

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 May 16, 2011.

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

Absent: Chairman G. Peter Jensen, Chris Barden

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

The meeting was called to order at 7:00p.m.

The minutes of the previous meeting were not available to be reviewed.

#1 Moreau Acres- Leonelli Sisson Road Apartments Subdivision Public Hearing

Mr. Robinson: This property used to be around 17 parcels of a development called South Park. They were put back together into one piece, odd shaped and big, lacking a couple from South Park that had been built on. We are proposing to split the parcel in two, Mr. Leonelli has a contract with a buyer who is not able to buy the whole thing. The two parcels will be about 13.6 and 7.4 acres. We had on the second parcel no road frontage on a town road, so we received a variance, continued upon a cross-easement running up the proposed road to the back of the parcel so that it has it's frontage on a private road, and will not always have access to it and not be landlocked. We had added a meets and bounds description for the parcel and the side of the easement, everything else is the same, we have a Bolster and Associates plan that references the survey that they did. If you have any questions, it meets all the bulk and density requirements. I am happy to answer questions.

Chairman Zimmerman: We have an open public hearing at 7:06p.m. to see if community has any questions. If you would like to speak please state your name and address for the record and try to maintain some sense of decorum. Any questions about the proposal?

Mr. Richard Hughes, 98 Harrison Ave.: Looking at the drawing and the road going in, you are proposing to sell the parcel to the left?

Mr. Robinson: Yes, this is set up under contract with a right of first refusal on the other parcel. The developer is interested in buying both, but the bank is nervous about the current economy.

Mr. Hughes: How far is the upper right corner back to Harrison Ave? I border that property, and my concern is what was said last time.

Mr. Robinson: That's the next part after we deal with the subdivision. That's part of site plan.

Mr. Zimmerman: Ten minutes from now.

Rod Renz, 88 Sisson Road: I live on one of the corner lots that you come in through. You are projecting apartments?

Mr. Robinson: It's a 144-unit site plan for apartments. There's a slight difference form the last proposal, an additional building, but the same proposal per length of road, parking etc. on the old project that was approved.

Mr. Renz: What about the drainage problem that is there?

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Mr. Robinson: It will come up at site plan, we can talk about it now though.

Mr. Zimmerman: We will get to it under site plan review. This conversation is about the notion of separating the parcel into two, then we will take up site plan next. Is there anything else about the subdivision?

Mr. Osborne: I have no issues about the subdivision.

Mr. Arnold: I had an issue about the two lots using the same frontage but the ZBA has addressed that. You are very confident that the other lot will sell?

Mr. Robinson: Yes, to the same person.

Mr. Arnold: For the same usage etc., apartments?

Mr. Robinson: Yes.

Mr. Renz: In '97 that was all subdivided into 15 units and in 2007, you said it was still in that projection of units- what – was that the same owner in 2007 that changed it?

Mr. Robinson: We were working for someone else who was under contract for it, not Mr. Leonelli, and it would have been cutting up the lots in the subdivision, and at first we did it under that person. After that, the parcel contract wasn't exercised, Mr. Leonelli purchased it. The zoning is for up to 8 families per acre. It's- both of those are allowed uses in that zone.

Mr. Zimmerman: Anything else?

Dan Stazinski, 89 Sisson Road: The first phase is 29 buildings, and the second another 29?

Mr. Robinson: Actually it's 80 apartments in phase 1 and 64 in the second.

Mr. Patricke: Building wise?

Mr. Robinson: 20 buildings, one 4-unit building or two they are not all identical.

Mr. Osborne: The first phase has the proposed clubhouse?

Mr. Robinson: Yes.

Mr. Osborne: And the infrastructure goes in with the first?

Mr. Robinson: Yes, the infrastructure is dependent on the first phase.

Chairman Zimmerman: Any other questions for Garry? 7:17 close public hearing, let's review the long form SEQR.

Mr. Robinson: Per our last meeting, we did a long form for the subdivision and the site plan in common.

Chairman Zimmerman: We are going to do one long form SEQR for both.

Mr. Robinson: Maybe we should do it once, after the site plan?

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#2 Moreau Acres – Leonelli /Sisson Road Apartments Public Hearing

Site Plan Review

Mr. Zimmerman: We will do that. 7:19p.m., public hearing open for site plan review, after that we will do the SEQR for the entire proposal.

Mr. Robinson: Has not changed much since last time, we have added something that you didn't see last time, 144 units, 21 acre parcel a little less than 8 per acre, 7.6 I believe. Fed by a road that comes in and is divided and then splits, something we agreed upon on the first proposal. We had some additional road in here. We left an open area in the middle for open space for picnic tables or play structures. Again there are buildings in 4 styles, with differing numbers of bedrooms, some have up to 4 bedrooms, overall there are less bedrooms than under the original proposal. A road change in that we talked about a narrower road, we try to limit runoff under storm water regs, said we needed sidewalks if we narrowed the road. This purple line shows the sidewalks in the inside of the road which goes to Sisson Road. There are crosswalks, the road is 22 ft wide and is concrete curb. We talked about paved shoulder or curb, and the person under contract chose concrete curb.

A sewer district is formed which includes the parcels forced main, we have a pump station to collect down to the station and pump out to the forced main on Sisson Road. The district was formed back when this was approved. Water district on Sisson Road, runs around the entire parcel, hydrants are NY State standards, wet tap lines. Storm water for this is different in that the regs changed, they want you to treat the volume, we tried to use different practices for the first inch or so of rainfall. We have different infiltration practices, dry swails, we disconnected roof leaders from the storm sewers. It all goes into roadside trenches for infiltration, prior we had a detention pond. There's a plan that you have, we gave you the descriptive part of it with all the calculations from our program that we use to design this. There is a clubhouse proposed, located here, we had a little structure that came up that might be for school pickup if the school required or requested it, so that the bus would only have to come in that far. We talked about parking using the garage and the driveway as 2 spaces, we now have garage, driveway and 72 additional spaces around the site. There are different areas on a side road, next to the spaces in front of garages, along the roadway in different locations. In some spaces we pushed the unit back from the road to make room for depth for another car there. That's all the issues we talked about last time, the location of the buildings has not changed, since last time. We have a 50 ft. buffer or setback on sides and back, 35 ft. to start on the front 40, no buildings in that space.

Chairman Zimmerman: Last time you were here was when?

Mr. Robinson: The previous was approved in 2008.

Mr. Osborne: It timed out?

Mr. Patricke: No. There are no limits.

Mr. Zimmerman: Anything else in overview? Any questions?

Mr. Hughes, 98 Harrison: You gonna put a buffer zone?

Mr. Robinson: It's a distance to a building.

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Mr. Hughes: The statement was made that these are not high-end properties. Why I asked about that corner, I am thinking about putting another house off the road because it's noisy where I live. Now, if these are going to be entry level apartments, do the people take care of their apartments, or do they just flip them?

Mr. Robinson: They have developed in many states, they have come into NY are developing in NY now, have I been to one of their complexes? No.

Mr. Hughes: The lot concerns me because if I put a house in there and in 5 years the apartments are falling apart from lack of care, how does that affect me?

