Mr. Rourke: We were going to put 20 ft. drives in.

Mr. Patricke: You have to have 14ft. clearance; I don't see that as being a problem because it's a field.

Mr. Zimmerman: You said slope requirements.

Mr. Robinson: There's slope requirements, turnaround requirements, signage requirements, they are pretty specific in a couple places in the Code.

Mr. Arnold: Define signage.

Mr. Robinson: No parking signs, no one would be able to park down the side of that driveway, both sides of the road.

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Mr. Arnold: So I have to put no parking signs on my private driveway?

Mr. Robinson: You would be grandfathered.

Mr. Arnold: Wow. Can they come on my property if they see someone parking there?

Mr. Robinson: If you get in a place where the fire department is strong....You'd have task counsel. Mrs. Dilallo-

Bitter: It's for their safety.

Mr. Patricke: To answer your question, I can issue you a ticket for parking in the fire lane. Mr. Arnold: In my driveway? Seriously?

Mr. Patricke: I never have

Mr. Robinson: It's not every driveway. It starts at 300 ft. It's just so they can get close enough to get a hose in there.

Mr. Patricke: It's for distant lots. I can get you a copy of it. I don't see it being as issue here. Mr. Arnold: So don't plant any trees next to the driveway.

Mr. Paska: So this map needs to show that it's a 20 ft. wide driveway.

Mr. Robinson: It gets shown like that, and we would locate where it's going to change, what the slopes are...

Mr. Arnold: When you say slopes, do you mean the grade of the driveway?

Mr. Robinson: Right the grade.

Mr. Arnold: That's like, excessive slopes.

Mr. Robinson: Something like, 12% or 15%.

Mr. Arnold: So you can't have more than a certain slope; it's not regulating the slope for drainage purposes or anything.

Mr. Robinson: But going up the drive path, it's access.

Mr. Arnold: So it's linear.

Mr. Zimmerman: So going forward, what should we do?

Mr. Robinson: I think Ws Appendix D in the Building Code, there could be details added to plans. Mr. Arnold: It's already required, we're going to extra steps requiring the plans to state it.

Mr. Robinson: The question could be is the lot- can you build in there and the firemen say you can't. Mr. Patricke: Not here.

Mr. Robinson: No, but that's where they were going with it. That's their job and they can't do it. I talked to a guy once who when they went to a fire a branch damaged the truck and the billed the property owner for it.

Chairman Jensen: We're going to do an EAF.

Question One Agriculture presently is changed to 56.5 after, 34.5.

Is there any bedrock on the project site? What number?

Mr. Rourke: Zero to bedrock. 20 ft plus to water table.

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Mr. Arnold: Do we have bedrock outcroppings?

Mr. Rourke: Yes.

Mr. Arnold: Which lots?

Mr. Hooper: Right here on Lot 3. The previous landowner had mined some shale out of there.

Mr. Arnold: (Question 16) I thought there were wetlands? I thought we had them marked right on the map? Contiguous too. I've got a flag all through A10 on Lot 3 down along West River Road, that should be yes. Size?

Mr. Rourke: It's probably six acres.

Chairman: Project material reclaimed, response was non-applicable, I think it would be yes. Mr. Rourke: Yes.

Zimmerman: How did we go from 4 initially to 6 ultimately?

Mr. Rourke: There are four lots and he does have land left over.

Mr. Arnold: Question 11 asked whether project requires relocation of projects or facilities and you have yes in there, power. What power facilities are going to be relocated because of this?

Mr. Rourke: Just power to the residences.

Chairman: We're not going to relocate the source, that should be now.

Mr. Arnold: That's what I thought.

Mr. Antis: #23 - They are figuring that each of the four new houses will use 500 gallons a day?

Mr. Arnold: I think they are including the fifth lot, so 400 per lot/day. It might be more than that.

Mr. Zimmerman: We have in the engineering report that they didn't observe any ground water, modeling was that the highest level was the 18 inches seasonal high groundwater.

Part responses were recorded on the EAF.

Mr. Antis: Where the spur was the Hamlet of Moreau Station, there was a Post Office and a Stagecoach station in the 1800's.

Chairman: Is it on the NYS Site inventory?

