

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on April 18, 2011.

Board Members Present: Chairman G. Peter Jensen, Keith Osborne, Chris Barden, John Arnold, Erik Bergman, Dave Paska, Ronald Zimmerman

Others present: Joseph Patricke, Building Inspector and Martin Auffredou, Attorney for the Town
Tricia Andrews, Recording Secretary

The meeting was convened at 7:00p.m. by Chairman Peter Jensen.

The minutes of the March 21, 2011 meeting were reviewed and corrected. Mr. Paska motioned to accept as corrected. Mr. Osborne seconded. Motion passed unanimously with Mr. Arnold abstaining.

Agenda Item #1 – Emergency Preparedness Outlet

Chairman Jensen: Public Hearing for Emergency Preparedness Outlet. Mr. Daniel Colon is proposing retail sales in an existing building adjacent to Bobcat. It is sales, with no changes to the building or appearance of the building. As in keeping with all public hearing, ground rules. Comments or questions encouraged and invited, if anyone does wish to make a statement or ask a question, for record purposes please state your name. Third, please maintain some sense of decorum. Question or comment?

Mr. Patricke: Please tell me how we will delineate between what's there now and what we will have in the future?

Mr. Colon: He moved everything to the left where there's a concrete pad and rentals to the right and I am using the middle, 17 parking places.

Mr. Patricke: The gate on the right is his?

Mr. Colon: Yes.

Mr. Patricke: So he has a U and can get through. I have 4 and 13 parking spaces, and that will all be yours?

Mr. Colon: Yes.

Chairman Jensen: Has Groundworks Utilities vacated the site? So there are 2 businesses on the property?

Mr. Colon: Yes.

Mr. Patricke: They still own the property, though.

Mr. Colon: Yes.

Mr. Osborne: Do you have your signage worked out?

Mr. Colon: Yes.

Chairman Jensen: Same size as what's there now?

Mr. Colon: Yes.

Chairman Jensen: In compliance with the ordinances of the Town of Moreau.

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Mr. Osborne: Any other signage?

Mr. Colon: I have one to put on the roof edge and I want to talk to Mr. Patricke about that.

Mr. Patricke: The balance of the trees on the original plan are not put in, how are you going to deal with that?

Mr. Osborne: I noticed that.

Mr. Patricke: But they are leasing and it's up to the owner to do that.

Mr. Colon: I can plant trees. Where do they go? (Mr. Patricke demonstrates on map.)

Mr. Colon: I will plant some more.

Chairman Jensen: Anything further?

Mr. Arnold: Does the structure meet code for a retail structure?

Mr. Patricke: It was in compliance when they changed it from a residence 6-7 years ago. I don't believe they have changed anything. I have not been in it since but I will go for an inspection before they open. I don't think they changed anything.

Chairman Jensen: Anything further? If not, short EAF. Is anyone aware of any concerns with this site? The Board reviewed the requirements of the short EAF and Mr. Zimmerman motioned to make a negative declaration on the short EAF. Motion was seconded by Mr. Arnold.

Chairman Jensen: Further discussion? Public Hearing closed at 7:52 p.m. Roll call vote on the motion proceeded as follows: Keith Osborne, Yes; Chris Barden, Yes; John Arnold, Yes; Erik Bergman, Yes; Dave Paska, Yes; Ronald Zimmerman Yes; Chairman G. Peter Jensen, Yes. Motion carried.

Mr. Osborne motioned to approve the application with the landscaping denoted on the site plan placed within some time frame.

Mr. Arnold: Seconded. Propose 60 days from today, the 18th of June to allow the applicant to plant trees. Roll call vote on the motion proceeded as follows: Keith Osborne, Yes; Chris Barden, Yes; John Arnold, Yes; Erik Bergman, Yes; Dave Paska, Yes; Ronald Zimmerman Yes; Chairman G. Peter Jensen, Yes. Motion carried.

#2 VaVaVoom, Inc.

Chairman Jensen: Motion to reopen the public hearing?

Mr. Zimmerman: So moved.

Mr. Bergman: Second.

Motion passed unanimously.

Chairman Jensen: We started last month on the public hearing for this project and before we get into public participation, I would like to reiterate that the Planning Board has been tasked by the Town Board to provide the Town Board with a recommendation for the creation of this Planned Unit Development

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district. The Planning Board does not and cannot approve or disapprove a PUD, that is for the Town Board to do. We are information gathering so that we can make a somewhat intelligent recommendation to the Town Board.

Jack Nicholson: My property borders two sides of that piece there. How close is the road to the first building going to be to my property line?

Mr. Bianchine: About 20 feet.

Mr. Nicholson: If you have 6.6 acres of open space, why can't you move things over so that we don't have to look at all that stuff? You are doing nothing with the rest of it. Can't you make it more comfortable for people around you? There is nothing retail up and down Bluebird Road. I don't understand why it has to be right on top of residential people when there's nothing on the other side of you.

Chairman Jensen: Do you have an answer?

Mr. Bianchine: We could slide it down. We were intending to do landscaping and site planning, we're coming back for Site Plan Review.