Mr. Robinson: We don't anticipate that will happen, we originally had only 4 beds per apartment and 3 buildings, there are up to 4 and have more kids and is a different style apartment. Smaller ones with less beds, you get younger, maybe single people, but here we are leaning more towards families.

Mr. Hughes: It concerns me what it will be like ten years from now.

Mr. Robinson: That's true of any house, apartment or retail building.

Mr. Patricke: From what we understand from the rental price of the apartment, they are consistent and higher-end than what is being built in the rest of town. They are not high-end vs. downtown Saratoga, but they are proposing to build nice apartments.

Mr. Robinson: They are quality, architect-designed units and not inexpensive.

Mr. Patricke: We all wrestle with what Mr. Hughes is asking about.

Hughes: You don't know what kind of record this company has.

Mr. Patricke: The paperwork we have seen has been very professional and they have been doing this for a long time.

Mr. Robinson: They have been developing property for years and we don't anticipate them selling it off to someone who's not going to maintain it, and they have to stay competitive.

Mr. Hughes: We've seen it with motels.

Mr. Zimmerman: Jennifer Lawrence, 18 Donna Ave.: Is there any indication, will these be primarily Section 8 housing?

Mr. Robinson: I have no indication, no idea.

Ms. Lawrence: No plans.

Mr. Stanzinski, 89 Sisson: You said they have to stay competitive: They can propose one rent and then lower it if Schemerhorn lowers his. Also you narrowed the roads, does that impede fire-rescue?

Mr. Robinson: No, they are still wide enough.

Mr. Robinson: We have a SPPC that monitors continuously. There will be dust now and then. We will try to address it quickly.

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Mr. Renz, 88 Sisson: My back yard now has a lake in it, you hit water 3 feet into my back yard and when you pull out all the trees I am going to have a pool in my yard. Same thing happened out in Reservoir Road.

Mr. Robinson: I have been out on this site ten times, and I can tell you it is going to be the opposite. Once we open it up, as nothing has been cleared, now it ponds. We have topo that shows it runs down to this end and there are low spots that pond, once we open it up we will grade it so the water doesn't stay in ponds, which is what is coming up now and moving. We will grade the roads and address the water flow. It's going to be a completely different drainage profile, I don't think we will see an increase in water flow. I don't think groundwater will change at all. We did test holes out there. We had 4 feet, 57 inches and one at 24 inches, one at 48 inches. I don't think we are going to change that. We are not creating runoff, but we are moving it to places where we can get it back into the ground. We are going to prevent water from running across the site like it does now.

Mr. Renz: I have always had wildlife outside my back yard. When we moved into the area we wanted that and there are going to be eyesores. The school district is already overwhelmed. Look at the school budget tomorrow. 144 more apartments and we have apartments not filled up.

Mr. Robinson: The person under contract has done studies that show that there are people who will rent these, Schmerhorn is full.

Mr. Renz: That was years ago, a lot has changed.

Mr. Robinson: Not years ago. These people are new to us 4-5 months ago. They have done their homework.

Mr. Stazinski: Schmerhorn has 75 apartments in foreclosure and for sale, we don't need more, you are flooding the market and decreasing home values.

Mr. Robinson: I don't know the occupancy date of apartments in Moreau, but at a meeting about Bluebird Village, the buildings that are done are rented.

Mr. Patricke: Every finished apartment is occupied. I have been there.

Mr. Robinson: This is the area of town that the Town decided on their master plan that they wanted apartments, which is why it is going on there. This is where the Town wanted it.

Mr. Stazinski: Did they talk to the people that live there?

Mr. Robinson: There were public hearings. You can sell your place and they might put apartments on it.

Mr. Hughes: You don't think taking that vegetation out is going to raise the water level?

Mr. Robinson: It won't come up. There's not more rain coming from the sky after we build than there is now. We're taking it and it's not draining into the road, we're putting practices in place around the site to take stormwater, which may pond up or pool and then go down. There's no sunlight on it now or leaves removed, water doesn't soak in because it's not getting to the ground.

Mr. Hughes: You don't think those trees and the vegetation absorb water?

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Mr. Robinson: They do, but it's not developed forest land, it's undergrowth. It's not much different. We are doing things on site that are made to treat stormwater.

Mr. Hughes: Where's it gonna go?

Mr. Robinson: Into the ground. Infiltration galleries, dry swails along the roads, what we have to do according to the SWIP, is taken the grading and the water now and divided it into drainage areas and we have put our development on it and looked at where the water is going to go. We're going to collect it and move it to another location. That's the idea of the regulations. They have us look at the water quality volume, poorest quality water, we treat it on site, instead of taking it to a pond we let it go into the ground. It's a completely different stormwater program than we have had before.

Mr. Arnold: When you talk about treating it as it comes off the roof, are you going sub frost level with this? Will there be a stone fill?

Mr. Robinson: We have rain gardens around the site. It's kind of a drywell and you put plants that like water there.

Mr. Arnold: What happens with this water treatment during frost time?

Mr. Robinson: Some water will absorb, and some will stay about. It's like a drywell, and heat comes up...There's an opening with stone in it. In a place where we have planned water to go.

Chairman Zimmerman: Any other questions?

Mr. Renz: How has the cement quarry been a factor in all of this? The cement quarry bought the other side of Sisson Road because of problems with the blasting, we still feel it like it's an earthquake. We had an investigation done at first when we bought our home because there were cracks. New tenants will be feeling these blasts and they should tell new tenants about it.

Mr. Robinson: There's a clause in the plans that says we know about it. We will have no basements only slabs, but we are not selling these. The buyer sees it up front on the plans and is not selling the property.

Mr. Zimmerman: Any other questions for Mr. Robinson? Board?

Mr. Paska: Parking, you said we needed 70 extra spots and I don't see them on the drawing. I count 38, and 15 in front of the clubhouse.

Mr. Robinson: Spaces in front of the clubhouse are used if they are not in front of other units.

Mr. Paska: Still short 35 spots.

Mr. Robinson: They are numbered on here. On Road C, Number Three building, there are 6 extra spaces. We have widened the driveways beyond the actual parking area so there's room for two cars, and we have pushed them back so there are two cars.

Mr. Paska: Every garage will still be a one-car garage.

Mr. Robinson: Yes. EDP said to number the spaces on the final plan, so we will. There are more than 72, maybe 80.

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Mr. Paska: If you look at the top right corner of the plans, it doesn't look like you have a lot up there, and it's a long walk to park the car anywhere else. I see people parking on lawns.

Mr. Robinson: The code requires 1.5. If there are more than 1.5 people there with a car, they will park in an overflow, and it might be on the lawn.

Mr. Arnold: People are not going to jump the concrete curb to park on the side of the road.

Mr. Robinson: Right.

Mr. Patricke: Did you address snow removal?

Mr. Robinson: It goes year to year.

Mr. Patricke: Talk about this year.

Mr. Robinson: We can just plow it on side of road and away from driveways some years. Other years they will have the equipment to move the snow. We are going to bring it to this area through the parking area, where it feeds into this little stream. The grade flows this way. It seems pretty flat if you walk it.

Mr. Arnold: Tell me why I shouldn't be unhappy that you are putting it there.

Mr. Robinson: It's an available area behind the units.

Mr. Arnold: How do you deal with it when it thaws?

