

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 June 20, 2011.

Board Members Present: Chairman 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 called to order at 7:00p.m. Mr. Osborne motioned to approve the minutes of the May 16, 2011 meeting as written, and Mr. Bergman seconded. Minutes approved unanimously with Chairman Jensen abstaining. The minutes of the April 18, 2011 meeting were corrected. Mr. Arnold motioned to approve and Mr. Barden seconded. Minutes were approved unanimously with corrections.

Va-Va-Voom Update

Atty. Auffredou: I was not at the May meeting, Ms. Bitter was here, and my understanding was that the Planning Board spent considerable time on the revised PUD project. You heard from the applicant and representatives, had discussion and then a straw poll 5-2 to make a favorable recommendation back to the Town Board. I wasn't there. I talked to Atty. Bitter and Joe and had a copy of the minutes. I took it upon myself to draw up a proposed supplemental report/recommendation which would supplement the prior recommendation from the Planning Board issued a month earlier. The Chairman was not here, Acting Chairman was Mr. Zimmerman. I set it up for his signature. Joe said Mr. Zimmerman had concerns about the letter, not the content but the process and whether he should sign the letter, so I would like to clear that up procedurally. Where this is with the Town Board- the Town Board has taken your original report and revised project and has asked myself and Joe to create draft Local Law. They started a public hearing and continued it to next Tues the 28th. The project was sent to County Planning Board, who recommended to approve it. It may be that the Town Board takes action next Tuesday, they may or may not act on it, they will probably close the public hearing and do SEQR, but the Planning Board supplemental report is missing from the record. The original report was read before the Chairman signed it, I would be happy to read it for the record, but it is not the end all, it is what it is and Mr. Patricke has looked at it and commented. It is ready to go as far as I am concerned but we want to make sure the Board is comfortable with it, if I am on track with what happened. What we ought to focus on is getting this signed and out of Planning Board hands.

Mr. Osborne: You're right on, can we have copies?

Chairman Jensen: Are there any substantive changes to the recommendation?

Atty. Auffredou: There were substantive changes to the project, but not to the recommendation. Since then, there has been fine-tuning of the PUD proposal, it is improving as we go along, and the PUD law didn't come to you for review, the PUD itself did. Town Board feels that the revised project is an improved project compared to the original, they many still have some concerns but in the overall they are seeing it as a better project, and the pieces are coming together now that the County has acted. This will put it all together for the Town Board so that they can make a decision.

Chairman Jensen: Just to make things clear, the Town Board has sole authority for making the PUD, we only make recommendations to them as far as the project is concerned.

Atty. Auffredou: You will have responsibility for site plans and subdivisions, this is a big project. I have not seen a project of this size in 12-13 years I have been doing this for the Town.

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Chairman Jensen: You can count on your hand the number of PUD's we have struggled with.

Atty. Auffredou read the revised recommendation into the record.

Mr. Osborne: If you would revise it to reflect that I was the one who voted in the negative, the first member the document refers to. If this language works for the Board, it says "makes it less viable in regards to Senior Housing and the live-in-place concept."

Mr. Arnold: Section 2-7-c, are you talking about the senior apartments, 5 staff for every 10 units?

Atty. Auffredou: That's what my notes indicated.

Mr. Arnold: That's half a staff person per unit, that's a lot for a regular senior apartment.

Atty. Auffredou: Maybe that belongs under the enhanced units.

Mr. Arnold: Section 7b says one per 7 units, 25 staff spaces for the 50-unit building.

Atty. Auffredou: 50 spaces for each building and then minimum 1 space for every 5 employees, max of 5 employees.

Mr. Patricke: The Board can't do that.

Mr. Arnold: Mandatory carpooling. 5 spaces per 100 units. 5 employee spaces per building.

Atty. Auffredou: At the enhanced, 5 spaces per bldg minimum.

Mr. Arnold: I am still at the senior apts.

Atty. Auffredou: I took that out.

Mr. Arnold: At the senior apartments, 5 employees per building, at the enhanced, 5 per bldg?

Mr. Osborne: One for every 2 employees, adjust per employee count.

Atty. Auffredou: One for every two employees, at the enhanced.

Mr. Arnold: How do we do that from a planning perspective, when we are not involved in hiring?

Atty. Auffredou: We can just set minimums.

Mr. Patricke: We'll assume 40 employees.

Chairman Jensen: Anything further?

