

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 July 18, 2011.

Board Members Present: Acting Chairman Erik Bergman, Keith Osborne, Reed Antis, John Arnold, Linda Riggi, Dave Paska, Ronald Zimmerman

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

The meeting was called to order at 7:00p.m. by Acting Chair Erik Bergman.

Acting Chairman Bergman: We have a few members absent but we have a quorum. Let's begin with the minutes of the June 20, 2011 meeting.

Mr. Paska motioned to approve the minutes of the June 20, 2011 meeting as written, and Mr. Osborne seconded. Minutes were approved unanimously.

Minutes of the June 27, 2011 Special Meeting were reviewed with no additions or corrections. Ms. Riggi motioned to approve the minutes of June 27, 2011 and Mr. Antis seconded. Motion carried, with Mr. Paska and Mr. Zimmerman abstaining.

**Agenda Item #1 Canavan Subdivision
Public Hearing
Preliminary Plat Review**

Acting Chairman Bergman: First order of business; is Mr. Canavan here? Open the public hearing on the Canavan subdivision. 7:06 p.m.

Mr. Patricke: This subdivision was originally presented as a 3-lot subdivision; Mr. Canavan has broken off a lot which complies with zoning. He wants to move on and wants a building permit. He did that previously and now it is a two-lot subdivision that you wouldn't have to see, but has to come back before the board within 7 years. Really a two lot subdivision on Spier Falls Road now.

Mr. Paska: I didn't understand what you meant.

Mr. Patricke: Town law says that you can subdivide free one time without appearing before the Board once in a seven year period, but if you want to do anything with the second lot, you need approval. This is the same but he broke off a piece on the eastern side.

Mr. Osborne: I have concerns about setting precedents. We were under the impression that this was 3 lots a few months ago. Any issues with that?

Attorney Auffredou: We were three, now we're two. Are we going back to three at any point?

Mr. Arnold: I see two lots delineated, but I see three parcels still.

Mr. Patricke: One is done; you have nothing to do with it.

Mr. Arnold: Oh.

Mr. Osborne: Administratively.

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 July 18, 2011.

Attorney Auffredou: Under the exception. I'm OK.

Acting Chairman Bergman: Does the public have anything to say?

Mrs. Raab: Let them do it.

Acting Chairman Bergman: Public hearing closed 7:07 p.m. Let's review the Short Form EAF.

Attorney Auffredou: I will read off part two for you. SEQR for Canavan Subdivision.

Mr. Patricke: Does everyone have a copy?

Attorney Auffredou: If anyone wants one, we can provide. (Attorney Auffredou reads short form SEQR into record. No discussion.) I recommend a motion to make a negative declaration and authorize the Chair to sign the EAF.

Mr. Arnold: Motion to make a negative declaration and authorize the Chair to sign the EAF.

Mr. Osborne: Second.

Attorney Auffredou: Motion included authorization for the Chair to sign EAF.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Osborne: Motion to approve two lot subdivision for the Canavan Subdivision.

Mr. Arnold: Second.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Attorney Auffredou: You can move to final steps if you choose and motion for Final Approval.

Mr. Paska: Motion to approve.

Mr. Zimmerman: Do we need to motion to waive the final hearing process and approve the final subdivisions?

Mr. Paska: Motion to waive the process and approve the final subdivision.

Mr. Zimmerman: Second.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Osborne: Do we need to motion for someone other than the chair to sign the Mylar?

Attorney Auffredou: Motion for acting or chair and one other member to sign the mylars.

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 July 18, 2011.

Mr. Osborne: I put forth a motion for the Acting Chair or Chair and one other board member to sign the mylar.

Mr. Antis: Second.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

**#2 Greenier Subdivision
Public Hearing
Preliminary Plat Review**

Acting Chairman Bergman: Greenier Subdivision public hearing opened at 7:16p.m.

Mr. Patricke: I put up the map. I'm representing them.

Acting Chairman Bergman: Anyone got anything to add to this one?

Mr. Patricke: It's a three lot subdivision by South Road and Old West on the West side of Route 9 by the mine entrance. Mr. Greenier lives on the largest lot in the middle of there, and he wants to create two lots in addition to the one he has. The one on the North side meets all requirements; the one on the West was discussed on the average depth. Mr. Rourke made the changes in the preceding month to make it as compliant as it can be. This was referred to the County and we got no response from them.

Mr. Osborne: 30 days.