Mr. Robinson: It's not the whole winter, just areas where the banks are too high. By no means all the winter's now. We don't intend to move it unless we have to. You can't push it back any further, then we will have to move it.

Mr. Arnold: I was waiting for you to say you'd put it on parcel two.

Mr. Robinson: Before it's developed, maybe.

Mr. Arnold: No, back there in that green triangle.

Mr. Robinson: We might, but when it melts it will run across the site.

Mr. Arnold: But while it's running across, it might run into the ground. So we're moving excess snow and parking where it's most likely to melt and flow right into that stream. You could look for another place.

Mr. Robinson: This site is open and available, we could do it a few other places, but are looking to stay away from property lines. We are redistributing it, but not bringing in additional snow!

Mr. Patricke: Previously we had concern by a gentleman who lives further south, who voiced concern about snow removal being piled in there. I don't think the speech solves that guy's problem.

Mr. Arnold: You are making it easier for it to leave the property.

Mr. Robinson: Let me talk a little about him, I met him tonight and did some walking. That stream is running, and all the deeds there say to the center of this stream. The water runs across the back of the property. At the end of the stream it crosses National Grid property, and they have a roadway for access

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and maintenance. They didn't put a culvert under that road and it dammed up the stream. It backs that stream up along all those properties. We were thinking that stream was his problem, but it isn't. The issue is water running into his house. There are low lying clogged up areas in here. When there's enough rainwater, it can run down and create a path seeking low spots, which happens to be at his house. I talked to him about the fact that the water isn't going to run like that anymore. The problem he has before any development, even though it's not required, I think we will make it better when we cut and clear. His house is low. He is on a slab, he doesn't have a foundation basement that floods. I talked with EDP, they have reviewed met with them last Friday and talked with him today. They were concerned with change from '07, and it was wet then. They wanted to go back out and check some things in there and see if we can get the water in to the ground like we are proposing. We will be out and talk to him.

Mr. Arnold: Obviously, he has a problem now. Is it going to be worse?

Mr. Robinson: I think we are going to make it better.

Mr. Arnold: You are going to build out some of the infrastructure with 2 as you do 1?

Mr. Robinson: Not so much build it, just that the design is such that Phase two can work. Gravity sewers go to a pump station in the back, are designed to service all units on this plan. The stormwater plan is included but won't be built until we go in there, same with water supply. In the future we leave keys with a valve so we can bring it in and they are all shown on the plans.

Mr. Osborne: Any possibility of reducing the amount of units?

Mr. Robinson: We have less than what's allowed, and that's the number that we came down to before. I think the lot's 7.6 and that's where we want to be. 144 was attractive to them. It is less than what's allowed.

Chairman Zimmerman: Anything else? What do we want to do about snow removal?

Mr. Patricke: We can address that if there's a motion to approve.

Mr. Robinson: If there's some reason to not be in a location, we can put it in the plan.

Mr. Osborne: What kind of enclosures do you have for the dumpster?

Mr. Robinson: Plastic fencing like you could buy locally that you can't see through, gated on the front.

Mr. Arnold: Vinyl, not plastic.

Chairman Zimmerman: Closing the public hearing at 8:10p.m., let's look at SEQR long form, part 2.

Mr. Osborne: page 2 -21 wording issue. - should say 7.5 "Acre" parcel.

Mr. Paska: How many units?

Mr. Robinson: 144.

Mr. Osborne: Both phases?

Mr. Robinson: yes.

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Mr. Paska: Thanks.

Chairman Zimmerman: Impacts and magnitude?

Mr. Osborne: Question 1, bullet #2 Small to moderate impact on the water table, can be mitigated.

Mr. Paska: Really, less than 3 feet?

Mr. Robinson: In a few places.

Mr. Patricke: Bullet point 7, proposed action uses more than 20,000 gallons of water per day.

Mr. Robinson: It's close, there may be days but on average, no.

Mr. Arnold: It says 15,000 on the plan.

Mr. Robinson: Less than 20,000 average but there may be more in summer on occasion.

Mr. Osborne: This is underground water issues. It's not what they are using.

Mr. Patrike: You are all okay with No?

Chairman Zimmerman: Good discussion.

Mr. Osborne: I have a concern about erosion small to moderate, might be mitigated.

Mr. Robinson: We do have an erosion control plan.

Chairman Zimmerman: That's what we're saying.

Mr. Osborne: Page 16 1st bullet. I'd say yes, a vacant area with flora and fauna is being changed.

Mr. Bergman: Surrounding area, though not contiguous, has storage units and apartments.

Mr. Osborne: It's a subjective issue. It's a small impact but an impact nevertheless.

Mr. Zimmerman: Is there anything that can be done to mitigate this?

Mr. Bergman: Plantings to make it look nice.

Mr. Osborne: I think so.

Mr. Paska: I agree.

Chairman Zimmerman: The peer review and Creighton-Manning were in 2008 after 2006, he found no degradation to the level of service. It incorporated Schermerhorn at the time.

Mr. Robinson: It also included the community center which has never gone forward.

Chairman Zimmerman: We have a small to moderate increase bullet #6 in services and schools, Yes for question 19.

Mr. Patricke: The applicant has not given us a signed application.

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Mr. Arnold: Are we tabling til next month? (Mr. Leonelli signed the application at that time.)

The Board reviewed the requirements for a SEQR designation and Mr. Arnold motioned to make a negative finding on parts 1 and 2 for preliminary subdivision and site plan. Second was made by Mr. Bergman. Roll Call vote proceeded as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Zimmerman, Yes. Motion passed unanimously.

Mr. Paska: Motion to approve the preliminary site plan for Moreau Acres.

Mr. Bergman: Second. Roll Call vote proceeded as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Zimmerman, Yes. Motion passed unanimously.

Mr. Robinson: We request final approval, we have no additional information to provide and there's no comment on that portion of the public hearing, either.

Mr. Zimmerman: We can entertain a motion not to have the final review and to waive the requirement to wait 30 days for approval of the subdivision. We would need a motion.

Mr. Patricke: That is common in the 14 years I have been here, on a small subdivision.

Mr. Paska: We don't need to advertise on the property?

Mr. Patricke: No.

Mr. Zimmerman: Motion to consider final approval?

Mr. Bergman motioned to grant final approval for the Leonelli subdivision and waive the 30-day requirement and have final review/approval. Second: Mr. Paska. Discussion followed.

Mr. Arnold: What's the purpose to the 30 days wait?

Mr. Patricke: Normally during that period whatever's approved might need 30 days to complete changes or modifications that you asked for at the preliminary, but we didn't ask for any, that's why we do it on small subdivisions.

Chairman Zimmerman: To the motion, would you call the roll?

Roll Call vote proceeded as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Zimmerman, Yes. Motion passed unanimously.

Mr. Bergman: Motion for final approval for Leonelli Moreau Acres Sisson Road Apartments two lot subdivision.

Mr. Antis: Second.

Roll Call vote proceeded as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Zimmerman, Yes. Motion passed unanimously.

Chairman Zimmerman: What do you want to do with the site plan?

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Mr. Osborne: I would like to see more robust plantings, especially where there are additional property owners, and I would like to see less units, but I know that won't fly.