Mr. Antis: That I am not sure.

Chairman Jensen: Small to moderate effect?

Mr. Arnold: Keep your eyes open!

Mr. Zimmerman motioned to issue a negative declaration on the EAF for Hooper Subdivision and Mr. Paska seconded. We don't have to make it conditional we are requesting that Joe inspect it. Roll Call vote resulted as follows: Ms. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-0 Motion carries.

Mr. Arnold made a motion to grant preliminary approval for James Hooper Subdivision subject to comments of consultants for the Town being adequately addressed. Ms. Riggi seconded

Mr. Antis: Please be aware there was Moreau Station, in the late 1860's-1880's, it's on maps, there would have been some structures there.

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Mr. Hooper: Is this down on the corner where my house is?

Mr. Antis: It's by the spur. People would ride there on the stagecoach, that was the first part of the Town to be developed. Up until 1840 there was a post office.

Chairman: Is that right on this site?

Mr. Antis: I think it was, right where the spur goes to the Village and the line went over the bridge over the Hudson there.

Chairman: Is it incumbent upon us to ask for a field study?

Mrs. Dilallo-Bitter: Was there an inquiry to SHIPO?

Chairman: I am asking, should we require it?

Mr. Rourke: A limited inquiry to SHIPO has been made. Right, Garry? You talked to Scott? Besides, the Post Office is not on this land.

Mr. Arnold: I am not sure it's on his land.

Mr. Rourke: It could be the communication property, or the Allen's. I own the property to the north. There used to be a, which Gardiner Congdon owns, there used to be a dip, if it was there at the intersection of the old spur and West River Road, it's not on his property. It's either on the Aliens' on the east side of the spur. It's on the east side of the spur where West River Road was, he doesn't own land there.

Chairman: Do we have anything from SHIPO Concerning this site, that they are happy campers? Mr. Rourke: Garry, Scott provided you with a thing for the SHIPO.

Mr. Robinson: Step back a minute. Scott is Scott Reese. He's the guy who did the storm water, erosion and sedimentation control, it's a limited SWPPP. Under the regulations for a full SWPPP, you are not allowed to put collection, infiltration basins or ponds over areas where there is historical or archaeological significance. So if you are working in an area that has some concerns, you have to get a letter stating that there is none, OR, the very basic thing you can do is go to the circles and squares map that shows where there is potential for historical significance. You can go on-line and see that and some Towns are comfortable with that, others make us go and get a letter. Here, we're just doing an erosion and sedimentation control plan, we don't require it. You can say someone has to look at it, and Bill could write to SHIPO, and he might or might not get a letter back.

Mr. Patricke: There's a map in the back of your Harrison Avenue project that shows the kind of map he's talking about,

Mr. Robinson: You can say that since you're not in there, you don't have to do anything. Mr. Antis: You said the spur is between Lot 1 & 2, so Lot 2 is a location where the site was. Mr. Arnold: But we don't know it's a site that has gotten the attention of the State of NY. Mr. Antis: But it is the Hamlet, or it was.

Chairman: So we need a letter, at least. And Bill's frantically looking because he thinks he has one.

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Mr. Rourke: This site you're talking about—here's Old Reynolds Road, here's West River Road. Gardiner told me about this ravine and they obviously filled this up, I don't remember it, but that's probably where the post office was, on the intersection.

Mr. Antis: No, it was on the railroad spur.

Mr. Rourke: Where would there be a road?

Mr. Antis: I didn't say there was a road. We're talking 1810- 1830.

Mr. Hooper: If I was to guess I would say it was here.

Mr. Arnold: It can't hurt to ask. Even if there is something there, that doesn't mean they were interested.

Mr. Robinson: If it's on old maps, maybe you could get one of those to Bill so he can look at it and write to SHIPO.

Chairman: So the motion is contingent upon satisfactory response from SHIPO.

Mr. Arnold: Yes of course.

To the motion, roll call vote resulted as follows: Ms. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-0 Motion carries.

Mr. Rourke: We want to bring up the fact that there is a mobile home on the site.

Mr. Hooper: I found another place for the people to move into, I am just waiting for that to become vacant, 90 days or hopefully 60 days they will be moving. I don't want to come in again and make you go through it all.