Mr. Patricke: Yes.

Acting Chairman Bergman: Administratively it's all there.

Mr. Patricke: He did what we asked him to do, I recommend we close the public hearing and move to SEQR.

Acting Chairman Bergman: Public hearing closed at 7:17 p.m.; move on to Short Form EAF.

Attorney Auffredou read the EAF into the record. No comments.

Attorney Auffredou: Recommend a motion for a negative declaration and that authorizing the Chairman to sign EAF.

Mr. Arnold: Motion.

Mr. Zimmerman: Second.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Osborne: Question. Why is that in the motion when it's required anyway?

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 July 18, 2011.

Attorney Auffredou: Just so there's no question about authority when it's reviewed. We have an acting chair, all the more reason.

Mr. Osborne: Motion to approve preliminary site plan for Greenier Subdivision.

Mr. Paska: Second.

Acting Chairman Bergman: Comments? (None.)

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Zimmerman: Motion to waive the requirement for a separate meeting to review final approval and motion for approval on final subdivision.

Mr. Osborne: Second.

Acting Chairman Bergman: Comments?

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Paska: Motion that the chair and one other member sign the mylar when they become available.

Ms. Riggi: Second.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

#3 Whipple Subdivision Preliminary Plat Review

Mr. Patricke: All we have on the Whipple Subdivision is that we asked for storm water and erosion control and we have received that in the form of a new drawing that you have all received. This is on the end of Jackson Road just before it goes to private road. At one point, he had three lots and because of frontage requirements he restructured and has four lots. We asked him to prepare this storm water and erosion control info and Mr. Robinson is here this evening and may want to comment.

Mr. Robinson: I took a quick look at it earlier because it is residential less than 5 acres. There is no storm water completed plan. It appears to be in order to me on quick review; I don't think there will be any issue that will cause a problem.

Mr. Patricke: I think they are missing nothing else; they would like to be scheduled for a public hearing next month.

Mr. Zimmerman: Motion to schedule a public hearing on August 15th at 7:00 pm for the Whipple Subdivision.

Mr. Arnold: Garry, I am trying to figure out the construction spec for a fence.

Mr. Robinson: That's a silt fence probably.

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 July 18, 2011.

Mr. Arnold: it calls for a woven wire fence with 6 inch spacing. What's that stopping?

Mr. Robinson: It may have a fabric.

Mr. Osborne: It shows embedded filter cloth, lower down on the list.

Mr. Robinson: The fence helps support it; you see it in places when it's not maintained.

Mr. Arnold: I see it lower down on the page.

Mr. Osborne: Do we see those not correctly installed?

Mr. Patricke: Not in Moreau.

Mr. Arnold: Thank you.

Acting Chairman Bergman: To the motion do we have second?

Mr. Osborne: Second.

Acting Chairman Bergman: All in favor? Motion carries.

#4 Va-Va-Voom Inc.

Mr. Bianchine: Subdivision for Home of the Good Shepherd. Pretty straightforward. We have a little easement for Lot 1 to come through as a driveway which we'll show you. 23.7 acres will be Lot 2.

Acting Chairman Bergman: Mr. Patricke, given the fact that this is part of a PUD, where is this Board with this subdivision now that the Town Board has acted.

Attorney Auffredou: The PUD was approved June 28, Local Law 3 of 2011, all of that is done. At that time the Town Board set certain parameters: Min. lot size of 2.75 acres, uses, setbacks, lot lines, parking etc. I am looking at this first tonight. Are you looking for a two-lot subdivision tonight just to create that Lot for Home of the Good Shepherd?

Mr. Bianchine: Yes, two lots now and we'll come back for more as it develops.

Mr. Arnold: And subdivision is acceptable in a PUD?

Attorney Auffredou: Absolutely.

Attorney O'Connor: Why isn't this administratively approvable?

Attorney Auffredou: This is new for Joe and me. I was under the impression that you had the other lots tonight.

Mr. Arnold: Do we have a copy of the Local Law for us to look at?

Attorney Auffredou: I have it here.

Mr. Arnold: I'd like to see that.

Mr. Patricke: It's all under your regulations. This law will come into affect for Site Plan.

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 July 18, 2011.

Attorney Auffredou: (from Code) "...Except a two lot division fronting on existing public streets not involving new roads or extension of municipal facilities." Because you are bringing in sewer.