Mr. Arnold: I would like to add that if we do get snow that needs to be removed, that all effort be made to not place it at the lowest grade point on the site.

Mr. Robinson: We can accommodate that with a note on the plan.

Mr. Arnold: I want it to have more area to run in as it runs off.

Mr. Patricke: More than a note, I would like a letter about how they are going to accomplish it.

Mr. Arnold: I don't think parking should be counted in front of the clubhouse.

Mr. Robinson: No one from off-site can use it.

Mr. Arnold: It's not a place for a large family gathering?

Mr. Robinson: You might have people in from somewhere else.

Mr. Arnold: Find places somewhere else.

Mr. Patricke: There's a guideline in the book how many places you need for a clubhouse, meet that and you may use the rest as part of the requirements.

Mr. Paska: Top right, this dead end, will there be a turn around?

Mr. Robinson: That's it.

Mr. Paska: The road does extend past the last driveway?

Mr. Antis: Does that mean it meets requirements for fire safety?

Mr. Robinson: Yes.

Mr. Zimmerman: Have we had comments from Fire?

Mr. Patricke: We will take it to them, fire and school, now before the next meeting.

Mr. Arnold: How long is the section you area asking them to back out of?

Mr. Patricke: Fire trucks don't back up.

Mr. Robinson: 300 feet.

Mr. Arnold: Plans should have a hammerhead there. From the intersection or the main?

Mr. Robinson: Intersection.

Mr. Patrike: I think you're right, but the fire company will look at that and the school will look at the little building for school kids.

Mr. Osborne: Plans for signage?

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Mr. Robinson: As far as an entrance sign, "Moreau Acres" there will be. Once we get to that point we will bring it to the building dept. for approval.

Mr. Patricke: These guys can approve it or you can give it to me and it has to meet code.

Mr. Osborne: You will have to put it on the boulevard.

Mr. Robinson: Right.

Mr. Antis: Post office?

Mr. Robinson: There is a post office at the clubhouse.

Mr. Osborne: And they will dictate where the boxes have to go and what size they are?

Mr. Patricke: It won't be on drawing but we are waiting for a letter from EDP. They are reviewing the project. Do you want to be on the agenda for June?

Mr. Robinson: Yes.

Mr. Patricke: June 20th.

Chairman Zimmerman: Any questions from you?

Mr. Robinson: Not at this time. We will try to get additional spaces more evenly spaced.

Mr. Patricke: Think about the fire company.

Mr. Robinson: We will.

#3 Michael Peck, Site Plan Review Public Hearing

Ms. Riggi recused herself from this item due to a long term friendship with the applicant.

Mr. Rourke explained that the project is at Glens Falls Tae Kwon Do and the applicant wishes to add, on a half acre, a 30 by 80 two story frame office/storage building.

Mr. Rourke: We meet all the 15,000sq.ft. size because we have half an acre, frontage and depth are covered, they are proposing a light commercial building. Tuff-Kote has not many employees, and we have shown the plan and proposed building before. Combination parking agreement to share the parking when one is busier than the other, added landscaping along the road and security lights. Looking for comments.

Mr. Zimmerman: Pubic hearing open at 8:52pm people can pose questions for the project, please maintain decorum and state your name and address for the record.

Peter Holmquist, 22 Donna Ave.: My property borders his on the South and West. Before, a buffer zone was an 8 ft. fence. The fence is a big issue for me it has not been well maintained. They put six sections up on Saturday and they started in the middle. A piece was missing for a year and I got stockade. I want it up before they start. I got bulldozed over last year.

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Jennifer Lawrence, 18 Donna Ave.: My property is behind the main building. At our last meeting here the Board discussed separate parking and access and it seems not to have been addressed. The zoning says a new building can't exceed 50% of the old building.

Mr. Patricke: I don't know what you're reading, but it doesn't apply to site plan.

Ms. Lawrence: The fence is not done, sections are missing and I don't think it's 8 ft. That comes with the new building. Last year it was to be an 8 ft fence.

Mr. Holmquist: The Heartland Church has fence and Mike said it would be no problem.

Mr. Peck: At first we were looking at settling the fence issue, and I was told by Bill we might have to change it to make room for additional parking that we may need, and that's why it's on hold, so we can know about changes that need to be made. What we are trying to do is repair what's damaged, while we wait. I don't think 8 feet is required.

Ms. Lawrence: You asked us what color we wanted and everything.

Mr. Patricke: Show us the fence on the plan.

Mr. Peck: We took part of it down and we are getting it installed properly but we had a lot of problem with snow, and that doesn't mean we haven't taken care of the fence. I don't know about the 8 ft.

Mr. Arnold: The new fence. Where is it in comparison to the prop line?

Mr. Peck: 6-10 feet in front of parallel to the Lawrences?

Mr. Arnold: Why so far from the property line?

Mr. Peck: That's where it was.

Mr. Arnold: What's the setback requirement on fences?

Mr. Patricke: Six inches.

Mr. Arnold: The plans say six inches. If you put it within six inches of the line, you wouldn't have to move it to make parking. Why not put it on the boundary?

Mr. Peck: We want to, that's why we are on repair and not new.

Mr. Rourke: We had a double deed issue.

Mr. Patricke: Show me.

Mr. Rourke: Right here.

Mr. Holmquist: Across the back, South side of the property, up through mine and across to 9. It varies 6 feet or so but if he moves it back, it's a two foot drop so a 6 ft fence is only 4 ft. high, he needs it to be 8 feet high so it covers the elevations.

Mr. Osborne: My concern is that you are hamstringing yourself.

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Mr. Peck: It's behind the Lawrence's property that we are finding we are off.

Mrs. Lawrence: Because of the elevations.

Mr. Rourke: Going to be torn down.

Mr. Peck: I will put up at 8 foot wood fence, still in the planning stages. If we can get to the point where we know what we are going to put up.

Mr. Arnold: You need to give yourself room to take care of it, if it's wood.

Mrs. Lawrence: Is the current use in accordance with existing zoning? And it was left an open question at the last meeting. In 1989 it was light manufacturing and is there manufacturing going on and is there going to be?

Mr. Rourke: It's light commercial.

Mrs. Lawrence: That's not what it says. These are the minutes from your meetings.

Mr. Patricke: It's not the law that was passed.

Mrs. Lawrence: What about the light manufacturing that was granted and stays with the property?

Mr. Peck: My father-in-law Bob Barnett was the previous owner and he manufactured in the 60s and 70's and that building was granted it, because it wasn't a zoning thing at the time, it was pre-existing non-conforming use.

Mr. Arnold: It's not permitted in today's zoning.

Mr. Patricke: She has a variance application.

Ms. Bitter: Even if it was granted it didn't eliminate other uses, light commercial and light industrial were still allowed.

Mr. Osborne: Her question is, is this a manufacture use, and is it allowed.

Mr. Peck: It's a builindg that we will use for Tuff-Kote Construction Company's plan room, & equipment storage.

Mr. Osborne: ZBA gave approval for that lot?

Ms. Bitter: They got a Special Permit extension of a non-conforming use in 1992. The same parcel, Mr.Peck?

Mr. Peck: Yes.

Mr. Patricke: At this granting, there was comment on the fence and a minimum was set, but we don't have the next page.

