

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 July 20, 2009

Planning Board Regular Meeting

July 20, 2009

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

Others Present: Building Inspector: Joseph Patricke, Town Attorney: Martin Auffredou, Traffic consultants:
Peter Faith, Lorenzo Distefano, P.E. – NYSDOT

Chairman Jensen called the meeting to order at 7pm.

- 1. Motion:** To approve the June 15, 2009 Planning Board minutes as Amended, by: **Mr. Field**
Second to Motion: Mr. Osborne

Discussion/Corrections:

Page 1279 Omit "tic" Mr. Osborne
Page 1279 Add "of" medians Ms. Kertz
Page 1279 Add "kept" strike reserved Mr. Auffredou
Page 1280 Add "in the code" Mr. Field

Roll Call: 5 Ayes 1 Abstained, Mr. Arnold

Absent: James Edwards

Motion Carried.

AGENDA

1. Pilot Travel Center

Scoping Session - Traffic

Lorenzo Distefano, P.E., Signs & Signals Mgr Region One, NYS Department of Transportation representing the project from Exit 17N to Spied Falls, Fortsville intersection. The project is to reconstruct and realign for the necessary safety, drainage and utility changes to maintain safety at the intersections. Part One: Intersection of US Route 9 at Fortsville and Spier Falls Rd, Part 2: US Route 9 from I-87 exit 17N to Spier Falls and Fortsville Rd. Part 3: Intersection of US Route 9 at Fawn Rd. Part 1 proposes in a preliminary state to realign the intersection, T up Fortsville pulling it in with left turn lanes and traffic signal.

Part 2 proposes for the current two lanes with 10 foot shoulders to create a two way left turning lane resulting in three lanes with 5 foot shoulders, helps vehicles take a left into local business. Three eleven foot lanes with five-foot shoulders. Part 3 proposes to keep the west side of Route 9 as is where Dunkin Donuts is and making Fawn a one way to encourage vehicles to use new intersection, it was found this was used as a short cut to get to Route 9 and avoid the intersection at Spier Falls road. Project Schedule based on Current findings: Preliminary Design, Spring 2010; Final Design, Late Spring 2010; Letting, Summer 2010; Utility work Begins, Fall 2010; Construction Begins, Spring 2011; Completion, Fall 2011.

Mr. Osborne: questioned the probability of a traffic circle

Mr. Distefano: that option was avoided due to cost restraints, incorporating the signal and loops on the side roads the delay will be minimal to the flow on Route 9.

Mr. Field: questioned the impact of increasing the traffic by encouraging the proposed truck stop to discharge trucks to Spier Falls road

Mr. Distefano: only changes would be to timing the traffic signal, the loops will trigger more light changes on Route 9; a study will model the intersections and adjustments made according to the flow of the traffic. If a bigger problem another solution, i.e. circle addressed

Mr. Zimmerman: questioned the modeling currently in place...has it built in any projections from the proposed Pilot project.

Mr. Distefano: No...only the permit committee, Mr. Patricke and the engineer from Pilot have met, NYSDOT will require Pilots traffic study from CME and will then adjust the design

Mr. Field: questioned the safety and difficulty of making a left hand turn due to exiting truck stop to the east of Route 9, does NYSDOT share that concern

Mr. Distefano: the traffic study will determine where the issues are, a meeting with Mr. Patricke and Mr. Jenkins the concern was the bridge over I87 and the off ramp, the design would turn the current off ramp into one lane slowing the traffic through merging. The plan is stripping the median. The traffic signal will slow the flow and better allow for left hand turns.

Mr. Field: Offered any assistance in helping with the evaluation of the this NYSDOT project

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Mr. Distefano: Permits department they will determine what issues to address and make recommendations to satisfy any permits reviews once the traffic study from CME. Traffic signals could be added, deleted or moved.

