

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 December 21, 2009

Planning Board Regular Meeting

December 21, 2009

Attending Board Members:

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

Absent Board Members:

None

Others Present: Building Inspector: Joseph Patricke, Town Attorney: John Svare, Esq. from the office of Martin Auffredou

Chairman Jensen called the meeting to order at 7pm.

1. Motion: To approve the November 16, 2009 Planning Board minutes as Amended, by: **Mr. Field:**

Second to Motion: Mr. Osborne

Discussion/Corrections: No Corrections

Roll Call: 7 Ayes 0 Abstained:

Absent:

Motion Carried.

Note from recording Secretary: due to year-end scheduling December Planning Board minutes will be late and condensed please request a copy of audio

2. Motion: To move January's regular Planning Board meeting to Monday February 1 due to January 18th Holiday and February's 15th meeting to February 22nd, by: **Mr. Field:**

Second to Motion: Mr. Bergman

Roll Call: 7 Ayes 0 Abstained:

Absent:

Motion Carried.

AGENDA

1. Toadflax – Rte 9

Preliminary Site Plan Review

Disclosure: Chairman Jensen has had a contractual relationship with Toadflax Nursery not in relation to this matter pending before the board tonight

Richard Morris owner – presented the board with copies of the April 20, 2009 Planning Board Minutes, a time line created to outline the site plan review for a Portable Display unit and a letter from John D Svare of Bartlett, Pontiff, Stewart & Rhodes, P.C. (representing the Town of Moreau) addressed to Howard Krantz, Esq. (representing Mr. Morris). Mr. Morris is seeking clarification on the Town of Moreau's Code regarding Preliminary Site Plan Review.

Note: the letter at hand references the Town of Moreau Court scheduled appearance on December 10, 2009: Town of Moreau vs. Richard Morris, asking the Court to render a decision on the violation of an Order on Consent issued November 3, 2008 to Richard Morris.

Mr. Morris is confused on the process that began on or about April 4, 2009 which in his opinion started the Site Plan Review based on a hypothetical acquiring of additional property and moving the entire operation of Toadflax to the east side of Route 9. Because of the April 20 Planning Board meeting Mr. Morris was under the impression the portable building in question met the setbacks and Toadflax could proceed according to the responses from the Board referenced in the minutes. Mr. Morris is confused over the requirements to meet Article VI of the Moreau

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Town Code in particular section 149-40, C. highlighted in the time line presented to the Board earlier in the evening.

Mr. Patricke: informed Mr. Morris his application in not completed to date.

Mr. Svare: the courts resolved on December 12, 2009 in a hearing before Justice McCabe a decision rendered on the completion of Mr. Morris's application to the Town of Moreau. Mr. Morris can exercise his right to appeal or remedy the decision rendered through the courts.

Mr. Morris: for the record stated the letter from Mr. Svare is dated April 8th it was given to him the day of the court hearing, December 12, 2009. The short notice did not allow time for a defense, Mr. Morris is hopeful there could be some resolution through the Town Board and Planning Boards, Mr. Svare's letter was very aggressive in pursuing this matter and it is very unnerving the time this is taking to complete on top of the \$4,000.00 fine. Again, Mr. Morris was under the impression he was moving ahead according to code for site plan approval.

Mr. Patricke: again confirmed Mr. Morris did not have a completed application in and referenced the checklist items to be completed. Asked the board to review Mr. Morris's Site Plan and give the opinion on what is missing.

Mr. Morris: confused on preliminary vs. final according to the codes

Chairman Jensen: requested the Board to pull the code language from the Code Book. Noted the Boards determinations are strictly governed by the Codes and what ever happened because of the Hearing December 12, 2009 is immaterial tonight's matter.