Mr. Nicholson: I have a nice piece of property, I am worried about lights and things. And there's the water. I am real concerned about that backing up and I don't know what's being done about that.

Mr. Bianchine: I noted it and the Site Plan review will have a ditch carrying it away.

Mr. Nicholson: It goes on the other side of my property in that corner.

Mr. O'Connor: I represent the applicant as well. Some of these issues are site plan issues and they are not putting them off without responding. Lighting will be downcast so that it doesn't spill over. We might be able to shift the building, we will talk about screening.

Mr. Nicholson: How about putting the retail by my property so there's only traffic 9-5.

Mr. Bianchine: We can't flip it to the other side because of the power line easement.

Mr. O'Connor : Mr. Rosen and Mr. Vasiliou were involved with that and they aren't here for very good reasons, but Ms. Cote is here from Home of the Good Shepherd.

Ms. Cote: I am CEO of Home of the Good Shepherd: We don't have a lot of ambulances. It's not a nursing home, it's assisted living, and it's not ambulances day in an out this is not acute care. There will be emergencies but routinely, daily you will not see them. We run 3 others and they get them once a week.

Chairman Jensen: Any other questions or comments? Board?

Mr. Arnold: Looking at it as it's proposed and looking at the comments made by the land owner. One of the reasons this is here for PUD is the density you have proposed, which is twice what it should be, or pretty close.

Mr. Bianchine: Some are pretty close.

Mr. Arnold: You are thirty percent over on the retail one. You have an extra lot down there not doing anything. Could we divide it differently so as to get our density down somewhat?

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Mr. Arnold: I understand the idea.

Mr. Bianchine: We were trying to leave a mass of open space, but we can slide property lines.

Mr. Arnold: But the mass of open space is only enjoyable for a few. It's not a big deal but we are talking about 2x the density of normal zoning, and I'm not expecting it to be the same as a housing developments. But since there's an area we don't know what to do with, why not use it differently.

Mr. Bianchine: It's a thought and we can do that. We can put more space along Bluebird Rd., that's more site plan issues.

Mr. Arnold: Location is, but not size of the lots.

Mr. Bianchine: This is only conceptual. The exact footprint of the property we got from another project, but it might come in slightly differently from the design.

Mr. O'Connor: The PUD application is just a change in Zoning application. We will be bound by these limitations that the approve in the legislation, we can't do the front building as assisted living and market price without seniors or go into single family homes. It will be of this nature.

Mr. Nicholson: What is it zoned for now?

Mr. Bianchine: R-2.

Mr. Nicholson: Retail is allowed there?

Atty. Auffredou: PUD's are allowed in R-2.

Mr. Arnold: Are they approving these densities?

Atty. Auffredou: They are going to approve a density. Whether they approve *this* density is not for decision tonight. All you are being asked to do is report and recommend about the basic idea. Maybe it does maybe it doesn't. Your job is to take a look at the snapshot presented and say here are some concerns and some things that we think the applicant can approve in. This is not about lot lines or setbacks, it is a report and recommendation. The applicant would like a favorable report.

Mr. Zimmerman: Are we being asked whether we think the rezoning into a PUD is a good idea?

Atty. Auffredou: Yes, that's what a favorable recommendation says: you think it can support a PUD.

Mr. Bergman: This PUD.

Atty. Auffredou: This PUD.

Mr. O'Connor: Then we go to the Town Board and ask them to put a cap on density, but that doesn't mean we are entitled to build that density because each proposal is to approve site plan review with you, even though it's part of the PUD.

Mr. Zimmerman: Before we move forward Mr. Chairman, has there been consideration given to how we might address the excessive density?

Chairman Jensen: That will be part of the recommendation.

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Atty. Auffredou: Those who drafted the recommendation, the idea is that this is what's proposed and there are recommendation embedded in that as to what the Town might want to do in regards to density. They are asking for a lot, there's no question about that, but you've got to balance that against the need and the other positives to be draw from this. In that recommendation is moving things back and looking at property lines. There's nothing proposed for landscaping, that's not unusual at this point but if the Town approves the PUD, they will address that. We tried to compute your intent from listening to you. If we haven't captured that, we apologize.

Chairman Jensen: We have asked Counsel to assist us in drafting a recommendation, with the assistance of planning and engineering. In the interest of full disclosure of information, I will read this.

Mr. O'Connor: May I make a comment as to concerns we have?

Chairman Jensen: You may as we go through it. That will be less confusing. (Proceeds to read the Report and Recommendation of Counsel).

At I.(A.) Mr. O'Connor commented that he would like to know if 129 attach 2-1 which defines how seniors qualify at age 55. Would we use the same for the apartments? That's acceptable to us as long as we have an understanding.

Atty. Auffredou: That's what Joe and I intended. We didn't come up with a new definition of Senior because we knew it was already in the code.

At Section I. (C): Mr. O'Connor said that it's not correct that VaVaVoom will be the owner. The other lots will be sold to people who will develop it in accordance with the PUD. Home of the Good Shepherd will not construct the senior apartments.

Chairman Jensen: Would it be safe to say that they will be the developer?