Attorney O'Connor: I understand there is a 6 inch forced main that is there.

Attorney Auffredou: For sewer.

Attorney O'Connor: Yes, across the street and Preston (Jenkins) indicated we can hook up to that if we don't have 8-inch in place and it's not complete. It would not be an extension. Joe was part of that conversation. We are going to have contractual obligation to do the 8-inch main under a timeline that we agreed to. If they proceed, they could hook up on a temporary basis to the 6 inch forced main and that would not hold up the building process.

Mr. Paska: So if 6-inch is big enough, why go to 8-inch.

Attorney O'Connor: Two sewer engineers say it's big enough, but Town Board policy is that they want an 8 inch out there, it's big enough because it's forced main and you can computerize it so it's not in use when this project is using it. You could put this and another on it, but the Town Board wants an 8 inch that goes down to Exit 17, so to get into the district they want us to pay for the 8 inch main.

Mr. Paska: All the way to Exit 17?

Attorney O'Connor: No, between Fort Edward Road and Sisson Road. It's 2,200 feet. I think that takes care of whether or not we need municipal extensions. I just became aware at the first hearing that there's an administrative exemption and we could take advantage of that. I still have a time/grant problem and we need to get into the ground.

Acting Chairman Bergman: Let's discuss the subdivision first.

Mr. Arnold: You are saying this particular part of the build-out doesn't require an extension of the system permanently?

Attorney O'Connor: No, we will have 8-inch main in place sometime in 2012.

Mr. Patricke: Prior to Cert of Occ.

Attorney O'Connor: We can for construction. We can get a building permit without the sewer in place.

Mr. Patricke: He said you can do what Schermerhorn, did which is to get municipal sewer before CO. That's what I heard him say.

Mr. Bianchine: It will be in but the gravity part may not be fully functional.

Mr. Patricke: There is no gravity line.

Attorney Auffredou: Why doesn't the Board try to ignore the exception. Joe and I will determine whether it applies and if it does, the item won't show up on your agenda for the August meeting. In the event that doesn't work make sure it's on your agenda for August so they don't lose any more time. I would like to talk to Joe and Preston before I move forward on the administrative exemption.

Mr. Patricke: I heard you say that there's no extension of services, but we have to create a new district.

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 July 18, 2011.

Attorney Auffredou: It looks like they do but they are indicating this evening otherwise which is their rationale on the exception, but I am not ready to advise the Board on that tonight, so let's handle it as if there is no exception, and we'll remove it.

Mr. Osborne: It will be de facto two lot subdivision. So we're setting a public hearing.

Mr. Robinson: Is this in the sewer district?

Mr. Bianchine: No.

Mr. Robinson: Was there a map plan report done?

Mr. Bianchine: No.

Attorney Auffredou: The PUD was approved with a number of conditions, one of which was sewer district extension.

Mr. Patricke: 7:10 public hearing?

Mr. Paska: Motion to schedule the Public Hearing for Va-Va-Voom Subdivision on August 15th at 7:10p.m.

Mr. Antis: Second.

Acting Chairman Bergman: In discussion let's iron out the logistics if it does come back to us. You feel there's a contingency plan in place, there needs to be some detail on that.

Attorney Auffredou: For what it's worth, this is the first time hearing about this and I have not been in the meetings Mr. O'Connor had with the supervisor so I agree this has to be worked out in some detail. In fairness to the applicant, I will work on this, this week and talk to Preston.

Attorney O'Connor: Isn't this a site plan issue? We could conceivably serve it with in ground septic.

Mr. Osborne: You wouldn't get approval.

Attorney O'Connor: It's a site plan issue.

Attorney Auffredou: Section 5 of the PUD says that they have to install sewer and connect to it. It also reads the developer shall submit plans for approval for each phase prior to building permit being issued.

The definition of Subdivision exception is that it has to not involve extension of municipal facilities. I have to look at the meaning of this definition.

Attorney O'Connor: Public hearing would be for preliminary approval?

Mr. Osborne: Yes.

Mr. Arnold: Under the site you have drawn out a parcel listed as lands NF of Niagara Mohawk Power Corp.

Mr. Bianchine: That's a separate parcel 100 x100 owned by National Grid.

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 July 18, 2011.

Attorney O'Connor: When National Grid deeded back the easement they didn't deed that last 100 feet.

Mr. Arnold: Probably for access or substation.

Attorney O'Connor: Something of that nature.