Mr. Field: read aloud the contents from the Preliminary Site Plan Application: Article VI Section 149-37, in reference to the Portable/Modular Display Building before them tonight: #1 – Maps 1, 2, & 3 - the Board requests Mr. Morris to show use and ownership of the parking lot being used by Toadflax to the south. Show Topographical. Show property lines and adjacent landowners and in doing so, a full view of the parcel being used for parking the detail is not needed just the boundaries. Show the physical scale i.e. square footage of the proposed buildings on the site plan map. Note any contour/grade changes on the parcel based upon USGS Topographical Maps. Show lighting. Define access i.e. driveways/roadways to buildings, in particular the south hedge and in the front the circulation.

Mr. Field: read aloud the Criteria for Review 1 – 10: Article VI Section 149-38, the Board requests Mr. Morris in regards to the proposed Head House impacts the access to the boiler, requesting Fire "referral" on the access to the south of the boiler. **Mr. Patrick agreed to compile a report to the permitted intent of livestock/petting zoo in a Commercial area.** Because of the physical site survey, the Board requested a maintenance plan for the existing Dry Wells. The Board requested a formalized agreement with the adjacent property owners to use the property for parking, also a Site Plan for the agreed property in use. **Mr. Patrick agreed to review the lot size and review the need for a Site Plan on the overflow parking**

Mr. Patricke reiterated with Mr. Morris to go back to Article VI Section 149-38 detailing the bullet list of requirements needed prior to the yellow highlighted Section 149-40 on the time line presented earlier in the evening by Mr. Morris.

Mr. Morris agreed to accept an audio copy of the December 21, 2009 minutes. The cutoff date of submittal will be January 19, 2010 to present at the February 1, 2010 meeting.

AGENDA

2. Schermerhorn Subdivision – Winterberry Woods Preliminary Plat Review

Travis Mitchell from Environmental Design, reviewing a proposed 38-acre cluster subdivision on the Southwest corner of Bluebird Road and Fort Edward Road. Last appeared before this board in March of 2009 with Sketch Plans and there are no significant changes. Because of the discussions with the Board, the average lot size is 12,700 sq ft with the minimum of 10,400 sq ft, the lot frontage of 80 feet for the cluster and 10.5 acres of proposed open space. Storm Water management on site conducted by an HOA also providing on desired bases lawn and snow removal. Drainage Easements are in place and will continue to work with Saratoga county to meet their requirements. Creighton Manning prepared traffic study, updated from the traffic study done on the adjacent apartment complex. Sign off from the NYS National Heritage Program included in the packet. To date completed

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archeological studies Part 1a and b sign offs to follow. No DEC wet lands on the site. Army Corp. wetlands on the southern hedge, continuing to work through that process with sign offs to follow. Submitting the Preliminary Plans to send out to engineering to begin the review process for submittal.

Mr. Osborne: for the record stated he preferred open space as contiguous and not spread out, likes corridors

Mr. Field: disagrees preference is flexibility of use. Questioned the narrow access of the interior open space at the east end measuring 10 to 12 feet regarding an Open Space Plan in the works.

Mr. Mitchell: clip to open the access to 15/20 feet

Mr. Patricke: concerned the stub at the southwest corner will not pass highway it should be a curve with no connection to any property.

Consensus of Board to send to the Towns consults for Storm Water, Traffic, School, Town Board for water/sewer and general overall. The missing components i.e. Fish & Wildlife signs will be in place before the Public Hearing.

3. James Greenwood – Route 9 Site Plan Review

James Greenwood is proposing two commercial offices with an accessory building. One office occupied by Mr. Greenwood's construction company and the other by his wife. No heavy equipment maintenance no floor drainage needed. The property is under contract for purchase the Greenwoods are here tonight to determine what is needed.

Mr. Field: show service door on accessory building on your plans

Mr. Osborne: show storm water controls, grading, permeability check for storm water plan

Consensus from board that as long as signage for the business indicated on plans it is not necessary to detail at this stage.

Mr. Patricke: define area of disturbance, lighting

Mr. Field: show dry well and indication of how water will flow to the well, location maps and utilities addressed and showing on the plan

Mr. Edwards: define parking based on gross office space, Section 149-58: one parking space per 300 sq ft of gross office space

Mr. Patricke: spot elevations are adequate at 2 feet

Consensus from the board is to move forward.