Mr. O'Connor: Yes.

Atty. Auffredou: Could we say Yes to develop as owner. We understand that VaVa Voom will be the owner but others will be the developers.

Mr. O'Connor: Page 4 I.(C) 1. '(g). personal services' should be added.

Chairman Jensen: Such as?

Mr. O'Connor: Hair salon.

Mr. Osborne: Isn't that included as retail?

Atty. Auffredou: How about 'retail space including personal services'?

Mr. O'Connor: (regarding the Chart on Page 5)-a landscaping plan does exist for building one.

Mr. Bianchine: (displays plan) This is from the other facility Home of the Good Shepherd has in Wilton. We have foundation planting, with deciduous trees in the front. The intent is to do a nice plan.

Mr. Patricke: Don't forget to get a copy of what we do and don't allow in the Town.

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Chairman Jensen: That's for site plan review.

Mr. Osborne: Can we discuss this with adjoining property owners' concerns, add a robust buffer to any adjacent properties so that when it goes before the Town Board, they will know that we are looking for that robust buffer between existing property owners?

Mr. O'Connor: I would like to keep options open, because the landowner said that he would accept a building that was 9-5 use. We could move that up here, move one down to the top of the easement. We would have to change this road a little.

Chairman Jensen: You are referring to 1 & 4. We are doing 2 & 3.

Mr. O'Connor: On 2 & 3 I think we have better separation than before.

Atty. Auffredou: Let's just say that buffer zones may be considered. The Town Board may want to consider buffer zones.

Mr. Osborne: Only one property is talking.

Mr. Nicholson: Me! Two sides.

Chairman Jensen: We said buffers, site plan will delve into it more deeply. Let's move on.

At Page 6 column 3, Mr. O'Connor asked: Could you say that's for site plan review? We can't pick a number out of the air.

Mr. Patricke: Could you repeat what you just added?

Chairman Jensen: Top box- will be addressed during site plan review.

Mr. Zimmerman: On the recommendation for height of structure- we will have formal review and recommendation from the fire dept.

Chairman Jensen: Yes, and they were here and concurred last time. But we will take it up on site plan review.

Page 7, Lot 4- Mr. Arnold: If we need 40,000 feet of land for every 10,000 sq. ft. of building, and it's a 40,000sq. ft. building, wouldn't we need 160.000 sq. ft. of land?

Mr. Patricke: Yes. Change 1.31 to 2.62

Mr. Arnold: 3.68 acres needed, minus 1.31 =net deficiency of 2.37 acres

Lot 5 same error- 160,0000 sq. ft. needed= 2.31 net deficiency

Mr. Bianchine: Lot size is incorrect on Lot 6, it is 11.4 acres.

Mr. Patricke: That's an old copy. It's right on the one they are looking at.

Chairman Jensen: Total net deficiency changes to 23.68 acres.

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Mr. O'Connor: You include in the very beginning calculation less road and public facilities, these are private drives...

Chairman Jensen: People aren't going to hover, they are still roads.

Mr. O'Connor: OK. Has there been any response to the traffic report?

Chairman Jensen: No.

Mr. O'Connor: Who was it referred to?

Mr. Patricke: Peter Faith.

Chairman Jensen: Board, additional comments?

Mr. Patricke: Page 5 Planning Board recommendations I would like you to add under off street parking, we should have referred to or you should have looked at...we don't make any statement about off street loading in 149-48. It doesn't affect density or anything, but I think it should be looked at. Put that on page 6 under Lots 4 & 5.

Mr. O'Connor: Off-street loading will be reviewed at site plan review.

Mr. Osborne: I would like to propose that we bank some of these parking spaces and not put them all in at once. We can do that at site plan, but just put it out in front of the Town Board. The less parking, the better. I would also like to see language discussing age-in-place type planning. If you come in and build a 55 and over and another and another, you have issues. Age-in-place is if you have a functioning senior, but as they age they need facilities to help them along. You don't want to separate them from where they have been living for 10 years, you want them to age in place.

Mr. Arnold: Isn't that the idea?

Mr. Osborne: It is, and it's not spelled out.

Mr. Arnold: And it's not in there that there might be a nursing home.

Mr. O'Connor: That's an independently run location and Home of the Good Shepherd is not required to take those people. The step we are providing is to take in seniors who are independent and then those who need assisted living, they are independent. Are you speaking of a contractual obligation?

Mr. Osborne: A zoning obligation for the PUD, it's a change in zoning.

Mr. O'Connor: Say Glens Falls Home owns Lot 2 and someone in there becomes incapacitated. We cannot guarantee that they will go into Home of the Good Shepherd.

Mr. Osborne: I would like and would feel more comfortable that we consider age-in-place for this PUD.

Chairman Jensen: Where would you add that?

Mr. Osborne: Conclusion.

Mr. Patricke: Proposal on wording?

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Mr. Osborne: 'Meets an obvious community need.'

Ms. Cote: Age- in- place is something the NYS Health Dept came up with in regards to licensing assisted living homes, you can have an age- in- place license. That's what we have for that.