Mr. Field: requested the Planning Board to review some of the information resulting from the evaluation

Mr. Distefano: once the design approval is in place to have Mr. Jenkins review and will ensure the Planning Board has a copy to review as well. Approval from the Town of Moreau to ensure everyone is on board being distributing any information. The Town of Moreau has already agreed in a letter to Fawn road as a One Way.

Mr. Arnold: questioned delineation on the third lane from the Northway to Fortsville Rd. will that be one continuous lane

Mr. Distefano: there will be signage on the shoulder and arrows in the middle of the lanes with breaks at the intersections, it will be one turning lane to avoid rear ending the shoulder was often used and due to the county bike route the idea is to keep from using the shoulders to go around vehicles turning left

Mr. Arnold: questioned what is to keep vehicles from using the middle as a passing lane

Mr. Distefano: none... the design is based on how to drive, Law enforcement, and the five-foot shoulder should help and the traffic light at Spier and Fortsville road will help. The loops on the side roads will trigger the light only when a vehicle approaches Route 9 to avoid backing up the flow on 9. Model delays range 7 seconds.

Mr. Zimmerman: questioned the speed limit changes from I87 to Fortsville intersection

Mr. Distefano: none... looking to reduce the speed over the bridge

Mr. Zimmerman: concerned with Pilots current model turning in and exiting on Spier Falls or exiting turning North on Route 9...will NYSDOT offer feedback once the CME study is complete

Mr. Distefano: yes very interested in turn counts and if warranted a signal is recommended or exiting out to Spier Falls only. A permit will not be issued if Traffic division is not satisfied.

Mr. Peter Faith: TVGA consultants representing the Town of Moreau)...questioned the extent of the median from the bridge area to the intersection of Spier Falls road.

Mr. Distefano: indicated it the median would go to the gore area and beyond up to the intersection of Fortsville and Spier Falls ending in two left turn lanes

Mr. Faith: questioned the loops on the side roads leading into the signal intersection will there be loops on the Main line as well

Mr. Distefano: No...just the turning lanes will have the loops the goal is to maintain the flow on Rte9 as it is, the loops allow the cars approaching from the side roads to trigger the light and proceed

Mr. Faith: questioned the concern of making a left hand turn into the proposed Pilot will NYSDOT change the functions of the ramp to stop control

Mr. Distefano: no currently there are two lanes coming into the bridge the merge will occur before the bridge as a result from a recommendation made by the Town of Moreau after reviewing this corridor

Mr. Faith: questioned NYSDOT addressing the suitability of Spier Falls road accommodating heavy truck traffic based on Pilots model of exiting trucks on to Spier Falls road

Mr. Patricke: interjected the County is currently looking at

Mr. Distefano: Unknown Spier Falls road is not a state road it is a County road. The plan is to reconstruct those shoulders to help the trucks making turns onto Rte 9

Ms. Angler: questioned the traffic delays generated by the surrounding business

Mr. Distefano: the seven-second delay will allow for flow from side roads and two way left turn will allow better access. Traffic counts on Fortsville are minimal. Route 9 is a major corridor and will not be delayed. The signaled intersection will be safer. The design allows for correction once the signal is in place if the flow is compromised on Rte9. Vehicles will no longer flow from Fortsville onto Rte9 without stopping.

Ms. Kertz: questioned Pilot using a light as a viable option to enter and exit vs. Spier Falls signal

Mr. Distefano: the study will warrant the need if the truck stop generates enough traffic and will incorporate into the design as to how many traffic lights needed

Ms. Kertz: questioned the timing on that decision

Mr. Distefano: once the traffic study is complete and reviewed by permit process

Ms. Kertz: questioned the tubes counting traffic on the north side of the entrance so the counts did not reflect the traffic going into Valero coming off I87 fueling and then exiting back onto I87

Mr. Distefano: the counts allow for forecasting

Ms. Kertz: the proposed One Way on Fawn road will there be a public hearing announced

Mr. Distefano: Yes, the home owners will be notified any questioned will be addressed through my office... no public hearing planned to date on the Town road

2. Thousand Oaks Subdivision

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 July 20, 2009

Trent Martin K A Martin engineers representing Tom Kubricky for Route 9 Industrial Park in Gansevoort located just south of Exit 17 about one mile. To update a meeting with Joe Patricke and the Town's engineer will review the concept design for the storm water system this week.