Mr. Arnold: We can make a determination and set it ourselves?

Chairman Zimmerman: Any other questions? Board?

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Mr. Arnold: Joe, can you remind me of the uses in C-3?

Mr. Patricke: Single family, professional office, and home occupations.

Mr. Arnold: Looking at a use from way back, is a Tae Kwon Do studio a professional office?

Mr. Patricke: We talked about it at site plan before this board when they went in.

Mr. Osborne: I have concerns with the way the parking is laid out, the access, 48 ft of access, starting with parking for the proposed building, if you picture driving in, how are you going to back out of that space. From Space 16?

Mr. Rourke: It's not at a 45, and it's more perpendicular.

Mr. Osborne: I don't see how that maneuver is possible.

Mr. Arnold: Why are there angles? For septic reasons you are not driving around the building, so why are they angled? Do you have room to back out and leave or are we angled because there's not enough room?

Mr. Osborne: I am not comfortable with that but I am only one person. This is wide open right there.

Mr. Rourke: That's a typical State DOT opening.

Mr. Osborne: This point to this point.

Mr. Rourke: It's not. It's 22, 44- 45, and add up to 69. We use it every time we come in.

Mr. Osborne: It's tough to control ingress and egress.

Mr. Rourke: It's the radius they want. This is 24.

Mr. Patricke: We can check that detail with the State; that's where we got it.

Mr. Osborne: Wide in like that there are issues with vehicular conflicts.

Mr. Patricke: Then let's confirm that.

Mr. Osborne: There's no access control. You want to funnel it to 24ft. or less. You will have people pulling in all sorts of directions.

Mr. Rourke: This is all pavement now. This should channel it down.

Mr. Osborne: It's wide open.

Mr. Rourke: He doesn't have many employees.

Mr. Arnold: The use of the building doesn't have lot of use? On the access, we are close on parking space. Is there going to be a deeded access?

Mr. Rourke: Yes, it will be on the deed.

Mr. Arnold: Because you have no access point beyond this line?

Mr. Osborne: I see a host of conflicts. Septic expansion of 50%?

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Mr. Patricke: Yes.

Mr. Osborne: The existing one should show expansion.

Mr. Patricke: It's on the other lot.

Mr. Osborne: The new one.

Mr. Patricke: On the old lot we are not doing anything.

Ms. Bitter: Is there reciprocal parking?

Mr. Osborne: But it's grass right now, so that's a change. And signage, we need detail. And can we- Joe, the code for parking is 20 x 20? They can't change to 18 x 18 without ZBA?

Mr. Patricke: Yes.

Mr. Arnold: You do seal coating, I'm not going ask if it's hazardous. How do you gain access? How is it delivered?

Mr. Peck: Sometimes tractor trailer, sometimes, pickup truck.

Mr. Arnold: I assume it's heavy, so how do you propose that a tractor trailer is going to get into your area? They back back out onto Route 9?

Mr. Peck: They pull up, back in, unload and pull out.

Mr. Arnold: This proposed more open space as long as no one is parking in the spaces.

Mr. Peck: There's no one at TKD til 2-3 in the afternoon.

Mr. Patricke: There's a requirement in the zoning book for that, which isn't here.

Mr. Osborne: Landscaping up front, are we changing it?

Mr. Rourke: Are we talking about that? We've put in on the new, what do you want to put on the old when we move the parking?

Mr. Peck: What the guys say is the best scenario for us.

Mr. Osborne: I would say that we are not here to design this for you, but with that said, you have to listen to what we are saying and move on it.

Mr. Peck: My wife has done a beautiful job in front of it, we do Christmas lights, we would maintain that approach and beautify, I would not add too many more shrubberies.

Mr. Arnold: Building or road?

Mr. Osborne: Road?

Mr. Peck: We can add shrubs and use it as a property line, I think it's good.

Mr. Osborne: Any consideration given to parking in the existing area in the rear? There's room.

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Mr. Rourke: There's septic.

Mr. Osborne: You need the loading docks?

Mr. Rourke: Need 12 spaces for this building.

Mr. Osborne: There's a lot of malleability for this.

Mr. Patricke: Can't make it all fit.

Mr. Peck: We have equipment and a truck stored back there but it is available for parking back there.

Mr. Rourke: We would have to barricade the septic.

Mr. Peck: Section it off so people could see where they could park.

Mr. Holmquist: Pertaining to the parking, that's where the elevation is 2 feet different, if he backs the fence up.

Mr. Arnold: We're not near the fence. We are not going back to the boundary line. Because of the septic. It would be one line of spaces right behind the building.

Mr. Holmquist: If he moves the fence he'll need a retaining wall.

Mrs. Lawrence: Sounds like a lot of parking directly behind my house.

Mr. Zimmerman: There was consideration of adding parking behind, as a better overall design.

Mrs. Lawrence: It's right behind my property.

Mr. Rourke: You're behind the old building.

Mrs. Lawrence: Is that where you want the parking?

Mr. Rourke: No, we're 20 feet from the line.

Chairman Zimmerman: Any other questions? We received a letter that Mr. Bergman will read into the record.

(proceeds) The letter expressed concern with Tae Kwon Do taking over the building, growth of the noise level- additional space additional noise. It is from the 1700 Route 9 property owner.

Mr. Osborne: Any stormwater proposed?

Mrs. Lawrence: I was also going to question how much expansion Tae Kwon Do was going to see. I am curious.

Mr. Peck: What it boils down to is the Tae Kwon Do taking over the structure that is there now and having more room.

Mr. Osborne: They are taking the offices too.

Mr. Peck: They are just going to open up the inside of the building.

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Mrs. Lawrence: I came in and complained about the fence and the abandoned truck and a building inspector came and said that because he was a business, he might now have to move the truck. Has that been looked into?

Mr. Patricke: We did and it has nothing to do with this Board, but yes, the truck is going to move.

Mr. Peck: We could re-register the truck and inspect it and leave it on the lot if we wanted to. It's just got equipment in it. If it's bothersome, I am willing to take care of it.

Mr. Arnold: It's functioning as the new building. Will the expansion of the Tae Kwon Do eliminate the concern with outdoor classes?

Mr. Peck: I had not approached him about these problems because this is the first I have heard of it.

Mr. Arnold: Is he holding classes outside because he needs room?

Mr. Peck: No idea, but we talk once a month, and we will talk about this now.

Mr. Osborne: This site is becoming impermeable at this point, are you doing anything with storm water?

Mr. Peck: Keith asked before, and we talked about it and rain does pond, but it dries within an hour. I am not sure what the criteria is, but the runoff is quick.

Mr. Rourke: It's a sand base, we are not going to pave, we felt we don't need it.

Mr. Arnold: Keeping in mind that stone is not much more permeable than paving, where does it pond?

Mr. Peck: In back of where the pavement ends in front of where we keep the dumpsters.

Mr. Rourke: We could put one storm drain there and direct the flow.

Mr. Arnold: Just some type of flow control and a catch drain.

Mr. Peck: One catch drain in that pond area would be good.

Mr. Osborne: Not to hold them up, but Toadflax has decent draining in the same area.

Mrs. Lawrence: Is there another business operating from that location, The Rob Peck Group?

Mr. Peck: No. My son has a brokerage and he may have used the address, but I never knew it.