Mr. Osborne: It's also a planning tool in design for adjustable shelving, 36 inch doors etc., and Dept. of the Aging governs that.

Ms. Cote: I just wanted to be clear that's what we're doing here.

Mr. Osborne: I applaud you for that. I'm just working in the language.

Mr. Zimmerman: Lot 3 fronts on Sisson Road. With the potential for a change in owner for the 3 story market rate senior apartments, is there a deed restriction? How do we guarantee that's what goes there?

Mr. O'Connor: We have language in the zoning.

Mr. Patricke: It will be in our local law for this PUD.

Mr. Arnold: Does it restrict that if the person who is 55 and over is no longer there, others have to leave?

Mr. O'Connor: If they start husband and wife and one has to go into a nursing home, the remaining person can stay as long as the 55 and over still owns the structure.

Atty. Auffredou: We will work on the language. I think we are a little further along than the Planning Board should be.

Mr. Osborne: After National Grid... "Further, age –in-place design should be utilized and considered for this zoning change."

Mr. O'Connor: Two questions. Ahead of your conclusion, "Absent connection to municipal sewer..." are you conditioning the approval on municipal water and sewer being connected?

Chairman Jensen: That is the intent.

Mr. O'Connor: I think we had that, when we increased density for seniors, they had to have water available. We know it doesn't work without it. Also in the conclusion paragraph, you ask for written conf from National Grid about the easement. Can that be a site plan consideration? If we have to reconfigure because we can't get National Grid's timely response, that's what we would do and I can't guarantee a response on a timely basis.

Chairman Jensen: If we subtract National Grid, that's going to affect the density figures.

Mr. O'Connor: It's just a reconfiguration of lots. We have a right to use the land as we want subject to not interfering with their lines.

Mr. Arnold: Without that easement, as it's configured right now, you lose access to the road for Lot 6.

Mr. O'Connor: Easement and ownership are different. We can cross or use it as much as we want. We can build a road across it. We are not going to change access at all.

Mr. Patricke: All you are asking is that we review it at site plan review rather than Town Board.

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Mr. Arnold: Actually looking at it, they have access through the other lot.

Mr. Patricke: And it's still conceptual.

Chairman Jensen: Proposed wording change?

Mr. Arnold: Eliminate that sentence.

Chairman Jensen: Any further comments for the draft?

Mr. Paska: I would like to thank the gentlemen that put it together for their time and effort.

Chairman Jensen: Public hearing closed, 8:26p.m. Board, motion as to what you would like to do with the draft recommendation to the Town Board for the creation of the PUD for VaVa Voom, Inc.?

Mr. Barden: Submit with amendments as discussed tonight to the Town Board.

Mr. Osborne: Second.

Chairman Jensen: Any further discussion?

Mr. Bergman: By recommending this document as presented, are we recommending that they accept the density as proposed?

Chairman Jensen: That we are comfortable with these in a PUD?

Mr. Bergman: If they are opening to move things, how does that- lot lines are open to change.

Atty. Auffredou: We say that the proposal is excessive. You are not endorsing that excessiveness, you are saying that you believe the Town Board can accommodate density beyond the code, this density or another, and you are not putting your stamp of approval on this density. To move forward with the project as a whole there is density beyond the code requirements, and things can be done to change and there may be alternatives available.

Mr. Arnold: I am assuming that's covered in the paragraph right after the density calculations...we conclude given the need, that the Town should consider..."

Atty. Auffredou: *An* increase in density, not *this* increase.

Mr. Bergman: That's why I brought this up, it seems like a glowing approval.

Atty. Auffredou: I think it's clear that you think it should be an accommodation of higher density but not this one, and perhaps there are other alternatives available to the applicant.

Mr. Osborne: Will the Town set the density for this PUD?

Atty. Auffredou: They have to set the upper limit.

Mr. Bergman: How are they going to come up with that?

Atty. Auffredou: They will refer to this as the maximum that the applicant is looking at and it's up to them whether they want to peel that back.

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Mr. Patricke: Thus the calculations to show the net deficiency- to show what the deviation is from the plan.

Roll call vote on the motion proceeded as follows: Keith Osborne, Yes; Chris Barden, Yes; John Arnold, Yes; Erik Bergman, Yes; Dave Paska, Yes; Ronald Zimmerman No; Chairman G. Peter Jensen, Yes. Motion carried 6-1.

Mr. Patricke: Do we have a date for wetlands evaluation?

Mr. Bianchine: No.

Mr. Patricke: Now would be good. The County is meeting with Town Supervisor tomorrow, and they are going to recommend that you not have three entrances off of Bluebird Road.

Mr. O'Connor: Site plan again?

Mr. Patricke: It's a County road.

Mr. O'Connor: But a site plan issue.

Mr. Patricke: Just letting you know. And the traffic consultant doesn't have it yet because we haven't got the fees from the applicant yet, it goes no further until we see the fees and you won't be on the agenda.

Mr. O'Connor: Will you be here tomorrow?

Mr. Patricke: Yes.

Mr. O'Connor: Extension for the sewer- can we get that going?