1. Motion: To schedule a Public Hearing for Greenwood Site Plan Review on Feb. 1, 2010 at 7pm, by: Mr. Field

Second to Motion: Mr. Zimmerman

Roll Call: Mr. Edwards: YES, Mr. Osborne: YES, Mr. Arnold: YES, Mr. Field: YES, Mr. Bergman: YES, Mr. Zimmerman: YES, Chairman Jensen: YES

Absent:

Motion Carried.

2. Motion: To refer to Saratoga County for Short Form SEQR on proposed Greenwood, by: Mr. Osborne

Second to Motion: Mr. Field

Roll Call: Mr. Edwards: YES, Mr. Osborne: YES, Mr. Arnold: YES, Mr. Field: YES, Mr. Bergman: YES, Mr. Zimmerman: YES, Chairman Jensen: YES

Motion Carried.

10 Copies of update site plan needed for a response from Saratoga

4. DMMH Corporation – Route 9 Site Plan Review

Greg Hewlett, Dave Rogge with Ethan Hall from Ruzinski-Hall Architects' reviewing the proposed YMCA agreement to lease of 1.5 acres, 12,500 sq ft of the former Paint Ball location on a 9 acre Route 9 lot. The lease site is 1.5 acres with loading dock scheduled for elimination. The lot is completely paved.

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Currently the roof is in the process of replacing. The footprint of the building will remain the same with the exception of eliminating the loading dock. EIFS proposed for the exterior of the building as well as additional new windows and stone to add texture along the bottom of the building. The front interior will be workout space, conference, wellness and multi function space including check in desk and locker room. The back interior with elevated roof will be a half court basketball gym. Attached to the application is a photo of the original building. A small portion, 2,500 sq ft will be vacant in hopes the YMCA will need the additional space. The goal of the YMCA is to get a foothold for any market in this area. The interior is the focus at this point. To date no plans exist for 7.4 acres in the back now used for storage. A 30-foot easement allows for access to the 7.4 acres. The Master Plan for the entire parcel is for the YMCA to find the market needed to take the area in the back. Least requires parking is 75 parking spaces.

Mr. Osborne: SEQR will determine what the largest build out will be for this entire lot not just the 1.5 occupied by the YMCA. Also looking for increased permeability i.e. islands in parking lot or surrounding the building

Mr. Hewlett: traffic will flow using the storage access to the rear.

Mr. Zimmerman: the property to the north is cleaning up deadline is nearing.

Mr. Patricke: eliminating the loading dock will change the dynamics of the parking lot. Agreed 175 sq foot wide, requested when showing the warehouse space be consistent all the way around.

Mr. Rogge: Basin water flows for Septic are coming from current Commercial YMCA buildings, the concern of the expense to install new leaching when the Town proposed sewer infrastructure is nearing. Noted in the lease agreement is connection to such infrastructure once in place. The Health Department will have the ultimate decision on allowance.

Mr. Patricke: DEC will determine

Mr. Arnold: questioned the 75-foot curb cut off route 9. The concern is more than one vehicle trying to exit at the same time. The curb cut needs controls.

Mr. Hall: will consider sidewalk, lighting to be determined still in Preliminary stage.

Consensus of the Board March meeting will allow the information to be completed for a Public Hearing. Long Form EAF is required.

Chairman Jensen: presented a letter submitted by Mr. Edwards regarding his resignation from the Planning Board. The board recognized the 14 years of dedicated service and thanked Mr. Edwards for sharing his commitment and professionalism.

The Board agreed to put any Workshops on hold.

1. Motion: To adjourn Regular Planning Board meeting at 9:30 pm by: **Mr. Zimmerman,**

Second to Motion: Mr. Edwards

Roll Call: 7 Ayes, 0 Abstained

Motion Carried.

Respectively Submitted, Signature on file

Cherie A Kory 1/10/10