Mr. Arnold: We are not allowed by Code to give you approval tonight anyway, so that's 30 days.

Mr. Hooper: When we come back, can I get it contingent on that being removed?

Chairman: No.

Mr. Arnold: Do you want to schedule the meeting for your final approval 90 days from now, in December. Would that give you enough time? Instead of coming back next month and not being able to do it.

Chairman: Now that is an agreement between us., you want to do this delay, and Board is all in agreement? Ok.

Mr. Rourke: Could we do 60 if we get them moved sooner than that?

Chairman: You can come sooner. In our regulations, we have to act within a certain number of days, and if we don't, you have to start over. We don't want that to happen to you. We do have a section that says if you want to delay and we agree, it's ok. So we are not telling you that you have to delay, we are

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saying if that's what you want, we will agree to do that.

Mr. Hooper: OK

#5 Toadflax Nursery  
Preliminary Site Plan Review

Rich Morse, for Toadflax Nursery: Every so often my employees get the itch to expand, and I send up here. The application I do have one thing I caught, it asks if the project will be staged, and it says no but I think it might need to be changed to 'possibly.' There are three main phases, one larger and two very small that don't have to be done at the same time. We had proposed for the main building we have proposed a shop on the map in front of you, and there's no easel.

On the North boundary. you'll see the proposed shop 80' wide by 100' long, currently our shop is in the middle of the nursery. This would be accessed by a road we have between the lands of Frank Burt and of Shannon Gatney and Tony Bruce. It also borders to the North the mobile home park, Garden Park Limited on our North border. A lot of our construction/landscape maintenance vehicles come in and out of the middle and we want to move that out to the north and relieve employees and trucks coming in to go up that side. It's not heavily used. Access through there to the back and proposed garage, pole barn for shop and to park trucks indoors in their own bays. Currently we park them where it says nursery stock, right behind Frank Burt's, where the squiggly line is. That is on other maps we have presented for Site Plan Review. That would become nursery stock. It moves all that heavy truck traffic out of the nursery, and it allows room up front so customers don't have such a long walk to the back. What you see is accounting for trucks parking inside and tool sheds that are basically fenced in slab for storage. Trailer parking and a few other slots in there. Currently wooded, proposed wood line is on the map.

The other part that's on here is behind the main greenhouses by Route 9, on the North boundary directly behind it there's a hash mark connecting 3 & 4 to the back of two. It's a covered shelter with garage doors on the end that will be open in bad weather for a breeze and in bad weather and cold could be closed. The proposed building will tuck behind 2 and line up with 3, and needs to be corrected a little on the map. Right now we have benches out there and people can shop, but no on rainy days so this is a connection building or head house. The third is a potting shed, attached to greenhouse 6 which is the long one without a cover that we just use for shade production of aquatic plants. It doesn't have a roof. It's a 30 by 30 potting shed that would attach to that for weather days and centrally located our potting operations.

Chairman: Board, do you have any questions?

Mr. Arnold: I know greenhouse six has a history. At one point in time you were planning on connecting greenhouse six and making that a head house. Does this mean that it's worked out so well that you don't plan to do that anymore?

Mr. Morse: I have to thank Joe. G.E. has contracted us for all their aquatic plants. We have tanks there that we have plants growing in and whether they are doing that for two years or ten years. We won't make changes as long as we are doing that but we need that access down through there, the way that building's used, the way the tanks and laid out for



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snow and getting in and out. We also want to block the retail traffic from heading into the way back area. It's hard to service or find people sometimes when they are back there looking for something. This allows us to corral people up to the front with a selection of everything that's available.

Mr. Arnold: You mentioned the proposed building as a garage or shop but 80' by 100' is a large building. Mr. Morse: We have a large dump truck and a trailer. When we are going to ship something we want to be able to pull them both inside while loading something that's got to go out the next day, if it's going to freeze the next day, we don't want to have to throw a heater in there. Everyone has their own bay and it will help me keep track of them.

Mr. Arnold: You keep saying bay. They are not pulling into their own door, are they?