Atty. Auffredou: That's up to the Town Board. Bring it up if you are coming to a Town Board meeting. If the fees are paid, get the Supervisor to put you on an agenda, talk about that. I can't think of a reason why they can't be on simultaneously on track. The Town Board has done district extensions, they know the process and it's a question of capacity, a buy-in etc. You get a map plan and report and it's a straightforward process.

Mr. O'Connor: 45 days here, 45 days there.

Atty. Auffredou: Some time limits are out of their control.

#3 Moreau Acres- Leonelli/Sisson Road Apartments

Gary Robinson: consulting engineer representing Mr. Hal Leonelli (not present). Subdivision of a parcel on Sisson Road 21 acres in size, subdivided into 7.5 and 13.6 acres. Parcel #1 has frontage on Sisson Road and a main road that goes front to back. Because of frontage all being taken by Parcel 1 and not 2, ZBA granted a variance as long as we had an access cross-easement between the two. We would like to look at site plan, see how it all fits in, and would like to schedule a public hearing and preliminary approval and final approval.

Chairman Jensen: This is site plan?

Mr. Patricke: Preliminary Plat Review and then Site Plan Review.

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Mr. Robinson: Do you have any questions?

Chairman Jensen: Have you investigated this site? Have you traipsed this site? Have you done it recently?

Mr. Robinson: Not recently. There is a small stream at the back through there, it carries runoff from offsite through the site and goes across Bluebird Road and into the Hudson River. It runs behind a couple of properties, onto National Grid, past there. This came up when we were here previously, we went out in the field looked at this. When National Grid built access to their power lines 90 deg with Sisson Road, came to a little dip, and filled it in. That's what causes the level of the stream out there. They had a 4 inch line that went through there that was clogged and National Grid said they would look into it. They probably haven't and we will make that call again. Nothing we can do. Under stormwater regulations, what we can do is retain the same amount of runoff, but if things downstream are beyond our control we try to make it better if we can.

Mr. Patricke: A gentleman brought in pictures. I am sure he's willing to help me get National Grid to get it corrected.

Mr. Arnold: Is this a road that's shared use and access, eventually public?

Mr. Robinson: No, it's an apartment complex, they would maintain the roads.

Mr. Gordon Woodward: Is this the proposal for 240 apartments?

Mr. Patricke: No, that's Harrison Ave. He did propose 244 before, but this is a different proposal.

Mr. Osborne: Why subdivide?

Mr. Robinson: Someone wants to buy the proposal and they can get financing for 80-units, so that's the proposal. They have right of first refusal to develop parcel two, and they intend to do that after parcel 1 is successful.

Mr. Osborne: We need to consider both on SEQR for greatest extent of build-out.

Atty. Auffredou: You have already looked at it, it's already been subjected to extensive review and approval, you are creating two lots but you have already done SEQR review, not to say that you don't have to do anything this time..

Mr. Robinson: We are using new stormwater regulations, and when we design water and sewer it's important what's coming from Phase 2 lines into Phase 1. We're taking it all into consideration when talking Phase 1.

Mr. Arnold: What's the current condition of the two sites? Any development on it?

Mr. Robinson: There are no structures. It was South Park. There was a road cleared that looped around this and at first we could see where it had been. It's not cleared at all.

Mr. Arnold: Nothing will happen to the second lot until it's purchased?

Mr. Robinson: The SWPP will be for the whole thing. It will be like we are doing it at this point in time so that if someone wanted to do something, Mr. Leonelli gets a deal from the contractor etc.

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Mr. Osborne: Was a market study done initially?

Mr. Robinson: No, but I understand the new group is very confident and has done one.

Mr. Osborne: Submit that at site plan.

Mr. Robinson: Yes, and we anticipate being here for that next month.

Chairman Jensen: Your intent, Gary, is to be n the agenda next month?

Mr. Osborne: At your ZBA meeting were there any issues with adjacent land owners?

Mr. Robinson: At a minimum we need a public hearing next month. If you could schedule that it would be fantastic and I thought maybe we needed preliminary subdivision approval before that.

Chairman Jensen: No.

Mr. Woodward: Site plan review next month is for what?

Mr. Robinson: Public hearing for subdivision and site plan for the first site.

Mr. Patricke: We can do them both.

Mr. Osborne: If we approve them tonight.

Chairman Jensen: Can you have your documentation to Mr. Patricke?

Mr. Patricke: He has submitted everything for subdivision.

Chairman Jensen: Have you received for site plan?

Mr. Patricke: No.

Chairman Jensen: Can you?

Mr. Robinson: Yes.

Mr. Patricke: One thing at a time. Subdivision public hearing next month.

Chairman Jensen: If the Board decides. Do I have a motion to conduct a public hearing for the Moreau Acres Subdivision on May 16th?

Mr. Arnold: So moved.

Mr. Barden: Second. Roll call vote on the motion proceeded as follows: Keith Osborne, Yes; Chris Barden, Yes; John Arnold, Yes; Erik Bergman, Yes; Dave Paska, Yes; Ronald Zimmerman, Yes; Chairman G. Peter Jensen, Yes. Motion carried.