Mr. Arnold: Not divided out, it exists.

Attorney O'Connor: Yes.

Mr. Arnold: It changes the shape of the existing parcel, that's why I was asking.

Attorney O'Connor: But we are not using the easement all the way back through, and we eliminated a couple of lots so we are not using the easement.

Mr. Arnold: First time I have seen this separated out.

Attorney O'Connor: Any other questions?

Acting Chairman Bergman: Further discussion?

Mr. Arnold: The decision of whether it will be in the agenda is not ours.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion to add this subdivision to the August 15, 2011 agenda carried.

Attorney Auffredou: If Joe determines on my advice or otherwise, it will be automatically taken off the agenda. We'll let you know.

#5 The Nest Site Plan Review

Mr. Bianchine: This was the concept plan that was approved with the PUD process. This is Lot 1, basically the site plan stayed almost identical. We put an internal road through here, and this is the final site plan, same footprint for the building that we had used, driveway in here and extend back, loop road around, parking here, six spaces banked. We provided landscaping with a row of hawthorns, foundation plantings all the way around the building, evergreen and deciduous around back. The main entrance is here with a drive through and handicap parking here and in the back. Storm water management will all be binding filtration, and we have done good test pits with Joe and engineers, finding sandy soil and high water table, but we raise this a little to get everything to drain into basins, and we have an overflow basin out towards the Nimo easement. But we have designed storm water so that it holds the 100 years storm even without filtration. Occasionally you don't get good infiltration if the ground is frozen, we designed it for that. Utilities would be laterals, water line coming in on the same side of the road that we are on, we did a fire flow test on the hydrant and it was static pressure over 80 and residual of 40 which is very good flows, of course the building would have fire suppression. The sewer is across the road and we will build a little station and a push under the road. Lighting, we put perimeter lighting, down type, 1 ft candle outline, there will be some light but it's all directed internally to the site. We have added a small maintenance shed and an outside dumpster enclosure for maintenance equipment and they would be enclosed, not

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 July 18, 2011.

open dumpsters. The loop road around provides turning radiuses for a fire truck or other large vehicle to get all the way around site and turn. We did SPPC and the set of plans is fairly complete.

Mr. Zimmerman: Go back to the previous note. Should we, Martin, if the exception does not apply, should we have a motion for lead agency?

Attorney Auffredou: Good point, for the subdivision?

Mr. Zimmerman: Usually we would.

Attorney Auffredou: It can't hurt, not that there would be any other lead agency. Let's do that before we go home tonight.

Mr. Paska: On this driveway area, are there any curbs or is it flat to the lawn, regarding snowplowing.

Mr. Bianchine: Curb on the island but none on the outside so you can push snow off.

Mr. Arnold: You have a fire hydrant. I don't know but is there any reason why that wouldn't be sufficient?

Mr. Bianchine: I believe it's 100 ft to the building.

Mr. Patricke: You will tell me at the end of the night who you want to refer it to and the fire company will be one.

Mr. Arnold: Just want to make sure that's accessible enough. I am a little bit uncomfortable here with the previous discussion. You seem very comfortable hooking into that 6 ft. main and we have a PUD that says 8. Why not doing the 8 inch now?

Mr. Bianchine: It's not there.

Mr. Arnold: Why can't it be there by the time it's needed?

Mr. Bianchine: I'm not sure because I haven't looked at all the logistics.

Mr. Arnold: Where the proposed 8 inch is going already exists, doesn't it?

Mr. Patricke: Ask me.

Mr. Arnold: There's a line that this 8 inch they are installing connects to that exists.

Mr. Patricke: There is a new line being run to GF Sewer. Steps are being taken. The interim plan is to attach. There is adequate capacity in that line for this project proposed and accepted by the supervisor, to hook in and operate until requirements dictate that we have to go to the 8 inch line. This building will not reach that capacity.

Mr. Arnold: I wasn't sure if it was logistic or not necessary to get the 8 inch let.

Attorney O'Connor: There are other pieces, not all of which we have control over.

Mr. Robinson: Someone has done calculations and looked at capacity and the grinder pumps.

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 July 18, 2011.

Attorney Auffredou: Tim Burley addresses capacity.

Mr. Patricke: They have not looked into the grinder pumps.

Mr. Robinson: You're aware of the system to prevent it from going on if the industrial park goes on.

Mr. Patricke: Are you talking about telemetry?