Mr. Morse: The driveway comes around the back half, is a pull through that will fit a dump truck and a 20 ft trailer connected. Plus 5 doors. I am still waiting on costs but I am shooting for 5 doors, I can add bays later if I run over on costs. It's a preliminary proposal.

Chairman Jensen: Are these concrete floors?

Mr. Morse: Yes.

Mr. Arnold: Do they have drains?

Mr. Morse: They are sloped.

Mr. Arnold: And it's a fully enclosed structure.

Mr. Morse: Fully enclosed and probably a heated floor.

Mr. Arnold: And insulated. And the structure out behind #2, that's a temporary structure?

Mr. Morse: It's a plastic-roofed structure. And I don't think we need a building permit for this, but we will probably change the Lexan out on Greenhouse one and two. Lexan is first generation, it is holier than Swiss cheese, it's dry, cracked after 20 years.

Mr. Antis: Did you explain this detention basin that you've got lines around?

Mr. Morse: Everyone else deals with 100-year storms. I've got 100 year storms that happen every day when we water. Large volumes of water. Drywells don't work. Everything drains to one area and percs back into the ground. There are drywells all over but we have this low spot to absorb it all if they overflow. You get a lot of water every night or morning with all those nursery plants. We have a bog down there that we clean out every once in a while.

Mr. Zimmerman: What would the new sign say?

Mr. Morse: I have to discuss that with Joe, it would direct for the landscaping department, I have to find out what I can do, it won't be anything big. I need to find out what I can do what that old, decrepit thing across the street and I am not sure what the Code would say about having two signs across the street from each other and I have some homework to do on signage. The one at the end would be small.

Mr. Arnold: Do you actually run well water under Route 9 to service Greenhouses?

Mr. Morse: We do, we have six inch conduit. State of New York gets a \$100 lease very year. We hit a good vein of water and we have a 2 inch 90 gal. a minute well over there, and if one goes down I *can*

back feed with the other two. It's in the basement of the office. If it ever broke it would flood us up quick.

Chairman Jensen: Do you have storm water concerns on this?

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Mr. Robinson: I talked to a girl from their office, there's more than an acre disturbance, and it's a commercial project so we need a full SWPPP.

Mr. Morse: I am not sure where she gets the full acre from?

Chairman Jensen: If you are putting in any pavement that counts.

Mr. Morse: We are, but we are also taking away pavement.

Chairman Jensen: Mr. Patricke, can deductions count as additions, to disturbance?

Mr. Patricke: Get your sheet together and go over it with Amber.

Mr. Morse: Amber got the ball rolling while I was busy, there are a few things I've got to go back and see. The other thing is I don't know if the building is going to be as big as we proposed.

Mr. Patricke: If you get approved for 8,000 sq ft and you want to go to 6, that's ok.

Mr. Zimmerman: What do you have planned for lighting?

Mr. Morse: I am not a big fan of lighting, light pollution, I just might have some on the building for guys coming in over where they park. All downcast. You have residential housing on the back of the trailer park, so I wouldn't have any streetlights or anything, just on the building and parking. Normally if they come in at night to go snowplowing they would pull the trucks out, put their own vehicles inside and then go to it. Because we are not open at night, all we have is employee access, I never wanted additional lighting.

Mr. Arnold: This new garage doesn't have deliveries or anything where tractor trailers would be going in there?

Mr. Morse: No. Deliveries come to the main entrance. If you've ever been there at 7 am when we are all going out or 3 or 4 when they come back, it gets to be a bottleneck and in the springtime when you have customers it's congested and I want to get it out of there by moving it into the other area. I am all around Frank Burt.

Chairman: Board, are you comfortable with a Short EAF for Toadflax Nursery Site Plan? Mr. Arnold:

Motion that we accept a Short EAF for Toadflax Nursery Site Plan.

Mr. Zimmerman: Second.

Motion carried unanimously, no roll call.

Chairman: Do you want to come back next month?

Mr. Morse: Yes, I would have been more ready tonight but we had a death in the family and I just got back from San Diego.

Mr. Zimmerman: Motion to schedule public hearing on Toadflax Nursery Site Plan Review for October 21<sup>st</sup> at 7:00 p.m.

Ms. Riggi: Second.