Mr. Zimmerman: We said we didn't calculate revised density due to time constraints, but now we have had time, do we have a revised density?

Atty. Auffredou: I don't know it off the top of my head, but it has been bounced around. It's been discussed at various meetings and been the subject of disagreements. It is now less than what was originally proposed, but I don't have it tonight. While drafting the original recommendation, we spent a lot of time calculating those requirements.

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Mr. Patricke: As I remember the last update was 194 asked for, 114 was the calculation. 80 more than allowed.

Mr. Arnold: 40% increase.

Chairman Jensen: Anything further?

Atty. Auffredou: Will the motion be for the Chair or the Acting Chair to sign? Perhaps we could sum it up more, if the Board wants to take this, with respect to dissenting votes, the Board could finalize a vote by motion to issue a supplemental favorable report and recommendation and authorize the Chair or Acting Chair to sign the modified supplemental report.

Mr. Osborne: I think the Chair should do it.

Atty. Auffredou: Should we delete the time constraints language, at the bottom of the first page.

Chairman Jensen: Scratch that.

Atty. Auffredou: I can add in that you had discussion this evening, if everybody is ok with that.

Chairman Jensen: Motion?

Mr. Osborne: The language will be changed in this revision?

Atty. Auffredou: Yes, and I will add that this discussion took place this evening.

Mr. Bergman: Motion to accept the supplemental report to be signed by the Chairman as prepared or modified tonight.

Barden: Second.

Roll call was as follows: Mr. Osborne, No; Mr. Barden, Yes; Mr. Arnold, Yes; Mr. Berman, Yes; Mr. Paska, Yes; Mr. Zimmerman, No; Chairman Jensen, Yes. Motion carried 5-2.

Atty. Auffredou: I will revise it and get it to Joe.

Chairman Jensen: Now we turn to business on the agenda.

#1 Michael Peck-Site Plan Review

Chairman Jensen: Do we have a motion to reopen the Public Hearing for Michael Peck Site Plan?

Mr. Zimmerman: Motioned.

Mr. Paska: Second.

Motion passed unanimously.

Mr. Rourke: We've made quite a few revisions since we were here last, revised parking, took off the front porch and moved this parking back 8 feet, with parking down through here now, catch basin off the low point of the parking, took it off the front and added it along the back and side. They haven't got final plans for the building, but the upstairs is going to have a balcony.

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Mr. Peck: We are going to use about 15 feet of the 30 ft. bldg and the rest will be open. I understand it's 1000 sq ft less than originally and helps with parking requirements.

Mr. Rourke: A 30x 80 building requires 8 parking spots, and if Mike uses half of the top of the bldg, we have 16 spaces, cuts it down to 12. They are not going to have many employees in this building anyway, it is for storage. We put the 16 spots, but we could reduce that if we had plans, Mike is saying we are going to cut the top floor in half.

Mr. Peck: It's a mezzanine concept for offices.

Mr. Rourke: But we are planning all the spots, 16. Zone is C-3.

Chairman Jensen: As in keeping with public hearings, if you have a comment or question you are invited, but please state your name for the record, third, please maintain some sense of decorum.

Peter Holmquist, 22 Donna Ave.: His property borders mine, I have the little setback there with another parcel. I had a concern about the property line, we straightened that out.

Mr. Rourke: There was double coverage.

Mr. Holmquist: They supposedly relinquished, when they surveyed it, the corner of my residence had two pins 8 inches off. Now I only have one, the new one Rourke put in, the second is missing. The Lawrences at 18 Donna have a survey from Wayne Raymond that says there's an iron post and the post is gone. There's another discrepancy, of you come across there's a wood stake that says corner maker pin, 58 ft instead of 50. Also I want a well maintained 8 ft fence. What happens down the road with an 8 inch pin missing? If this is 8 foot off, a wood stake that says corner, this lot is 8 ft short when you subdivide, and it would change everything.

Mr. Rourke: You found this map today? I would like to you to stop at my office, and neither I nor any other surveyor would ever pull a pin.

Mr. Holmquist: But it's gone, and I would ask you about that stake. I think it should be held until this is straightened out. If you tear it out when they start, I want pins there.

Chairman Jensen: The Board will not determine whose survey is correct, we know nothing that way.

Mr. Rourke: But come to my office.

Mrs. Lawrence: I will bring my survey.

Mr. Holmquist: But now one's gone.

Chairman Jensen: Others?