Mr. Robinson: At one time there was an idea that here would be one pump station down there, is that old news?

Mr. Patricke: Not to my knowledge. Board, we have in the past been supplied 10 copies of the storm water plan; we received two, who wants to see them? Four.

Mr. Bianchine: We'll have them both here tomorrow, storm water report and plan.

Mr. Osborne: Do you have separation distance with high water?

Mr. Bianchine: It's tight.

Mr. Osborne: I am a little concerned about that. Are there any concerns by you as design engineer about depth to groundwater? It's at 22 inches in test pit 3.

Mr. Bianchine: We have elevated the site some to get separation. I have done a lot of these systems, you do get some groundwater mounding in there trying to go out laterally, which is why we designed it not to consider filtration.

Mr. Osborne: What about your green infrastructure?

Mr. Bianchine: The infiltration assumes that rooftops are all drip edge into the ground around the building.

Mr. Osborne: Is there detail for that?

Mr. Bianchine: Yep.

Mr. Osborne: Trench drain detail?

Mr. Bianchine: No, this one.

Mr. Osborne: There's no storage in there.

Mr. Bianchine: No storage. Everything graded so it drains away, one grating to make an interconnection to get water from front to rear.

Mr. Osborne: In theory your time will work, it will empty fast enough? Any consideration to using permeable pavement?

Mr. Bianchine: I don't like permeable pavement and we'd have to raise the grade, especially with high groundwater.

Mr. Osborne: That might be worth considering. I know its cost.

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 July 18, 2011.

Mr. Zimmerman: Aside from perc test data have you done any monitoring wells?

Mr. Bianchine: Garry gave us some old data from 7 years ago that confirmed what we knew -that there's a high table throughout the site and this is the highest area on the site. We did delineate the wetlands, which was about what we thought it was, a little larger. Generally the same pattern.

Mr. Arnold: The wetlands aren't part of your plan.

Mr. Bianchine: No, wetlands on the site.

Mr. Arnold: But permission for water to overflow the site though, is it going over the easement into the wetlands.

Mr. Bianchine: Not directly into the wetlands, we purposely graded it to go into this system.

Mr. Arnold: You have a French drain a foot deep 3 feet wide do you expect that to work year round?

Mr. Bianchine: Only when it's not frozen. You won't see water in these retention basins more than a few times a year.

Mr. Arnold: What happens when the French drain doesn't work? Does that water flow into the power line area?

Mr. Bianchine: Into a ditch along Bluebird Road.

Mr. Arnold: Is it the same in regards to the French drain around the building itself, one in non-frozen time periods?

Mr. Antis: How much did you elevate the site?

Mr. Bianchine: About a foot and half.

Mr. Osborne: Are you within 100 ft of the wetlands?

Mr. Bianchine: It's a federal wetland, not state, so 100 ft does not apply.

Mr. Osborne: Lighting, you have a 25 ft. pole on telemetrics.

Mr. Bianchine: should say 20.

Mr. Osborne: It does here.

Mr. Bianchine: Should be 20.

Mr. Osborne: If you drop it down you might be able to disperse it.

Mr. Bianchine: I will send this out to a lighting supplier to get actual telemetrics.

Mr. Osborne: And roll down cast fixtures. All I see is one sidewalk.

Mr. Rosen: Pavement is better. There's not that much traffic through there.

Mr. Osborne: Look at quality of life issues.

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 July 18, 2011.

Mr. Patricke: What are the details for sidewalks?

Mr. Bianchine: Across the front.

Mr. Patricke: Front of what?

Mr. Bianchine: Walking in on the entrance.

Mr. Osborne: I would like to see some quality of life issues, is there a gathering place? It's assisted living.

Mr. Bianchine: Seating area, benched areas?

Mr. Rosen: There is a covered porch on the front.

Mr. Osborne: That's a start.

Mr. Patricke: I've been asked, is the outside appearance of this building like the one in Wilton.

Mr. Rosen: That is the favored alternative.

Acting Chairman Bergman: I don't like the one on Route 9 personally, it's nice down there but this is a PUD in a residential area and my opinion is that we need to go neutral and not white elephant, I don't know that we can dictate that legally, but in driving by it every day like I do, given the local character of the surroundings what you see down there is not a good fit in this location. Since we're on the subject.

Mr. Osborne: Do you want to see some alternatives?

Acting Chairman Bergman: Let's see some elevations of this thing. Other than storm water, that's what's missing.