Mr. Martin: asked the board if there were any further questions on environmental or traffic information submitted and will be prepared for the next regular Planning Board meeting.

The consensus was none... Public Hearing is still on hold until all information is obtained.

Mr. Patricke: questioned...if the median was removed...referenced a letter from the supervisor

Mr. Martin: Yes

3. Suburban Propane Public Hearing - Site Plan Review

Richard Detrani local customer service center representative for Suburban Propane on Route 9 proposing to relocate a two 30,000 gallon propane storage tanks from the south side of storage yard to the north side of the storage yard. The current site does not support the weight. Also, plan to extend the loading dock to 20' x 40' with a canopy.

Chairman Jensen: set the ground rules to open the Public Hearing

No Public comments

Mr. Detrani: provided Mr. Patricke with prints outlining the setbacks as requested

Mr. Patricke: complaints on the venting of the gas any operational changes to address concern

Mr. Detrani: Yes...installing a new evacuation system. The odor is not actual gas it is reminisce from the gas in storage. The process will use a higher venting pipe and the evacuation process will be more though

Mr. Arnold: questioned neighboring residential and lighting

Mr. Detrani: no residential adjoin a Cabinet company

Mr. Field: where are the odor complaints coming from

Mr. Patricke: the restaurant across Rte9 and the Motel

Mr. Field: questioned relocating the tank to eliminate

Mr. Detrani: No the odors are coming from the loading docks were evacuation occurs not the storage location

Mr. Arnold: what are the possibilities of any type of filtration or burn off

Mr. Detrani: the odor is from the bottom of the tank "heavy ends", once emptied you smell the residue...the older the tank the worst it is... propane hugs the ground and they will be conscience of the atmospheric pressure, which contributes to the odor in the air

Mr. Osborne: any consideration to place fencing slats along the front to clean up the appearance

Mr. Detrani: will take into consideration

Chairman Jensen: proceed to the Short Environmental assessment Form:

Part I: Project Information...1-7 as stated on form, 8-Yes, 9-Commercial, 10-12 NO

Mr. Zimmerman: Part I # 6 only mentions loading docks, no mention of tank relocation add to #6 ...agreed

Part II: Impact Assessment...A – E consensus all NO

Part III: Determination of Significance...as stated on form

Chairman Jensen: polled the floor of any knowledge of Environmental issues and or concerns with the proposed site...none

Public Hearing closed 7:40 pm

1.Motion: To declare a negative declaration on the Short Environmental Assessment for Suburban Propane by:

Mr. Field

Second to Motion: Mr. Arnold

Roll Call: Keith Osborne Y, John R. Arnold Y, Thomas Field Y, Erik Bergman Y, Ronald Zimmerman Y, Chairman Jensen Y

Absent: James Edwards

Motion Carried.

2.Motion: To grant Approval to Suburban Propane for the relocation of storage tanks and construction of loading dock with the following conditions: 50' Set backs on Final plans, Trim painted on top the top of the building, Apply fence slats for privacy along the entire front and receipt of letter of approval from South Glens Falls Fire Company by: **Mr. Osborne**

Second to Motion: Mr. Field

Roll Call: Keith Osborne Y, John R. Arnold Y, Thomas Field Y, Erik Bergman Y, Ronald Zimmerman Y, Chairman Jensen Y

Absent: James Edwards

Motion Carried.

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3.Motion: To have the Chairman and one other member of the Planning Board sign the Mylar when presented for Suburban Propane by: **Mr. Field**
Second to Motion: Mr. Arnold
Roll Call: 6 Ayes, 0 Abstained
Absent: James Edwards
Motion Carried.

