

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on August 17, 2009

**Planning Board Regular Meeting**

**August 17, 2009**

**Attending Board Members:** Chairman, G. Peter Jensen  
James Edwards, Keith Osborne, John R. Arnold, Erik Bergman, Ronald Zimmerman,  
Recording Secretary: Cherie Kory  
**Absent Board Members:** Thomas Field

**Others Present:** Building Inspector: Joseph Patricke, Town Attorney: Martin Auffredou

Chairman Jensen called the meeting to order at 7pm.

- 1. Motion:** To approve the July 20, 2009 Planning Board minutes as Amended, by: **Mr. Osborne**  
**Second to Motion:** Mr. Bergman

**Discussion/Corrections:** None

**Roll Call:** 5 Ayes 0 Abstained

**Absent:** Thomas Field

**Motion Carried.**

**AGENDA**

**1. Thousand Oaks Phase II**  
**Site Plan Review**

- 1. Motion:** To reopen the Public Hearing for Thousand Oaks Phase II, by: **Mr. Edwards**  
**Second to Motion:** Mr. Zimmerman

**Roll Call:** 5 Ayes 0 Abstained

**Absent:** Thomas Field

**Motion Carried.**

**Trent Martin K A Martin engineers** representing Tom Kubricky here with Ken Martin and Ernie Stanley from TKC/DKC. Proposed Phase II, Duke's Way Road off Route 9 Industrial Park in Gansevoort running into the TKC/DKC building to be developed in the future into an industrial subdivision. The center island towards the front removed softening the curves to approximately 100' minimum radius of the Towns standard. The storm water reconfigured with two infiltration basins, one in the Southeast corner and one in the Southwest corner. Each basin will pick up half the road and sized to DEC standards. Frozen ground conditions and infiltration currently worked on with Town Engineer. There will be maintenance easements for the basins granted to the Town and the road will be turned over to the Town, built to Town standards.

**Mr. Osborne:** directed to Mr. Patricke...Will the Town maintain the Storm Water Ponds, is this standard practice?

**Mr. Patricke:** No the developer maintains the basins and the Town maintains the piping going to the basins from the road and outfall.

**Mr. Auffredou:** the process is handled at dedication through easements, deeds etc.

**Mr. Osborne:** questioned the timing of subdividing and how it comes before the Planning Board

**Mr. Patricke:** Both Site Plan Review and Subdivision must come before the Planning Board. The law reads you can subdivide land only once in seven years without coming to the Planning Board. This project has had its one time subdivision.

**Mr. Osborne:** One acre zoning...yes

**Mr. Patricke:** clarifying the status of older subdivisions owned by the Town, position on basins are not the same as 9 years ago the Town has firmed their position in regards to basins.

**Mr. Osborne:** questioned more pervious surface once the build outs are in place

**Mr. Martin:** the two proposed basins are for the road each lot will have its own basins

**Mr. Patricke:** note this is the first time the Planning Board is looking at the Site Plan Review for placement of the road and then the lots as they are developed

**Mr. Edwards:** questioned available space... room for each lot and the storm water layout

**Mr. Martin:** Yes, the lot layout has been completed

**Mr. Patricke:** each lot will require storm water when presented to the Planning Board

**Mr. Edwards:** questioned the responses going out in regards to the letters

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**Mr. Martin:** yes...out to Jim

**Mr. Patricke:** all responses are resolved and attached in the correspondence presented. It was agreed a 1-foot reserve put in place... note the follow up letter from Jim.

**Mr. Zimmerman:** questioned the note to Mr. Patricke from Jim suggesting the Planning Board include a condition of the Town Engineers approval in final detail. What is the final detail?

**Mr. Patricke:** to see the final drawings reviewed by the engineer before Pete receives them... ensuring all signatures and details are in place. It was also suggested adding a statement noting this is a Site Plan Review... all subdivisions must return to Planning Board as stated by the Chairman upon approval.

**Chairman Jensen:** In good practice, the Planning Board decided to review the previously completed Full Environmental Assessment Form (EAF)

**Part 1 – Project Information –** as completed by project applicant

**A. Site Description:** 1-16 No concerns as completed, 17 changed to yes, lines run along route 9, 18-20 No concerns as completed.