Mrs. Lawrence: It's on file with the County office.

Mr. Peck: There's no activity associated with any office.

Mrs. Lawrence: Has the 50% expansion been questioned?

Mr. Patricke: It does not affect this lot. That's for a Special Permit if you had a non-conforming use.

Mr. Peck: Back in the day there was originally a variance. We were granted a 50% expansion without going back to the Board if we were adding on to the current building. There was something in the paperwork about having that available to us at that time.

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Mr. Patricke: That would stay with the existing building or lot.

Mr. Osborne: For the structure?

Mrs. Lawrence: For an additional structure, I thought it said.

Chairman Zimmerman: Anything else?

Mr. Antis: What are the occupancy limits?

Mr. Patricke: Hasn't been determined and not a question for this Board.

Mr. Zimmerman: Anything else? Close public hearing 9:37 pm. Short form SEQR was reviewed.

Mr. Osborne: We can do SEQR if you want, but I am not ready to approve this. I would not approve this plan as presented.

Mr. Patricke: We need a list of questions so we can get resolution before we close.

Chairman Zimmerman: Rescind close.

Mr. Osborne: Parking, stormwater control, increased landscaping, location of fence. I would not approve as presented.

Mr. Peck: What about the fence is a problem? I thought it was 6 inches off the property line.

Mr. Osborne: Needs to show on the plan. Ingress and egress is too nebulous and I can't tell what's going on.

Mr. Arnold: It's down to 24' at this line, but parking spots before it ends there's no control. I know it's up to NYS specs but you may need to get rid of some spaces or put up a curb. I don't prefer this angled parking out front. If there's no room.

Chairman Zimmerman: Can the building be smaller to afford parking?

Mr. Peck: We want to maximize usage but if we need to cut some, maybe.

Mr. Arnold: Before we do that, are those spaces angled because it looks good or there's not enough space?

Mr. Rourke: I will make them perpendicular but I don't know if we have room.

Mr. Peck: If you had an arrow, traffic in one direction, it would force people to drive in in one direction.

Mr. Arnold: People are not driving around the building to leave. It's not an option. You've just angled those and made it hard to get out.

Mr. Peck: We have to take into consideration that this is not a commercial building, we don't have people coming in to make purchases.

Mr. Arnold: Don't make people back out into traffic.

Mr. Rourke: I put them halfway from 45- 90 because they could still back out.

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Mr. Arnold: Or eliminate the covered front porch.

Mr. Osborne: Things to consider.

Mr. Peck: We are here to make changes that need to be made, still in the design stage, and want to get it where everybody is happy.

Chairman Zimmerman: We have tabled the public hearing, do you have a clear idea of what we want to see?

Mr. Patricke: Retail 1 space for every 100 sq ft. office 1 for every 300 sq ft. Gross floor area.

Mr. Osborne: Covered porch wouldn't be?

Mr. Patricke: No.

Mr. Arnold: parking lot 1 for Lot #2 space 1-

Mr. Peck: We want a codicil for the deed...no.

Mr. Arnold: No space 12 is shoehorned in, that's absurd.

Mr. Rourke: We will look at the whole thing.

Mr. Arnold: I like the flow of traffic for your business and the room on the side, but we do have rules on access for deliveries.

Mr. Peck: I have a plan for a large overhead door.

Mr. Arnold: You are not going to make a T around the end. You have room, put it on the map following the zoning. It's great that you arrange around Tae Kwon Do, but show it on the map. Look into moving parking into the back between the building and the septic. That cleans up the front a little and then we can discuss the landscaping along Route 9.

Mr. Zimmerman: With the public hearing tabled and the grocery list of items, would you like to be on the agenda for next month?

Mr. Rourke: Yes.

Mr. Patricke: Deadline in June 6th.

#4 Papa Johns Site Plan Review

Ryan Dennis, town resident and two partners in Wilton, own Queensbury Papa Johns and want to go in KC Business center, 1/3 of the building as a carryout/delivery with no eat-in dining. Changing the use of the building.

Mr. Patricke: It is currently a fueling station with a convenience store.

Chairman Zimmerman: You will occupy a third of the building?

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Mr. Patricke: This is site plan review, an additional use, in a C-1 zone which required 1 acre for each use they have 1.4 acres.

Mr. Osborne: Is that a ZBA issue?

Chairman Zimmerman: On the 1.4 acres the two uses are?

Mr. Dennis: The convenience store. We are not changing the actual building, just a couple of walls to divide our wash area.

Chairman Zimmerman: Still fueling there?

Mr. Dennis: Yes.

Mr. Patricke: It's not like Valero because those were built and designed for that use. This is convenience store/fueling station adding in a restaurant carry-out.

Mr. Zimmerman: On the Spier Falls Road side.

Mr. Osborne: What percentage of your business is carry-out?

Mr. Dennis: 52% carry-out in Queensbury. In this area I think it's going to be more to 60-40 or 70-30. I anticipate more delivery in this site.

Mr. Osborne: The walk-in refrigerator only has access from the inside?

Mr. Dennis: I think it's 10 x 10 and will be offset.

Mr. Osborne: Joe, any issue with the fuel tank and the freezer?

Mr. Patricke: I don't think there's a building code issue, you are going to lose parking spaces.

Mr. Dennis: I don't think we will.

Mr. Osborne: You have space to expand parking. Walk me through this usage thing.

Mr. Patricke: You have to have one acre for every use in the code.

Mr. Osborne: Have you made a determination?

Mr. Patricke: His opinion is that he's not a separate use. It hasn't been a restaurant in a couple of years, but at one point all were under one owner.

Mr. Osborne: Can you go into one building from the other.

Mr. Dennis: Yes.

Mr. Patricke: Are you paying rent?

Mr. Dennis: Yes.

Mr. Patricke: Does she use your business when you are not there?

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Mr. Dennis: No.

Mr. Patricke: So they are two separate uses. I think it is, and they are to go get a variance.

Mr. Dennis: If I have to go to Zoning, I will table this and go somewhere else because I have to open for Aug. 1.

Mr. Osborne: You are a month out anyway with us. Can we get you to ZBA?

Mr. Patricke: I spoke to Chairman Jensen two weeks ago and we forwarded it all to the County, because they meet Thursday this week, so they could see you and Zoning in June. We have in the past given indication that we would approve pending ZBA and County. We would be looking at two days.

Mr. Arnold: It would be tight anyway.

Mr. Dennis: I should have been speaking with Joe sooner. I never thought that it was going to have to go to site review.

Mr. Zimmerman: We always do public hearing when we have action on Route 9. Even if we did our best, he could be back in June if something good happened.

Mr. Dennis: This site is better than across the street.

Mr. Arnold: That would be better from traffic.

Mr. Osborne: Not speaking for the Board, but let's move this and give him an indication.

Mr. Patricke: Set a public hearing.

Mr. Zimmerman: Let's have a motion; Lead agency?

Mr. Arnold motioned that the Board seek lead agency on this issue, and Ms. Riggi seconded. Measure passed unanimously. Mr. Paska motioned to schedule a public hearing on this application on June 20th at 7:10p.m. and was seconded by Mr. Antis. Motioned passed unanimously.