4. Stylin' Studio Public Hearing - Site Plan Review

Heather Harrington and Erika LaMere proposing to move current studio at 154 Main Street to 1735 Route 9, adjacent to Ron & Kathy's restaurant. Presented the Board with revised plans, reflecting the Boards suggestions.
Chairman Jensen: set the ground rules to open the Public Hearing
Mr. Goodspeed: immediate neighbor to the proposed site...walked the site with Heather and Erika and is very happy to have the proposed studio next door.
Mr. Arnold: questioned current site as residence any need to look at the septic system to handle the use change
Mr. Patricke: in the past when a Beauty shop goes into a home never have investigated the septic no sewage. History shows a septic has never failed
Mr. Osborne: questioned any requirements for the chemicals discharged into the leach field
Mr. Patricke: no would have to be over one thousand gallons a day. Not close to that volume
Mr. Field: has the area had any septic tank problems or site issues for septic
Mr. Patricke: no, in that area the soils are fast, common to Rte 9...percolates about 30 seconds
Mr. Osborne: questioned the cedar row and removal of the entire row and roots...any gas underground site all gas lines and call before digging
Ms. Harrington: yes...agreed
Chairman Jensen: proceed to the Short Environmental assessment Form:
Part I: Project Information...1-7 as stated on form, 8-Yes, 9-Residential to Commercial, 10-12 NO
Part II: Impact Assessment...A – E consensus all NO
Part III: Determination of Significance...as stated on form
Chairman Jensen: polled the floor of any knowledge of Environmental issues and or concerns with the proposed site...none

Public Hearing Closed 7:55 pm

1.Motion: To declare a negative declaration on the Short Environmental Assessment for Stylin' Studio, by: **Mr. Zimmerman**

Second to Motion: Arnold

Roll Call: Keith Osborne Y, John R. Arnold Y, Thomas Field Y, Erik Bergman Y, Ronald Zimmerman Y, Chairman Jensen Y

Absent: James Edwards

Motion Carried.

Mr. Field: inquired if Mr. Patricke had plans for the description given on the EAF layout

Mr. Patricke: Yes, it is in the plan presented last Thursday

2.Motion: To grant Approval to Stylin' Studio, by: **Mr. Zimmerman**

Second to Motion: Mr. Field

Mr. Osborne: questioned the buffer needed on the north side adjacent to residential

Mr. Patricke: no complaints from neighbor

Mr. Goodspeed: discussed fencing however, no need to hold up project reviewed the plans

Mr. Field: proposed fence is in the plans, it is required if signed

Roll Call: Keith Osborne Y, John R. Arnold Y, Thomas Field Y, Erik Bergman Y, Ronald Zimmerman Y, Chairman Jensen Y

Absent: James Edwards

Motion Carried.

3.Motion: To have the Chairman and one other member of the Planning Board sign the Mylar when presented for Stylin' Studio by: **Mr. Field**

Second to Motion: Mr. Osborne

Roll Call: 6 Ayes, 0 Abstained

Absent: James Edwards

Motion Carried.

5. Larry Clute

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 July 20, 2009

Discussion of possible subdivision modification

Larry Clute representing three homeowners, as the developer, of a previously approved subdivision on Sisson Road, submitted two sets of plans, one of the current layouts and the second of what the three homeowners would like the layout to be by granting easements to allow for better functionality using driveways.

Chairman Jensen: No additional structures

Mr. Clute: correct no lot size changes or curb cuts here to facilitate easements for lot #2 across lot #1 and lot #3 across lot #2. At one time it was in place, later changed the plan.

Mr. Arnold: is this ascetic

Mr. Clute: it is more usability for the three lots, Flag Style constructed by long driveway it is tight

Chairman Jensen: requested validation of one of the owners named Mr. Kinderman

Mr. Clute: yes...the other two owners are present

Chairman Jensen: are you looking for additional modification to an approved subdivision...the driveways. Public Hearing and SEQR is completed on this project

Mr. Clute: yes

Mr. Auffredou: appeared to represent a modification to the extent that drew concern from Mr. Patricke that as proposed it would not have been approved. Represented a significant change that was discussed in the application process, which included the Public Hearing, and approval process. To summarize it did not appear to be what was initially presented before this board

Mr. Osborne: has the subdivision been filed with the County

Mr. Clute: yes

Mr. Arnold: concern Flag Lots are not favored, due to the time it takes to plan the lines and make the lots fit and get the correct footage, a shared driveway, only to later add easements to make it work

Chairman Jensen: the property lines will remain as they were ...