Mrs. Lawrence: I live directly behind existing building, I want to verify what Peter said, we share a lot between us, and we could subdivide and sell it, we each own half of that spare lot. I have a comment, at last month's meeting there was a recommendation to Mr. Peck to move the fence to within 6 inches of his property line. He's replaces most of it with a 6 foot fence and I am happy with that rather than the 8 the Board was recommending. I would lose visually if he got an 8 foot fence. If he moves it to six inches, he will lose trees, his fence will drop down 3 feet. If he has to move it, we both lose and you could let him

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keep it where it is. Pete needs it on his. There's greenery back there, and slope, so he could make a transition to 8 feet behind Pete, but I am happy with 6.

Mr. Peck: I talked to Mrs. Lawrence, and a month ago I reiterated the fact that they can call me anytime to discuss it. I have to qualms about this, I just want to put up a building for storage for my business, I am not concerned about this fence, I can put 8 on Mr. Holmquist's and 6 on Mrs. Lawrence's, if it's a legal issue and I have to or the Board can say as long as we are making amends as neighbors, the Board's OK.

Mr. Rourke: We updated the map and say we put 8 on the back and 6 here, I went down tonight and there's new fence there.

Mr. Peck: It was shoddy, I wanted something up. It's 6 feet towards my side. As Mrs. Lawrence said, I will put up 8 ft. if I have to, but if we agree and it's maintained, so be it. But on this map I noticed that on Pete's side of the fence it says 6 feet, and I need to switch that to 8.

Mr. Holmquist: She has a 3 ft rise and I have a 5 ft. fence, so it will look different.

Mr. Rourke: You're not going to be on the property line, so we can.

Mr. Peck: We've made the building aesthetically pleasing and we are looking more commercial look now because of limitation in the square footage.

Mr. Paska: This line on the map, the parking spots are against the fence which on the map is on the property line...is the fence is halfway through the spaces now?

Mr. Rourke: That just happened. We will back those up.

Mr. Paska: Taken out?

Mr. Rourke: No, just backed up. Move them toward the existing building. Spaces 10 and 11 would have to back out over the septic. I don't know exactly. We haven't found it. There's trucks everywhere. It may be a seepage pit and you can drive over them. He has heavy trucks through here. We really don't know.

Mr. Osborne: You can drive over them if they are rated for it, we don't know if we are rated for it.

Mr. Rourke: They are using it.

Mr. Patricke: They've been doing it forever.

Mr. Osborne: That doesn't prove it's Ok.

Mr. Patricke: Is the fence drawn lightly there, correct, the one Jennifer is ok with?

Mr. Rourke: That's an existing fence, but they put up a new one.

Mr. Peck: We replaced it in the same spot.

Mrs. Lawrence: It's roughly correct, yes, and I am ok with him leaving this.

Mr. Patricke: That fence line on the drawing is accurate. That's going to stay the way it is over to Mr. Holmquist's property.

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Mr. Peck: And that would be the 8 ft. sections.

Mrs. Lawrence: Question, please clarify that.

Mr. Arnold: Behind your neighbor's house. Coming from the fence 6 feet, but on his property, 6 inches.

Mr. Holmquist: The land drops, 8 would line up. He owns back a bit but it drops in elevation.

Mr. Patricke: I am marking this on the drawing. (Mr. Peck, Mr. Rourke, Mr. Holmquist and Mrs. Lawrence conferred over the map.)

Chairman Jensen: We have a concern with fence locations and heights. Should this ever be approved, all parties will get together with Mr. Patricke and decide on fences and heights. Anything else?

Mrs. Lawrence: I want to know what the buffer requirement is for a boundary between the buildings.

Mr. Rourke: To a fence is 6 inches.

Mrs. Lawrence: For a building or parking spot.

Mr. Rourke: He's not building anything there. The 30 x 80 goes here.

Mrs. Lawrence: What about the parking, what's the required distance?

Mr. Patricke: There's not parking buffer/setback, those are just for structures.

Chairman Jensen: Board, Questions for the applicant?

Mr. Arnold: On the new lot, new property building, we had an accessway to get in and out of the building now you have parking spaces 9 & 10 in front of it.

Mr. Rourke: He figures he's only going to use 2-3 spaces. We had access to the overhead door, there is an end door.

Mr. Arnold: Mr. Peck had spoken about trucks coming in and out the other side, if these are parking spaces, how do you do that?