Chairman Jensen: Question. This total project has come before this Board and been approved for total number of lots. Do you want a short or long form EAF for this, or do you wish you reconfirm the existing EAF?

Mr. Patricke: I thought we said short last month.

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Chairman Jensen: Let's confirm. Motion to accept a short form?

Mr. Barden made the motion and Mr. Arnold seconded. Motion passed unanimously.

Chairman Jensen: Motion for the Town to assume the role of lead agency?

Mr. Paska motioned and Mr. Zimmerman seconded. Motion passed unanimously.

Mr. Osborne: Does the subdivision require a long form?

Atty. Auffredou: I don't think so. It's an unlisted action. You can always ask for one, but you've done thorough review before, though the project is different.

Mr. Robinson: The project has not changed at all, it's just for subdivision, not site plan, and all we did was draw a line down here.

Chairman Jensen: Did ZBA do SEQR?

Atty. Auffredou: They did Short Form.

Mr. Patricke: For Area Variance.

Mr. Robinson: Under site plan, maybe.

Atty. Auffredou: You just want one for site plan and subdivision, just change the dates on the long form. My recommendation is that the applicant change the dates on the long form to accommodate both site plan and subdivision.

Mr. Robinson: So we are on for public hearing next month on the subdivision, long form.

Chairman Jensen: Yes.

Mr. Robinson: Site plan. The proposal is for the same number of units, before they were 10 units each with a garage and driveway. Now they are 5-unit buildings with a garage and a driveway in front of the garage. We are designing everything. Roads and elevations are slightly different. The conceptual plan was given to us by an architect. Right now, the requirement for parking is 1.5 per unit. The theory here is that there is a garage which is a parking space and a driveway, which is a second space. Is that acceptable?

Mr. Arnold: Is there an attic?

Mr. Patricke: Do you have deed restrictions to make sure the garage is used as a garage?

Mr. Robinson: We can talk about that. One thing that differs from the other proposal, they were all 3 bed units, these go from 1-4. There are 5 different styles and they will have one on each end and be two story in the middle, 2, 3, or 4 beds in these units. These people have done this before and for 1-unit buildings 1 space is adequate for 2 beds, 1 is adequate. For 3 and 4 beds they would provide 2 spaces, that's what they see used in other places.

Mr. Osborne: Who are they?

Mr. Robinson: The people we have under contract who do this type of building for a living.

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Mr. Osborne: Do they do this in areas where there is public transport and buses, etc?

Mr. Robinson: In the last one, we had quite a bit of parking provided, and I think it was 2 spaces per unit. All could be three beds, we had a lot of parking.

Mr. Arnold: It is of course possible for a 1 bed unit to have 2 cars.

Mr. Robinson: It is. The intent is that it would be not an upper-end apartment complex, they are thinking that people would not have two cars for one bed. They have some experience, I asked them for data and they talked to some managers. Generally they don't have people parking on the street. I am looking for a recommendation. If you add up the numbers they are talking about I think it comes up to an additional 30 spaces.

Mr. Patricke: What number?

Mr. Robinson: If you add up the beds per their method you need 30 spaces on top of the garage and driveway.

Mr. Arnold: Is the idea that overages end up in the other's spaces?

Mr. Robinson: I can tell you that it's like stormwater- we can't tell you exactly what it will be. They are saying there will be unused spaces. They may be used on a few days a year, but we don't design for those days. That's what we propose, what do you think?

Mr. Arnold: It works for stormwater.

Mr. Patricke: How many do you propose in this drawing?

Mr. Robinson: Depends on whether you call the garage parking or not. 1 per each unit, 144, plus 30 more because there's one for every unit in the drive way of you don't include garages, so 174 for the entire place before garages. If you looked at no garages, 1.5, 144 + 72. We're saying 144 + 30.

Mr. Patricke: Are you going to consider the garage a parking place?

Mr. Arnold: I think management can regulate that.

Mr. Patricke: Do we consider it a parking place?

Mr. Bergman: If it's legislated, yes.

Mr. Patricke: 4 No, 1 a half, 2 yes.

Chairman Jensen: None.

Mr. Patricke: If you vote, it's not a spot.

Mr. Arnold: Even if it did count, I don't see adequate parking. Unless there are rules about it, and even then, more show up after dark.

Mr. Paska: I know this is conceptual, but that car in the driveway has to be moved to get your car out, right?

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Mr. Robinson: It is. Some you can get around on your neighbors.

Mr. Paska: People don't want to do that.

Mr. Arnold: Change my vote to No, not a parking space.

Mr. Patricke: Half a space. Half the people might use it. 72 + 36

Mr. Robinson: 144 driveway spaces, and if you gave a half, 72 garage spaces,

Mr. Arnold: Move them back 25 feet and gain a spot.

Mr. Robinson: Some can be moved back, others can't. We have thought a lot about where parking would go. On the old plan we had gravel based out in front between units, not real attractive. For 3-4 bed units you want parking near the unit.

Mr. Arnold: Are the 3-4 beds wide enough for a one-car garage?