Mr. Clute: correct

Mr. Field: What type of Town review as a homeowner would I be subject to if I wanted to grant a neighbor an easement to cross my property

Mr. Auffredou: there may be none however in the instance you have an approve subdivision and later grant an easement that is contrary to that very approval. In this situation an approved subdivision did not work so now for purposes of ingress and egress agree to an easement which makes it contrary to the approval that was reviewed before the Planning Board

Mr. Field: Flag lots are part of the Towns' code and Saratoga County encourages shared driveways

Mr. Arnold: the plans presented tonight do not show a shared driveway

Mr. Osborne: on the record prefers shared driveways...would like to see a minimum of curb cuts

Mr. Clute: the intent was not to circumvent the approval, as a two dimensional plan it was difficult to see, the easements will be deeded

Mr. Field: this raises a good question if this had been presented as part of the subdivision review would we have considered it

Mr. Arnold: No, it would not have fit into the acreage requirements...concern are we setting precedence

Mr. Clute: no not taking away lot owners egress and ingress just allowing the neighbor usage

Mr. Auffredou: On precedence not concerned, this is not, a record of decision each case/application has to stand on its own merits it is only precedence if it cannot be distinguished from the next situation. As board members a rational decision is needed based upon substantial evidence on record and the onerous is on the next situation sighting this one to prove its own case based on its own merits

Mr. Field: in opinion...the subdivision has been filed and approved, the land has been sold, there is adequate frontage and adequate access to the roads, only three parties involved with a private transaction the board should have no say in

Mr. Patricke: disagrees with Mr. Field, in support of what was presented as a good plan a lot of work went in to creating the odd lots and now they do not want to use them as approved. Sited the Planning board has stamped approval on plans placing driveways

Mr. Field: driveways were not placed on this plan...should have considered a condition at the time of approval

Mr. Arnold: On the record, the driveways look good in the new two-dimensional form

Mr. Auffredou: the board have reopened a subdivision in the past, the fact that a subdivision has been completed and sold may not prevent from reopening, i.e. reopening SEQR at the demand of Public Health in the Charlie View.

Mr. Field: Mylar's were not signed

Mr. Auffredou: there is an inherit process, authorization to reopen a subdivision for modification

Mr. Zimmerman: questioned who would be the applicant if the subdivision were reopened...homeowner

Mr. Auffredou: yes to reconsider

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Chairman Jensen: polled the Board for an opinion on reopening the subdivision...consensus mixed a motion was requested

1. **Motion:** To reopen the Larry Clute subdivision for modification by: **Mr. Osborne**

No second to the motion. Motion floored

2. **Motion:** not to reopen the Larry Clute subdivision for modification as proposed by: **Mr. Arnold**

No second to the motion. Motion floored

Mr. Zimmerman: upon polling the Board the applicants now has a clear indication on what direction to take

Mr. Auffredou: the applicant has their approval as originally approved and the Board has spoken through inaction.

Discussion: Draft of the Zoning regulation of 6/11/09 any comments to turn in

Mr. Patricke: requested targeting Site Plan, PUD and Special Permits in a workshop

Mr. Auffredou: the board will get a formal opportunity to participate, review and comment on the record

Agreed: Monday August 3, 2009 at 6 pm

1.Motion: To adjourn Regular Planning Board meeting at 9:05 pm by: **Mr. Field,**

Second to Motion: Mr. Arnold

Roll Call: 6 Ayes, 0 Abstained

Absent: James Edwards

Motion Carried.

Respectively Submitted, Signature **on file**

Cherie A Kory 6/22/09