Mr. Rourke: This type of use, he has 16 spots, no parking in front of that door originally.

Mr. Osborne: Are you removing the ability to drive through?

Mr. Peck: We have to move cars.

Mr. Osborne: What about TKD?

Mr. Peck: We'd go ask them to move.

Mr. Arnold: I asked for marking on the map for how you are going to get trucks into that door.

Mr. Rourke: You don't think...

Mr. Peck: We get deliveries now, loading dock on building 1, trailers back right up to it and offload.

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Mr. Arnold: hey drive in and back up?

Mr. Peck: They do.

Mr. Arnold: So if TKD has cars parked, you will have to ask them to move.

Mr. Peck: We can also tell freight companies that they can't deliver during the time TKS is there. I don't foresee a huge problem, they can still utilize that parking lot. To me, I would be as a truck pulling in and backing up to the door.

Mr. Arnold: Why did we remove the two spaces next to 12 on the right hand side of the building?

Mr. Rourke: It was a problem with backing out. I pushed everything that way.

Mr. Arnold: Thank you.

Chairman Jensen: Board?

Mr. Osborne: Lot 2 permeability. Is it 30%, Joe?

Mr. Patricke: 25%

Mr. Osborne: Do you know what it is?

Mr. Patricke: We're only related to structure, not the parking lot.

Atty. Auffredou: Only the minimum lot coverage.

Mr. Arnold: Myself looking at this, I like the idea of the boundary fence being on the boundary. Just my personal opinion for the record.

Mr. Paska: Is the drop from fill when it was built?

Mr. Peck: Yes, it was not filled and sloped properly I believe.

Chairman Jensen: Further? Do you want to look at the EAF? We'll go on file as new, 0.067 acres.

Mrs. Lawrence: If the Board does decide to move the fence...

Jensen: You work that out amongst yourselves with Mr. Patricke.

Mrs. Lawrence: Are you talking now about the new or old property? We had 3 incidents on the old property. I have DEC spill reports that I brought on Jan 22.

Chairman Jensen: Code Enforcement and DEC made an inspection.

Mr. Patricke: I had a clear report from the DEC.

Mrs. Lawrence: I have three reports from over the years.

Mr. Patricke: But we just went.

Mrs. Lawrence: I just want to establish a history of spills. I don't want to see any on the new property.

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Chairman Jensen: Everything as far as we know is closed. Public Hearing is closed 8:05 p.m.

Mr. Zimmerman: Motion for a negative declaration on the Short EAF.

Mr. Arnold: Second.

Roll Call vote was as follows: Mr. Osborne, Yes; Mr. Barden, Yes; Mr. Arnold, Yes; Mr. Berman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried unanimously.

Jensen: Anything further?

Mr. Osborne: Is there erosion and sedimentation proposed for this?

Mr. Rourke: We haven't been asked, we provided a storm water basin at the lowest point.

Mr. Peck: After a tremendous amount of rain we get puddles, we're ok, they go away.

Mr. Patricke: It's a half acre, they don't need to.

Mr. Osborne: It should be considered, some preventive vegetation.

Mr. patricke: That's required by our stormwater law.

Chairman Jensen: What do you want to do with them?

Mr. Arnold: We addressed the parking spaces that may be moved back if a fence decision is made, we haven't changed the plan markedly at this point.

Chairman Jensen: Do you want them to come back, so you want to tell them to get out of Town?

Mr. Osborne: I think this plan needs more fleshing out, the fence is an issue and driving over the septic is an issue. I'd like to see E & S on the plan.

Chairman Jensen: What do you want to do?

Mr. Rourke: We will.

Mr. Barden: I would like to see a decision on the fence being worked out with Mr. Patricke.

Mr. Bergman: Motion to approve the site plan with the caveat that the fence plan has to be worked out and E & S detailing needs to be shown on the plan. With those two items I move to approve.

Mr. Rourke: We will move 6 parking spaces away from the property line to accommodate the fence.

Mr. Barden: Second.

Chairman Jensen: Discussion? The largest item in the motion to approve is that all must understand that this issue of fence locations and heights will be worked out between the 3 parties involved and Mr. Patricke and will come to an amicable resolution where it will be.

Mr. Patricke: That will happen prior to a building permit being issued.

Mr. Holmquist: Wouldn't one of the things pending be about this one stake?

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Chairman Jensen: That's determined by the surveying professionals.