Mr. Osborne: Long and short, we are not biting your scenario.

Mr. Robinson: But if 1.5 per unit and .5 is in the garage....

Mr. Paska: Three or four beds, you are going to have 4 cars lined up in the driveway.

Mr. Robinson: It might happen but they are saying they don't see that. It could but it doesn't as a rule overall they see that they get one car for 3-4 beds.

Mr. Paska: and in the winter with snowbanks, they can't pull onto the lawn.

Mr. Robinson: They would end up on the street.

Mr. Patricke: I hear what they are telling you, but that is not the case in our Town.

Mr. Arnold: And when you rent an apartment you get parking restrictions in the lease.

Mr. Osborne: I have seen dedicated parking in townhouses.

Mr. Arnold: And overage parking somewhere.

Mr. Osborne: What did this have when it was approved?

Mr. Robinson: One with a garage and considerable overflow, but no 4 bed apartments. When you figure it out, there are less beds under this proposal than before.

Mr. Arnold: There's a different market for 4 beds than for three.

Mr. Robinson: Yes a home office. Computer or sewing room. We have 13 in Phase 1, 2 14-bed buildings, 1 15-bed building and 144 garages. There is a garage for every unit, and that's what we had in the original plan.

Mr. Zimmerman: So the code would say 216?

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Mr. Robinson: So garages don't count. Roadways under the old project were 26 ft. wide, we wanted them the same as a town road.

Mr. Patricke: 24.

Mr. Robinson: Under new stormwater one of the things we do is reduce the size of impervious paces so by reducing road; we reduce. I don't know if they are comfortable going less than 24. Is it acceptable?

Mr. Barden: Are you going to have sidewalks?

Mr. Robinson: Another issue.

Mr. Barden: Without sidewalks, it's a safety issue.

Mr. Arnold: If you reduce the size of the road and put sidewalks in, it doesn't reduce the impervious area.

Mr. Osborne: 20 is the minimum the Fire Marshall allows.

Mr. Barden: People are jogging, garbage trucks, etc.

Mr. Osborne: That's the access the Fire Marshall wants.

Mr. Robinson: Toying with curbed road or wing curb. For stormwater it doesn't matter. The question is, is there a requirement that we meet the Town's standard for a road that will never be owned by the Town?

Mr. Osborne: What about boulevard style?

Mr. Arnold: If you are going to take it down from 24 to 22, you are going to put a sidewalk in at 4 ft wide, you are 26ft then.

Mr. Robinson: They do want some sidewalks in, around the outside.

Mr. Arnold: Doesn't have to be both sides, it's not a busy thoroughfare, no one parking across that sidewalk in their driveway.

Chairman Jensen: What do you want to do, Board?

Mr. Robinson: We don't have to go to the Town road standard, but if we go down we have to put a sidewalk on one side?

Mr. Patricke: You go to Town Board standard for everything other than width, construction details.

Mr. Robinson: They want the good road too, it's their maintenance.

Chairman Jensen: This will go to emergency services for their review and comment.

Mr. Patricke: Concrete or blacktop?

Mr. Robinson: Preference? They would be concrete.

Mr. Patricke: Give us a detail at site plan review.

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Mr. Robinson: You see what we are hoping to do. We want to get it right the first time. I want to talk a little about the utilities. It is different because it is a change from 10 to 5 unit buildings. Rain gardens, drainage ditches, water quality volume will be taken care of near each of the units. It's not a large amount. It's a typical rainstorm, but for the 5-, 50-, 100- year storms, other practices. We had a small area back here, was one large area, still looking at the stream for the outlet. There is more runoff at higher storms. Because of grading on the site, it's a little flatter, we might move the pump station to the front and I didn't know if that was something acceptable. We will do the Town recommended station, does it make a difference whether it's at the front or back?

Mr. Osborne: You want it at the low point.

Mr. Robinson: It will be a forced main if we do it here, a shorter distance to pump from the front, it's just that the site is flatter.

Mr. Zimmerman: That's infrastructure you have to do up front.

Mr. Robinson: we are doing all the infrastructure up front.

Mr. Zimmerman: You said no earlier.

Mr. Robinson: They won't be built up front, but it will be designed in. We have to assign grades to the entire site, min slopes you have to meet for sanitary sewers. To get the capacity that we need, we have to look at each of these things to make sure we can get storm sewage off site and get sanitary to a pump station.

Mr. Arnold: But not building that side.

Mr. Robinson: Unless it goes great and someone comes along a week after it's up and wants to take parcel two.

Mr. Chairman: Does this location have to go to County?

Mr. Patricke: No.

Chairman Jensen: We'll be contacting consultants? For stormwater?

Mr. Patricke: Our engineered review. Not new traffic.

Chairman Jensen: Storm water is changing.

Mr. Arnold: That's not a retention pool, what do you want to call that?

Mr. Robinson: It might be a pond, pocket pond.

Mr. Arnold: It's going to outlet into the stream, not infringe upon the current stream. You don't want to have to treat water coming from another spot.