Mr. Robinson: We haven't looked at all the storm water, but have looked at it conceptually. You have the same issues we might have. I will look at it before next meeting.

Acting Chairman Bergman: There again, I see it every day, it's high. Where are you going to push snow? It's going to go into your basins and freeze solid. With spring rains, you'll have standing water. I would like to have Garry review it in earnest before we give it a blessing. Elevations and design schemes are very important for this.

Mr. Rosen: I can't do 7 different themes.

Acting Chairman Bergman: Something.

Mr. Arnold: Not necessarily a major change in design, just in color.

Mr. Rosen: We did present this as looking like Wilton, this is the first objection I have heard, and we can certainly provide an alternative.

Mr. Arnold: Months ago we talked about screening between the neighboring properties which doesn't apply to this.

Mr. Bianchine: When we get to the second phase.

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 July 18, 2011.

Mr. Arnold: I don't see room for green screening along Bluebird Road, shrubberies, trees?

Mr. Bianchine: Through here we have done Hawthorn trees, no shrubbery.

Mr. Arnold: Outside of the storm water infiltration management pit.

Mr. Bianchine: Top edge of the basin.

Mr. Arnold: Just can't see it here, should be noted that the one on Wilton looks very nice; we just don't want it to stand out quite as much.

Mr. Osborne: No concern in the code about actually having the lot have direct access from a public highway? Do parcels need to have direct access or do they have to go to the Zoning Board?

Mr. Patricke: The PUD allows it I think.

Attorney Auffredou: It was the concept plan incorporated into the PUD was to include it.

Mr. Patricke: The County wouldn't give them three. So they changed it. They have frontage.

Mr. Osborne: But not access.

Mr. Patricke: No.

Mr. Osborne: If your entrance gets blocked how are you going to get into it?

Mr. Bianchine: We can put emergency access in, but we are right next to the highway.

Mr. Osborne: Let's say there's plan crash at the entrance, how can emergency access get in there? I would like to see an interconnect or paper road with an adjoining parcel.

Mr. Bianchine: In the future we talked about having this road come through here and an interconnect. That was part of the County's comments.

Mr. Osborne: I can see that here but not on this one.

Mr. Arnold: There would be, but there isn't.

Attorney O'Connor: I could rather show a potential future intercom across Nimo, not something built as part of this project. But you are less than 100 ft from Bluebird for frontage.

Acting Chairman Bergman: Lined by storm water ditches.

Mr. Patricke: Can't drive a fire truck across that. Fire Company will comment.

Mr. Arnold: Adding a building behind it doubles the problem.

Attorney O'Connor: Do you want the entrance way wider?

Mr. Osborne: I would rather have another option.

Attorney O'Connor: Not a boulevard, but more realistic to actually happen.

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 July 18, 2011.

Mr. Bianchine: We can leave a spot that is drivable.

Mr. Osborne: I wouldn't be satisfied. I like potential future interconnect when you develop down there.

Attorney O'Connor: I think that some discussions we had with neighbors, they didn't want the interconnect with Sisson Road to Bluebird encouraging shortcuts.

Mr. Patricke: No.

Mr. Antis: The Town has passed a resolution about local plantings and burning bush isn't native.

Mr. Patricke: Not a resolution, but there are recommendations.

Mr. Antis: There's a list of recommended items.

Mr. Zimmerman: Any issues with endangered species and archaeological resources?

Mr. Bianchine: Deb Roberts, who did wetlands, did the endangered species and SHIPO.

Mr. Patricke: They were all submitted as part of the PUD approval.

Mr. Osborne: Is this short form SEQR?

Mr. Bianchine: We had already gone through Long Form with the PUD.

Mr. Patricke: I think you need Long Form with the storm water on this site; the Town Board didn't look at storm water in depth.

Mr. Osborne: I would prefer a long form.

Attorney O'Connor: He's got the report, short or long isn't going to affect it.

Mr. Osborne: It's more in-depth.

Attorney Auffredou: The Board is taking a closer harder look because it's an unlisted action, and the Long Form you did is easily modified, it's their prerogative to ask for it.

Mr. Patricke: Long EAF, Storm water, endangered species and archaeology reports..., do you want the traffic study?

Attorney Auffredou: Did you see the critique of the traffic study that went to the Town Board? It was in accord with the Creighton Manning findings. Peter Faye did it at your request but you still need to see it.