Atty. Auffredou: You can't get involved in a survey dispute no matter how large or small it is, this is not the forum for it.

Chairman Jensen: The professionals involved and you have to resolve it.

Mr. Holmquist: If it does come down to a legal battle, it changes the size of the subdivision.

Atty. Auffredou: The Planning Board rules on the record before it.

Chairman Jensen: If the survey changes they may have to come back here, we can't prejudge.

Roll Call vote as follows: Mr. Osborne, No; Mr. Barden, Yes; Mr. Arnold, Yes; Mr. Berman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried 6-1.

Mr. Zimmerman: Motion for the Chair and another member to sign the mylars when they are ready with the changes suggested.

Paska: Second.

Motion passed unanimously.

#3 Papa Johns-Site Plan Review

Mr. Dennis: I am Ryan Dennis, looking for site plan approval for adding a secondary storefront at the Citgo station at corners of Route 9 and Spier Falls Road to add a Papa John's Pizza.

Chairman Jensen: We had rescheduled a public hearing on this. Comments, questions?

Mr. Patricke: He is before the Zoning Board of Appeals for an Area Variance day after tomorrow for lot size.

Chairman Jensen: Because this is two businesses operating on one site with less than 2 acres per our zoning code?

Mr. Patricke: We require lot size of 1 acre for each business use, unless it's a shopping center.

Chairman Jensen: Board, any questions for this applicant? Mr. Patricke, do you have a copy of the EAF? Letter from the County?

Mr. Patricke: Yes.

Mr. Arnold: Is there an eating area?

Mr. Dennis: A few bench seats for people waiting, no bar.

Mr. Osborne: Will your signage be on existing poles?

Mr. Dennis: Just on the building right now.

Mr. Osborne: You have branding to deal with.

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Mr. Dennis: We will get through it down the road.

Chairman Jensen: My question to counsel would be, have you seen the County comment?

Atty. Auffredou: I just did. They are concerned about ingress, egress, parking, etc. You may need to read into the record if copies are not out there. This Board has never granted Site Plan approval contingent on any kind of variance or special use permit. I have always taken the opinion that you have to have the ability to have use land use there before you can get site plan approval. That's something we need to talk about.

Chairman Jensen: Saratoga County says that while staff has not noted the use for truck parking Board has a concern for uncontrolled curbless access to the site from Spier Falls Road and there are white lines to prohibit truck parking. Painted white Stop line. The County would like the Board to re-establish these two conditions on the use of this site. Sounds like the County wants KC (the owner) to comply with comments previously provided by the County at the time of their site plan.

Mr. Patricke: They have banned truck parking, there's a sign down there.

Mr. Dennis: That and no left turns behind Spier Falls Road, and a \$500 fine sign. She has also agreed once we are approved, to repaint the parking lot.

Mr. Canavan: Isn't it directional anyway?

Mr. Barden: The issue was trucks parking with the end hanging out. I have not seen that.

Atty. Auffredou: Their position was approve with comment, they are serious, but they are just recommendations.

Mr. Barden: And they are for the property owner, not Mr. Dennis.

Mr. Patricke: and just re-emphasize the need to reestablish these agreed to components.

Chairman Jensen: Which we just did.

Mr. Osborne: We could make it a condition.

Chairman Jensen: We could.

Mr. Canavan: Get pizza.

Chairman Jensen: Short form EAF.

Atty. Auffredou: Let's talk about the ZBA process. I don't want to hold anything up, but I have to help the board with process. I have a concern with where we are procedurally. Unless they get ZBA, they can't get a site plan approval. They can't get approval to operate this business at this location. I believe this Board, and most hat I represent, make sure the right to use the property as they intend to is provide before they issue site plan review and not contingent.

Chairman Jensen: I do not recall such.

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Mr. Dennis: I am under a tight deadline at this point, and I take the blame for that for my impression on the use of the building and not knowing that we would have to appear here. I am in desperate need to not be held up any longer, it is going to cost me considerable. We might not have pizza.

Mr. Arnold: Why didn't it go to ZBA last month?

Mr. Patricke: We had no time to do anything. It went to Zoning and you met again before they could do anything.

Mr. Osborne: Did he need a public hearing there?

Mr. Patricke: Yes.

Mr. Dennis: Will that be it?

Mr. Patricke: If you're approved. They need this before this Board can act.

Mr. Dennis: I can't do this if I have to wait that long. I thought I could go ahead if I could get Zoning.