Mr. Robinson: The stream takes the back side and whatever comes from up here goes through that stream. Our overflow goes there and post development is equal or less than pre-development. The grade change is tough to discern.

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Chairman Jensen: Will we have a plethora of signs that say this is a rain garden?

Mr. Robinson: It's a little different, because it's on no one's property and not a public road.

Mr. Patricke: I want to talk about where we are going to put snow. We have a neighbor concerned with where you are going to pile your snow. If you push it down to the end that is right by his house.

Mr. Arnold: I would think at the back.

Mr. Patricke: I want a condition in your site plan that we look at and address it.

Mr. Robinson: If you don't want it there we can do something that prevents it.

Chairman Jensen: It needs to be considered and indicated on the site plan.

Mr. Robinson: Similar to the well-run complexes, they plow until they have to move snow, like this year. They are aware of that and know they have to do that at time.

Mr. Osborne: Could you put a map on the plans.

Mr. Patricke: Public hearing?

Chairman Jensen: Applicant has made a request for public hearing for Site Plan Review for Moreau Acres.

Atty. Auffredou: Assume lead agency for Site Plan?

Mr. Zimmerman: Motion that the Town assume the role of lead agency for site plan review of Moreau Acres.

Mr. Paska: Second.

Motion passed unanimously.

Mr. Osborne: Motion to schedule public hearing at the May 16th Planning Board meeting. Can we – we didn't do final, only preliminary subdivision.

Mr. Patricke: You can do both or waive the 30 days at that time.

The motion was seconded by Mr. Arnold and passed unanimously.

Mr. Patricke: I need that soon.

#4 Michael Peck- Site Plan Review

Bill Rourke with Michael and Pam Peck. They own both pieces of property and have been through the site of splitting the property in two. They plan to build a two story office/storage building. It is C-3 residential/professional zoning. They own Tuff-Kote, commercial and residential installation of polymer flooring a stamped concrete. The building we look to expand into is to store equipment and make it more accessible and let Glens Falls Tae Kwon Do take over the remainder of the building that is there. They are

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cramped and would like to take that over for 5-10 years. We are trying to utilize that space to its full potential.

Mr. Rourke: Last time we were here there was a double deed coverage with Peter Holmquist. Mike has agreed to drop his claim and Mr. Holmquist has the right here. That was taken care of. You asked for additional landscaping, security lights, and we provided 16 parking places. There will be some kind of shared agreement, if this overflows in parking they will share these, but it probably won't. Same thing with Tae Kwon Do. I think they operate different hours. They have to be 15,000 sq. ft. and both are. Meet all setbacks, parking. We have been through public hearing, SEQR, no.

Mr. Osborne: We never did SEQR. We tabled the public hearing.

Mr. Rourke: I don't know exactly where we do stand.

Chairman Jensen: That was in June. June 21. It's been adequate amount of time I believe we need to re-advertise in the best interest of everyone. I assume you want to schedule that?

Mr. Rourke: Yes, and we did not do SEQR.

Chairman Jensen: Board, do you wish to reconfirm your role of lead agency for this project?

Mr. Zimmerman motioned and Mr. Barden seconded. Motion passed unanimously.

Chairman Jensen: Board do you desire to confirm your motion to accept a short EAF for this site plan review?

Mr. Osborne so moved, Mr. Zimmerman seconded, motion passed unanimously.

Chairman Jensen: Applicant has asked to conduct a public hearing.

Mr. Paska motioned and Mr. Bergman seconded, motion passed unanimously.

Chairman Jensen: There was an environmental concern for a spill there, I know it has been resolved but we will pick that up in May at the public hearing and I think we have documentation that's it's been resolved.

Mr. Rourke: I think we'll have an agreement, we show one entrance.

Mr. Zimmerman: Mike, you are going to remain as owner for both?

Mr. Peck: Yes. Unless it goes to Tuff-Kote Flooring, which I own.

Mr. Osborne: It could come up for your parking. It might make a difference for financing. If it comes up.

Mr. Rourke: We do meet parking in each site.

Mr. Arnold: Mr. Peck, the individual, would have to have an access agreement with Tuff- Kote,

Mr. Peck: In the deed, in case I sell the business in the future.

Mr. Osborne: I would ask you to review the minutes from the last meeting as there were parking concerns, especially in front of Route 9.

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Mr. Patricke: Do you want to refer this to the County?

Chairman Jensen: Yes.

Mr. Patricke: We have a new Board, should he resubmit?

Chairman Jensen: Board all got the package tonight.

Mr. Rourke: I will give you short EAF.

Mr. Zimmerman: Can we get those minutes?

Mr. Patricke: Yes.

Chairman Jensen: we have another item not on the agenda that we need to attack. There have been discussions concerning Woodstone and that this project has been...

Mr. Patricke: We have some incoming info that may change that and we want to go over that first.

Atty. Auffredou: I have a resolution ready to go and it's on hold.

Chairman Jensen: A training session is coming up, you have information.

Motion to adjourn was made by Mr. Osborne and seconded by Mr. Arnold. Motion passed unanimously at 9:52 p.m.

Respectfully Submitted,

Tricia S.Andrews