#5 Canavan Subdivision Sketch Plan Review

Mr. Rourke: Dave Canavan and his wife own 5.2 acres South side of Spier Falls Road and want to split into 3 individual lots, it is in an R-2 zone, water is coming down Spier Falls, with water we can go to 22,500 sq ft. minimum lot size. 1.4 acres. Selling their own house and building on lot #3 to the east, sandy soil, no problems with water table or drainage. Has the required 125 ft. frontage, has 140 ft. on the west and 77 ft. on the lot to east and 125 ft. at the building line. We're on sketch plan for the three lot subdivision.

Mr. Osborne: There's a for sale sign on lot 2 now. Are you being presumptuous? Is that under contract?

Owner: If it sells the contract has a contingency on right of first refusal to the first person who buys the house.

Mr. Osborne: If you get subdivision.

Mr. Patricke: He could divide into 2 if he wanted to, he's here because he wants to do 3.

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Mr. Osborne: Lot 3 is a building lot?

Mr. Canavan: We want less lot to mow. As explained to me, if I don't do it someone else will. It's allowed now to put up a two-family house there which I would not do.

Mrs. Canavan: We would love to see someone buy 1 and 2 together, and we would just build on three.

Mr. Canavan: I am covering my bases.

Mr. Arnold: Your proposal is not contingent on that water line, is it?

Mr. Patricke: I cleared this with Martin. The water line is under contract, the district is formed, but they can't build on anything unless the water line is there.

Mr. Arnold: You could end up living in a tent if the water line is not there.

Mr. Canavan: We know.

Mr. Osborne: It's your property and your right.

Mr. Patricke: This is Sketch Plan, we don't approve, we give indications to proceed.

Mr. Antis: What about the curve and speed? Is there a line of sight?

Mr. Canavan: That's why I went to 140 ft. not 125 ft. there, to give you room coming out onto Spier Falls Road.

Mr. Osborne: Would you be amenable to having access to the east?

Mr. Canavan: I think it's going there. I wanted to years ago, it's a great place for passive solar, I will take the big oak tree out. The ideal place for the driveway is to the east and part of that knob can be knocked out.

Mr. Arnold: I think the reason for the width on the lot is to not share the driveway?

Mr. Canavan: Right, our plan is to bring it up the east side of that Lot.

Mr. Osborne: What do you have on the egress?

Mr. Canavan: They all come out on Spier Falls.

Mr. Osborne: Could you place the driveways on the plat? We like to line up driveways.

Mr. Rourke: The one to the west is only 94 feet.

Mr. Canavan: There's a bank above the driveway.

Mr. Patricke: You want the drives across the street and the posts on these lots proposed.

Mr. Osborne: and consider moving the drive to the east.

Chairman Zimmerman: Board, anything else?

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Mr. Rourke: Do we need contours on this subdivision?

Mr. Osborne: I don't think so, it's wide open. I don't know how much grading you are planning on doing.

Mr. Canavan: Lot 2 has a pretty level spot to build and bring the drive out the east.

Mr. Patricke: There are 5 ft. contours already.

Chairman Zimmerman: I don't see a need for 2 ft. contours.

Mr. Patricke: Then you don't need a waiver.

Chairman Zimmerman: See you next month at 7:15.

#6 Greenier Subdivision Sketch Plan Review

Mr. Rourke: I am working with Ernie Greenier who has 5.1 acres on Route 9 west side, across from Old West Road, in an R3 zone. 60,000sq. ft. and 200 ft. road frontage. Existing house is here, 1.4 acres, 200 ft. frontage, Lot 3 we have 40 ft. road frontage on Route 9 and more than 200 at building line, so it's a flag lot. Excellent draining, no wetlands, gravel pit next door.

Chairman Zimmerman: Board, any questions?

Mr. Arnold: 1.377 acres is how many sq. ft.?

Mr. Rourke: 60,001?

Mr. Osborne: Does this go to ZBA?

Mr. Patricke: No, 40 ft. road frontage is allowed and 200 ft. at the building line. That's the code provision put in in 1994.

Chairman Zimmerman: What Lot #is that?

Mr. Rourke: Lot 3.

Mr. Patricke: I have never been a supporter of that, but it's in the law.

Mr. Osborne: Lot width still holds, you need 200, what's the acreage on Lot 3?

Mr. Patricke: 200 ft. is minimum. Is the back lot 200 min. depth? From the back of Ernie's lot to the back?

Mr. Rourke: I don't know.

Mr. Bergman: It's plenty. 516 minus 254.

Mr. Osborne: I am talking about average lot width.

Mr. Rourke: The way it s configured you probably don't have it.

Mr. Patricke: I don't recall that it says average.

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Mr. Osborne: It might not say that. My mind is in a different code. Regardless, not wild about flag lots. Are you willing to share a driveway?

Mr. Greenier: Yes, we are going to eliminate one of those, fill it with dirt and make it part of the lawn.

Mr. Osborne: Speaking for me, that would make it easier to swallow.

Mr. Patricke: Go back to this- can't you shorten your lot?

Mr. Rourke: You can.

Mr. Patricke: If his wasn't as deep.

Mr. Greenier: It's one for an in-law and one for us on the back lot.

Mr. Zimmerman: Anything else, Board?

Mr. Osborne: Contours?

Mr. Zimmerman: 5 ft contours are ok. Anything else, Joe?

Mr. Patricke: No.

Mr. Rourke: We can make that work.

Mr. Paska: Lot 3 is where you are going?

Mr. Greenier: Yeah.

Mr. Paska: That works for you.

Mr. Greenier: Yes.

Mr. Arnold: Feel free not to mow the whole thing.

Mr. Patricke: See you June 20th, the deadline is the 6th.

Other Business

Mr. Patricke: At the last Town Board meeting this applicant agreed to make a change in their proposed PUD. The favorable recommendation was discussed and some concerns identified, and this is what they came up with that they would like to talk to you about.

Mike O'Connor: This was the plan we presented and you made your recommendation on, a 5-lot scenario with enhanced assisted senior living center run by the Good Shepherd. Lot 2 94 subsidized seniors complex, lot 3 a 100-unit market-rate senior apartments, 4 and 5 was 2- 20,000 sq ft office retail spaces and Lot 6 was suggested perhaps a community center or 50-unit market driven apartments. Board members had reservations about density and that was identified in the recommendation. We went to two formal Town Board meetings and they too were concerned with the density and trying to speed this along, we volunteered to make some changes acceptable to most of the people on the Town Board. We changed the density. We added a commercial building, enhanced senior assisted living. Joe is of the opinion that it's not an apartment building because it's rooms like a nursing home. It's Lot #1 now. The Board had a

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problem with office/retail, so they asked we look at a second assisted living so it would also be a 64-bed, but we don't have an operator for that yet. Lot 2. Mr. Rosen can speak to that. We are talking about doing the 94 subsidized senior apartments on Lot 3, Lot 4 would be the hundred units of apartments that are for seniors and are market driven. That's basically it. Martin's comment was that without the retail complex, was it important to the Board as the atmosphere of a senior community. With this configuration, we do not park on or cross the National Grid easement. But they would give us permission, if we comply with the height, etc., but we can avoid it, which simplifies things. We are flexible on one thing we heard last week, we could go back to the Town tomorrow to the Town Board for a workshop, set a date for Public hearing and hopefully come out of it with a new zone and come back with a site plan, preliminary and final for phase one. For Lot 1 of a 2-Lot subdivision. For purposes of new faces, a PUD is a rezoning makes this whole thing a new zone and tells us minimum standards and setbacks, density, etc, then we show you we can use the land within those limits. We worked on it a little bit. This building is 240 feet from this residence and 90 feet from the road.