Mr. Barden: For my edification, what's the liability of approving it contingent on Zoning?

Atty. Auffredou: If it were challenged, the challenger would clearly win, and then there's precedent. You would be establishing a precedent that can't be explained away and I don't want to hold up a project that's approvable, but I am concerned about the process.

Mr. Arnold: I have a question he maybe should be asking. If it seems we're favorable, what could he undertake at the site while he waits?

Mr. Patricke: I can't issue any permits without this Board's approval. That's universal.

Mr. Osborne: They could paint the stripes on. Not speaking for the Board but for myself, it would be sad to see.

Mr. Dennis: I wish I had heard this at the last meeting. Why do they meet in the same week?

Mr. Arnold: If that were the case, you still would have gone to ZBA two weeks ago, you would still be waiting two weeks.

Mr. Patricke: You couldn't have got the approval without the County, and we don't usually meet in the same week, it just fell that way this time.

Mr. Osborne: It should fly right through.

Mr. Dennis: My corporate is running out.

Mr. Ruggiero: Could the board have a special meeting?

Mr. Arnold: No.

Mr. Patricke: They can, but the applicant has to pay for it.

Mr. Osborne: We could discuss it.

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Mr. Dennis: We are looking at 15 employees and a product not in the area.

Mr. Patricke: Do you want to pay for one? Otherwise, July 18th.

Mr. Dennis: What does that mean?

Mr. Patricke: \$355

Mr. Dennis: I would do that. I am desperate.

Chairman Jensen: When does the ZBA meet?

Mr. Patricke: June 22nd.

Chairman Jensen: Do I take it from the tone of the discussion that I have heard in the last few minutes that the Board may be considering a special meeting to hear this request?

Mr. Osborne: I am willing.

Mr. Barden: I am in favor.

Chairman Jensen: I will admit I am ignorant on ZBA Procedures, can they approve that night, or do they have to have a hearing?

Mr. Patricke: It is the public hearing, they can take action that night if nothing comes up.

Chairman Jensen: If we have a Special Meeting, do we need to advertise?

Atty. Auffredou: No, it's a continuation of a public hearing, just do what's convenient for the Board.

Chairman Jensen: Two questions. Applicant, would you like to go ahead, realizing your burden.

Mr. Dennis: Yes

Chairman Jensen: Board, do you desire to hold a special meeting?

Mr. Zimmerman: Motion for Special Meeting to hear that on the 27th at 7:00.

Mr. Barden: Second.

Chairman Jensen: All in favor (6). Opposed ? (1). Motion carries.

Mr. Patricke: Are you opposed to the meeting or just unable to be there?

Mr. Arnold: I get concerned when applicants come before us with time constraints and everyone wants to have a Special Meeting. I am very sorry that the process isn't working well for the applicant but I think that we should use the process. I may make it, but I am opposed to doing it. I really like your project.

Chairman Jensen: If you get shot down by ZBA, we are still going to charge you.

Atty. Auffredou: You have an open public hearing.

Mr. Barden: Motion to continue the public hearing.

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Mr. Osborne: Second.

Motion passed unanimously.

Atty. Auffredou: I will not be at that meeting.

#4 Canavan Subdivision

Mr. Rourke: We have a three-lot subdivision owned by Mr. Canavan. I thought we were scheduling a public hearing tonight.

Chairman Jensen: You may have one if you request one and the Board so moves. Are there substantive changes to the site?

Mr. Patricke: You want a public hearing.

Mr. Rourke: Yes.

Mr. Zimmerman: Motion to schedule a public hearing July 18th at 7:00 for the Canavan Subdivision.

Mr. Rourke: We have added 5 ft. contours and the proposed houses. Dave is going to build on this lot, we have put on proposed houses and the driveways across the road that the Board asked us to. The smallest lot is 1.6 and all are going to be on Town water.

Mr. Patricke: Can you give a copy of that map to Mrs. Johnson? She's not really opposed she's concerned about line of sight and I told her you were putting the driveways on, so if you could give her that so she's made aware.

Mr. Canavan: She's concerned about these trees, and they are coming down this week.

Mr. Rourke: They are her trees.

Mr. Canavan: They are on mine and it's going to upset them.

Mr. Arnold: They are beautiful trees, you're not cutting them down.

Mr. Canavan: I'm not, they are happy. I have had a conversation with them.

#5 Greenier Subdivision

Mr. Rourke: The owner lives here, he was going to build back here.