**B. Project Description:** 1-12 No concerns as completed, 13 changed to No, the road causes no effluent, 14-25 No concerns as completed

**C. Zoning and Planning Information:** 1 change to Site Plan Review, 2-12 No concerns as completed

**D. Informational Details & E. Verification:** No concerns as completed

**Mr. Arnold:** questioned #7 the zoning classes within ¼ mile radius of proposed

**Mr. Patricke:** Roto Router is M2, four lots to the north are C1

**Part 2 – Project Impacts and their Magnitude:** 1-20 No concerns as completed

**Part 3 – Evaluation of the Importance of Impacts:** No concerns

**Chairman Jensen:** Closed the Public Hearing 7:30 pm August 17, 2009

**1.Motion:** To declare a negative declaration for this unlisted action on the Full Environmental Assessment for Thousand Oaks Phase II Site Plan Review by: **Mr. Zimmerman**

**Second to Motion:** Mr. Osborne

**Roll Call:** James Edwards Y, Keith Osborne Y, John R. Arnold Y, Erik Bergman Y, Ronald Zimmerman Y, Chairman Jensen Y

**Absent:** Thomas Field

**Motion Carried.**

**Mr. Osborne:** initiated discussion on conditions suggested for the final Town Engineer signoff and questioned council on the lot division and the concern of segmentation

**Mr. Auffredou:** noted for the record the Planning Boards concern of Segmentation and put the Applicant on notice of this discussion that allows the Board to make a determination on each lot as it is reviewed under SEQR looking at the entire build out as it is developed to address any foreseeable impacts. There is a clear distinction between a subdivision and a site plan. This project is unique in that it has additional layers of review. Typically you review the subdivision and road at the same time here you are reviewing the road first and later the subdivision.

**Mr. Patricke:** requested discussion on the next phase in this process...the concern is a period of 60 to 90 days if the site plan and subdivision are not at the same time

**Mr. Auffredou:** no reason the two actions could not be concurrent by Applicant, however the applicant cannot be granted site plan approval without subdivision approval.

**Mr. Osborne:** SEQR subdivision can not segment the Board has to protect against segmentation. Suggested the process of subdivision modification if one lot is laid out at a time

**Mr. Patricke:** disagreed with process of subdivision modification. The understanding is to allow each buyer to customize as the lots are sold

**Mr. Martin:** do not want to lay lines at this time to allow for customization

**Mr. Auffredou:** using the example of 20 acres; 5 acres proposed for build out leaving 15 acres undeveloped it is not unreasonable for the Planning Board to request a conceptual plan for the remaining 15 acres. It is prudent to look at the potential build out of the entire area and the possibilities remaining focusing on the contract to develop the 5 acres. Having the segmentation discussion at the time of the proposed 5 acres development

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**Mr. Osborne:** doing the build out as a whole as the subdivision comes in it reaffirms the environmental assessment on each lot.

**Mr. Edwards:** questioned the road construction, condition and dedication...noting why the Town would assume maintenance on a road with nothing on it.

**Mr. Patricke:** the developer will lay a binder down required by code

**Mr. Auffredou:** secure a bond until the work is done at a future date, a letter of credit is allowed

**Mr. Patricke:** required to have drainage system and binder system until 60% of the lots are in at the 60% mark it is still up to the approval of the Highway Superintendent.

**2.Motion:** To approve Thousand Oaks Phase II Site Plan for the road construction with the following conditions: 1.) Any subdivision of lots must come back before the Planning Board for subdivision review and site plan for any proposed development of lots 2.) Town of Moreau Engineer must sign off on any Final Plans by: **Mr. Osborne**

**Second to Motion:** Mr. Edward

**Roll Call:** James Edwards Y, Keith Osborne Y, John R. Arnold Y, Erik Bergman Y, Ronald Zimmerman Y, Chairman Jensen Y

**Absent:** Thomas Field

**Motion Carried.**

**3.Motion:** to have the Chairman and one other Planning Board member sign the Mylar's for Thousand Oaks Phase II Site Plan for the road construction once presented to Mr. Patricke by: **Mr. Zimmerman**

**Second to Motion:** Mr. Arnold

**Roll Call:** 6 Ayes 0 Abstained

**Absent:** Thomas Field

**Motion Carried.**

**Discussion:** reschedule a workshop to review the draft new Zoning code focusing on Site Plan review, Definitions, Special Use Permits and Planned Unit Development Districting (PUD)

**Mr. Auffredou:** as the Board considers a workshop note in the near future the Planning Board will receive a draft of the wood burning Outdoor Hydronic Heater Law. The Town has sent this up as a modification of the Zoning Law. As a result, local code states that any change to a Zoning Law must be referred (by the Town Board) to the Planning Board for review and recommendations. The Post Star has to be notified of any workshop

**Chairman Jensen:** noted public comments reserved for Public Hearings only not workshops the floor is not opened for questions during the meeting

**1.Motion:** to hold a workshop on August 31, 2009 at 6pm to review the draft of the new Zoning Code and Outdoor Hydronic Heaters by: **Mr. Osborne**

**Second to Motion:** Mr. Arnold

**Roll Call:** 6 Ayes 0 Abstained

**Absent:** Thomas Field

**Motion Carried.**

**1.Motion:** To adjourn Regular Planning Board meeting at 8:00 pm by: **Mr. Zimmerman,**

**Second to Motion:** Mr. Arnold

**Roll Call: 6 Ayes, 0 Abstained**

**Absent:** Thomas Field

**Motion Carried.**

Respectively Submitted, Signature on file

Cherie A Kory 8/20/09