Mr. Osborne: Is there bus service?

Mr. Rosen: They have a dedicated van.

Mr. Osborne: Just this one parcel. I have to remember this is assisted living.

Mr. Zimmerman: Do we need to refer it to the County?

Mr. Patricke: Yes, for site plan review, if it goes through this Board it has to go to the County.

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 July 18, 2011.

Acting Chairman Bergman: Just to be stated for the record, the landowner to the east has an outdoor wood boiler than smokes quite a bit in the spring months and as long as he operates it legally with DEC and the Town, I don't want to see complaints coming forward in the future.

Mr. Osborne: Speaking for myself, I am concerned about your water table.

Acting Chairman Bergman: I echo that concern. On your finer details, we want to see how that works. You can make it work.

Mr. Arnold: Looking at your two maps, I was confused. This shows this project owning the access.

Mr. Bianchine: We moved this line down and this one back to get the 2.75 acres. The road hasn't moved but this other has shifted closer to the building.

Mr. Osborne: Permeability on this land?

Mr. Bianchine: Green area is 51.1%.

Mr. Patricke: Review of list of things you need; Long Form EAF, endangered species, archeology, traffic, copies of storm water plan and report are coming, you want elevations. Anything else? What is the 4th Thursday next month? No, give me the third.

Mr. Osborne: August 18th.

Mr. Patricke: The County meets after this Board meets.

Attorney O'Connor: Does this have to go back with comments? I thought they made comments.

Attorney Auffredou: I don't have the letter with me, but I remember a conversation during the PUD process, that for each phase of site plan this was going to have to go back to the County for review, each phase of the project requires site plan review; each phase gets SEQR and goes to the County. I agree that they had comments, but we cannot escape going back for this level of review.

Attorney O'Connor: I will look for them to issue a Memo of Understanding. They almost did. We've got a time frame. We aren't going to be in the ground in July. Is there enough here to do a special meeting earlier than the 18th?

Mr. Patricke: I will speak from my perspective. If the paper work is in in enough time to review it, it depends on you.

Attorney O'Connor: How long?

Mr. Bianchine: it's just copies, they can be here tomorrow.

Mr. Patricke: Long Form EAF and elevations?

Mr. Rosen: We have an alternate study that sounds to be more like what the Board was looking for that we could turn around this week.

Attorney O'Connor: We can have everything here by Friday. Garry, can you resolve issues?

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 July 18, 2011.

Mr. Robinson: I think there is a little seasonal high water there, local law requires that any disturbance meets DEC design manual for storm water and I want to go over some of those with you. There have been issues with infiltration outworking here that can cause a huge problem. There are some issues that may have to do with grading or additional work.

Attorney O'Connor: Can we meet with you this week?

Mr. Robinson: Near the end of the week Yes. We can talk before then.

Mr. Patricke: On the list, did you want detail of landscaping?

Mr. Antis: Just remove the burning bush.

Mr. Robinson: Is the sewer an issue?

Mr. Patricke: Preston will be in and we will talk tomorrow.

Mr. Robinson: Can it be a contingency?

Attorney Auffredou: We have done that with other projects. Contingent upon extension of some district, primarily water, but here the legislation is here that they have to get that. You may want to get that started.

Mr. Osborne: This is out of district. It is in the water district and out of sewer district.

Attorney Auffredou: There is a letter that says there is adequate capacity.

Acting Chairman Bergman: Are there more caveats about the control system?

Attorney Auffredou: Defer to your engineers and experts and have them take a look at this and they will let you know.

Mr. Patricke: We define what that has to be and they will take those specs and do them.

Attorney O'Connor: Wasn't that a Town Board issue?

Attorney Auffredou: Yes, but if you are on a path of approval there is going to be a condition here.

Mr. Robinson: It may not be as easy as it all sounds to get the approvals, in my experience.

Attorney O'Connor: That's why Preston offered the hook up to the 6 inch main.

Mr. Patricke: I don't think he said you could hook up without forming a district.

Mr. Robinson: I thought there was a plan that there would be one pump station for all this. That could take some time.

Mr. Arnold: If I could address the Special Meeting, because this is a detailed and enlarged project, we just asked for engineering reports for 4-5 departments and will oppose a Special Meeting. This is not my full-time job. We have responsibility to review this diligently and can't shift around deadlines that you might have, I will not have time to review this in the short amount of time that we have.