Mr. Patricke: We just need to schedule a public hearing.

Mr. Rourke: It's a three-lot subdivision, we have a 40 foot driveway and we are calling the minimum lot width is 200 ft. we have more than that here, the average depth is more than 175 of we call this line the depth of the lot. If we face the building this way, this is the front and this is the depth.

Mr. Arnold: Why would you face the front of the house towards the existing house?

Mr. Rourke: It's little tilted.

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Mr. Osborne: The reason is so that the front is facing the rear of Lot 1?

Mr. Rourke: Ernie, you've been there, would it look good here?

Mr. Greenier: I think as you come up, it would curve into your house. I would face it into Route 9.

Mr. Patricke: It's a weird configuration.

Mr. Arnold: Are we tilting it to get the averages?

Mr. Rourke: We can go 45 degrees and still have it.

Mr. Arnold: That's what I wanted to know.

Mr. Arnold: We adjusted the lines since the last meeting.

Mr. Rourke: Yes. We moved this line.

Chairman Jensen: Is this R-3?

Mr. Rourke: Yes, R3.

Mr. Zimmerman: Motion to set a public hearing for the Greenier Subdivision for 7:05 July 18th.

Mr. Osborne: Second.

Unanimously approved. Motion carries.

Chairman Jensen: Now we are going to back track. Do I have a motion for the Planning Board to assume lead agency for the Canavan Subdivision?

Mr. Osborne: So moved.

Mr. Bergman: Second.

Motion carried unanimously.

Chairman Jensen: For the Canavan Subdivision. Do I have a motion to accept a short EAF?

Mr. Paska: Motion.

Mr. Zimmerman: Second.

Mr. Osborne: I would prefer a long form on all subdivisions.

Chairman Jensen: All in favor? (6) All opposed? (1) Motion Carries. Greenier Subdivision, motion for the Board to assume the role of lead agency?

Mr. Arnold: Motion.

Mr. Barden: Second.

Motion carries unanimously.

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Chairman Jensen: Regarding the Greenier Subdivision, Short EAF, a motion.

Mr. Bergman: So moved.

Paska: Second.

Chairman Jensen: All in favor (6) Opposed? (1) Motion Carries. You will have the sign out for the public hearing.

Atty: Auffredou: With the right date on it.

Mr. Rourke: I will change the date.

Mr. Zimmerman: Should we be asking for long forms?

Atty. Auffredou: Any subdivision 5 lots or more, yes, is my view. This nature is an unlisted action, you have the discretion to ask for one, on a case by case basis. That's my position.

Mr. Patricke: We did a long form on Moreau Acres. It was two lots but a big one.

#5 Moreau Acres

Mr. Robinson: Last month we were here for site plan approval and we had questions about the site plan. One comment was another project where groundwater levels changed after they were done and caused issues, so additional test holes were requested, so we did that. Joe and I and EDP found that groundwater levels were higher than modeling 5-6 years ago. It's a kink in what we are doing for stormwater so we will probably be working on it upcoming, so that's why we are not before you with anything else. Someone has a contract with Hal, and wants to see what it's going to be involved, and we have not been given the go-ahead, just wanted to update you.

Mr. Patricke: Garry, did they have comments on doing away with the meter pit and putting in individual meters?

Mr. Robinson: He didn't care. We have one meter station for the whole complex, Mike wanted it. Since then it's been thought about do we want to have more, Schmerhorn has meters in each building, there are reasons to do it. One is if you have leak somewhere. We had one in there. Client said that he would rather stay with one, but when we found the level was up, the pit would have to be kept dry so in that sense it's better if you have one in each building. It wasn't in EDP's comments, but we talked about it afterwards.

Mr. Arnold: Why can't you bring the meter up into a heated area?

Mr. Robinson: We talked about that. What's happened is clients have had it in a corner, an addition, a person in there and would put some equipment like that for a maintenance guy to keep track of. It's been done. Some don't like it. That was a thought.

Mr. Arnold: So what is the pit? Something like a manhole?

Mr. Robinsin: Bigger than a manhole, you have a meter and a bypass, and valves, it's a lot. It's easier.

Chairman Jensen: Thank you.

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Mr. Paska: Motion to adjourn.

Mr. Zimmerman: Second.

Motion passed unanimously, meeting was adjourned at 9:00p.m.

Respectfully submitted,

Tricia S. Andrews

Recording Secretary