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Motion carried unanimously, no roll call.

Chairman: Mr. Patricke, would you send this along to Saratoga County?

Mr. Patricke: Do you have everything? We didn't address topos on this map, you have to tell us what you want.

Mr. Arnold: I was assuming this is a relatively flat parcel.

Mr. Morse: It's 350 almost everywhere.

Ms. Riggi: What would topo lines show?

Mr. Robinson: Ten or twenty foot lines. It might be flat, but with USGS surveys...

Mr. Patricke: It's in the Code that you guys decide what you want.

Chairman Jensen: Board, what do you want?

Mr. Robinson: I don't know what they are planning for storm water, but when you are expecting it all to run, it can get too flat.

Chairman: Do we need 2 ft. topos?

Mr. Robinson: It's hard to know without knowing what their plans are. I have been there and it is a flat site. I don't know whether you need 2 ft or 1 ft contours. You could do it on spots that show where it is going to run.

Mr. Morse: Most likely we will look at drywells. It's a huge roof with a peak. What I was doing, instead of a roof that runs on in both directions, was a taller with all the storm water coming off the roof into the pipes to the detention basin and the front of the buildings, drywells, pipes, detention basin. Everything we get we keep on our own property.

Chairman: One foot, two foot, don't need them?

Mr. Paska: I make a motion requesting topographical intervals of two feet.

Mr. Antis: Second.

Mr. Morse: Is that on areas impacted?

Chairman Jensen: The whole site.

Mr. Robinson: It would be really good if someone could delineate what your disturbance is going to be. It's not really clear. I know you are saying the storm water runs to a lower area, instead of using those arrows for nursery stock, use them to show me where water goes.

Mr. Morse: Existing drywells are working and being maintained. To reshoot topo at two foot intervals for the whole property is going to be costly and that seems excessive. Historically we have handled our water within, flat ground, within a ten foot increment was never a problem.

Mr. Robinson: We don't need anything on the back. But how is it going to get from the new building into the detention pond? We need grades on the drywells. It's hard to tell how it's going to work, where it is going to go, we need to see how it's going to work. Do we need topo the entire site? No. We need areas involved in the storm water plan.

Chairman: Everything from that, North property line, forward?

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Mr. Robinson: It's not that difficult once the surveyor is out there. I need a delineation of how things are going to work, what's new and what's existing.

Mr. Morse: We were going to have a surveyor back there anyway, we have some creeping from the trailer park.

To the motion, roll call vote resulted as follows: Ms. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-0 Motion carries.

Mr. Arnold: Does this have to go to the State for a new curb cut?

Mr. Morse: We are not creating a new one?

Mr. Antis: Are there rules about it being a proper curb cut?

Mr. Morse: What do you mean?

Mr. Antis: Since they are working on the site will they get involved?

Mr. Robinson: Not if you're not making changes to it.

Mr. Morse: I want to contact them anyway. That entrance should be addressed.

Mr. Patricke: Paperwork has to be in by Oct. 7<sup>th</sup>. If you plan to be here.

Mr. Morse: I will get all that to it. Final plans to you by the 7<sup>th</sup> for the 21st.

Mr. Patricke: What is the 3<sup>rd</sup> Thursday?

Mr. Arnold: The 17<sup>th</sup>.

Mr. Patricke: Get it to be by the 7<sup>th</sup> I can get it to the County.

Mr. Morse: I can get it sooner.

Mr. Patricke: Sooner is better.

Chairman (reviewed the list of involved agencies): DOT will get involved with a long form if there are changes made to the entranceways.

Mr. Patricke: He doesn't have to do that as part of this project.

Chairman: Any questions of us?

Mr. Morse: No.

Mr. Patricke: Rich, need to talk to you about engineering fees, need to collect those. You or Amber should contact Greg Greck on storm water.

Ms. Riggi: Why did we not have to do pages 11-21 on the Long Form EAF for the Sisson Road?

Mr. Arnold: It was already done on Phase 1.

Mr. Bergman motioned to adjourn, and was seconded by Mr. Arnold. All in favor, meeting was adjourned at 10:20 p.m.

Respectfully Submitted,

Tricia S. Andrews