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 July 18, 2011.

Mr. Osborne: It has to go to the County first.

Mr. Patricke: They are going to resolve that.

Attorney Auffredou: Attempt to resolve that.

Mr. Zimmerman: They are going to ask that comments already made can be used.

Attorney Auffredou: Someone at staff would be making comments instead of the whole Board, that is the more likely scenario.

Mr. Osborne: Petition the Chair?

Attorney Auffredou: It starts with discussion at staff level, but that is the applicant's task. We're not doing that. Do you want to go through the list again?

Mr. Patricke: Long Form EAF, endangered species report, archeology, traffic. Joe gets us storm water report and SPPC, elevations, we're going to talk someone about sewer tomorrow and Land Disturbance Permit is a possibility.

Mr. Zimmerman: As part of the review we're going to get comments from County, EMS and Garry.

Mr. Patricke: You want these plans to go to Fire Co. and EMS.

Acting Chairman Bergman: Also Garry.

Attorney Auffredou: Fire and Ems are going to want to see the elevations.

Mr. Patricke: More concerned about the access and I will refer them to Wilton.

Mr. Osborne: Wilton has two entrances.

Mr. Patricke: All these things are readily available except for Garry not meeting until Thursday by the time we can get that. The rest we will work on.

Attorney O'Connor: You're going to refer to County, EMS and Fire now, and the meeting in the 18th will be a public hearing.

Acting Chairman Bergman: No discussion of a public hearing.

Mr. Zimmerman: We should do them separately.

Acting Chairman Bergman: Is this Board ready to make a motion for a public hearing or do we want all the pieces presented to us first?

Mr. Osborne: I would like to have a full application, but I don't want to hold them up anymore. Our Board meets before the County so we'd have to have a meeting after that.

Attorney Auffredou: The best that you can do is, if you decide, though it's not complete, you've had some good discussion about what they are going to provide, they have been good about providing things. You can schedule a public hearing for the 15th and if they have issues with the County all that you can do is

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 July 18, 2011.

conduct the public hearing and keep it open. Go back to Ron's point; if you are going to schedule a public hearing then you need to declare lead agency and it is unlisted action.

Mr. Osborne: It's not going to hurt.

Mr. Arnold: Motion now?

Mr. Zimmerman: Motion to declare lead agency status for Va-Va-Voom.

Mr. Arnold: Second.

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Zimmerman: Motion for the Nest Site Plan, to seek lead agency for SEQR.

Mr. Antis: Second

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Osborne: Motion to schedule public hearing on The Nest in the 15th of August for 7:30p.m.

Mr. Antis: Second

A roll call vote proceeded as follows: Mr. Osborne, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Ms. Riggi, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Bergman, Yes. Motion carried.

Mr. Patricke: Joe, I need four copies of everything to send out. Site plan and subdivision.

Mr. Rosen: And ten copies of elevations.

Attorney O'Connor: If Garry is satisfied and the engineers say that the system can work, are we realistically looking at plannable action after your hearing is concluded, are there issues we haven't addressed, if we deal with the County? I'm not asking for formal commitment, so that we can realistically go back to the state, let up on the stirrups a little bit.

Acting Chairman Bergman: Do you have any questions of the Board?

Attorney Auffredou: Subject to the comments of Public Hearing, subject to SEQR Review, subject to County comment, the Planning Board may intend to be in a position to render a decision at the close of the Public Hearing.

Mr. Osborne: Potentially.

Mr. Robinson: If you are talking about SEQR and Lead agency, you've got 30-days. Meetings the 15th, today's the 18th.

Attorney Auffredou: It's an unlisted action.

Attorney O'Connor: I assume their condition is going to be the Town Board.

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 July 18, 2011.

Mr. Zimmerman: Wasn't there discussion of an association for care of the acres?

Attorney O'Connor: Owners will be responsible for the maintenance of the four acres. There's a PUD restriction on the balance of the property.

Mr. Patricke: what 4 acres?

Attorney O'Connor: The open space set aside is something we have to address.

Ms. Riggi: As an alternate, I didn't get plans so I didn't make any comments.

Mr. Patricke: That would require a change in the Local Law.

Mr. Osborne: Motion to adjourn, 8:55.p.m.

Ms. Riggi: Seconded.

Motion passed unanimously, meeting was adjourned at 8:55p.m.

Respectfully submitted,

Tricia S. Andrews
Recording Secretary