Mr. Vasiliou: We stepped it back quite a bit.

Mr. Osborne: This building is set back more than 60ft. but there's a covered canopy entranceway. We are asking for a min. lot size of 2.69, we don't know the lot sizes of the others but that's what would accommodate the building. Side setback is 35 feet. 40 ft. rear structure setbacks to residences are 100 ft. We can meet it here and up here, away from the residences significantly. Parking, we asked some other people and very little is needed. We have a plan that shows 75 spots which is more than he needs.

Mr. Rosen: Those are mostly in the rear, mostly for staff and mostly at shift change.

Mr. O'Connor: I talked to people who run senior citizen operations and half have a vehicle and half of those don't operate it. We are going to ask for parking 1 space per unit, 1 visitor space for every 5 units, and 5 staff per every 100 units, that's for the apartment building. We can live with the 38ft. roof height you ask for, not the best for pitch, but we can live with it.

Mr. Osborne: Can't be full grade.

Mr. Patricke: That's in the code.

Mr. O'Connor: We'll talk to you about that. We just about make it with floor eleven inches from the ground. We have changed the entrances onto Bluebird Road, we are talking about 2, we might have had three before. We have talked about this configuration and might not need a formal road all the way through the site. We may do away with this, it doesn't make a lot of sense and we don't want to encourage thru traffic. It makes it easier for maintenance agreements and easements. We don't know exactly yet how it will be. He might have short easement here. Still in the planning stage, but we think that's do-able. The big question is because we have eliminated the office/retail two buildings, does that impact your recommendation to the Town Board significantly?

Mr. Arnold: You've also eliminated to TBD lot, which was even more substantial.

Mr. Patricke: But we added 64.

Mr. O'Connor: A substitution, not a deletion.

Mr. Arnold: Why would you go for approval with – I know you're in a hurry on Lot 1- but why not go with the 4 lot now?

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Mr. O'Connor: We don't know what a potential buyer might want, and we want some flexibility down the road.

Mr. Paska: I had liked that you said those physician's offices might be there, and now there's no hope of that?

Mr. O'Connor: Town Board had some strong opposition for that.

Mr. Osborne: That was one of the strong pieces of the PUD. I do have a concern with that not being there. I like interconnects- having amenities on site.

Mr. Arnold: That assumes that people will choose to patronize those professionals.

Mr. O'Connor: The people that occupy those two buildings are not transient- they don't go out much. You have to be buzzed in and have a code to get out- they get transported in a van but they don't go out on their own. This other building, they will be 100 units to make it work financially. The last is market driven.

Chairman Zimmerman: Any concerns, Garry, from your part?

Mr. Robinson: I don't think engineering wise it's going to make a difference. They will be coming back on each lot.

Mr. Osborne: There is some high water there.

Neighbor: Have they done research?

Mr. O'Connor: We have and we have to get the town sewer district extended, collect it and pump it to a forced main that goes by. We are looking at doing a pump for these two units. Hopefully we can sell both to Good Shepherd and put them on the same pump, but those are site plan issues, and we know we have a lot of work to do. Still under DOH Grant we have to be in the ground in July and we don't know if we are going to get it all down.

Mr. Osborne: You still have to get to the Secretary of State.

Mr. O'Connor: We'll make someone available to get it to Albany. I am hopeful that everyone will be reasonable, we get rezoned and it shows that the Town wants us, that puts us in a better position.

Mr. Patricke: Why are we building 94 if they said 100?

Mr. O'Connor: Approx 100.

Mr. Vasiliou: The plan of 94 is a pre-existing building's plan.

Mr. Robinson: The gentleman in the back was asking about the groundwater and when they come for site plan they would have to provide a plan for each site, and if the groundwater is too high they might have to move to a different type of practice to get the thing done, and if it took a lot that was bigger to make it work, we would have to do it. We review that at site plan. If it's a real issue and there's wetlands, there may be less uses. But they will be back before planning board with each.

Chairman Zimmerman: What do you need from us?

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Ms. Bitter: a letter from the Board Chair regarding your feelings.

Mr. Paska: Lee, do you contact with someone to provide services physician wise?

Mr. Rosen: No, they go out to their own.

Mr. Osborne: I have concerns that the best part of the plan was the amenities, and I would not be in favor at this point. I would prefer to update our recommendation with that knowledge.

Mr. Patricke: We need you to either affirm that what you wrote that what you want to do or indicate how you want to change it.

Mr. Osborne: I don't have it in front of me.

Mr. Antis: Is this a three story building?

Mr. O'Connor: No.

Neighbr: Do other facilities have amenities on site?

Mr. Rosen: No.

Mr. O'Connor: How many other sites do you have?

Mr. Rosen: Three.

Mr. Rosen: I like this plan better. I have seen others without the amenities on site and I like this better.

Mr. Arnold: I like that you moved away from other houses in the area. I am ok with losing the commercial/ retail and I like losing the TBD lot. I am still a little concerned about the density but I was okay with the wording we had last time.

Mr. Bergman: I like that it's pulled back, especially the eastern boundary, and I like that the western lot is clear of the right of way. I am not a big fan of the 3-story 94-unit guy, Sisson Road is a lightly used residential road and a three story residential building will stick out. Probably I would re-write the recommendation and not be in favor of that.

Mr. Antis: I like the way it's set up but three story is too tall. I like that you have taken the concerns of local residents.

Mr. Paska: I am disappointed that we lost the services, but I see why you did, and I don't like the three story buildings.

Mr. O'Connor: We are going to put in elevators, and it's more economically feasible if you have three stories to serve with it. We are back 125 ft from Sisson Road. We tried to accommodate that. It's 151 feet to MacDonald. Not right on top of somebody. There is the industrial zone. It's transitional.

Mr. Patricke: The industrial zone is just a rail line. On the other side of it there are more single family homes. Not active.

Chairman Zimmerman: I had concerns about the overall layout, access and density. I like this plan better. I don't have concerns going forward.

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Mr. Patricke: My understanding was that Stephanie would communicate with Martin, and he would prepare a draft regarding what she thinks she heard this evening.

Mr. Osborne: On the record, I will not vote on it.

Mr. Patricke: Do you want a vote?

Mr. Osborne: No.

R: Yes.

Mr. Arnold: Yes.

Mr. Zimmerman: Yes.

Mr. Bergman: No.

Mr. Antis: Yes.

Mr. Paska: Disappointed Yes.

Mr. Patricke: Yes, with concerns you have raised.

Mr. O'Connor: You do not withdraw your recommendation that the Town move ahead with the PUD?

Mr. Zimmerman: And it's all semantics, the last one said it fell short of density and should still consider it.

Mr. O'Connor: I told my client I made a mistake in volunteering, the Town Board would have approved what they wanted to and it wouldn't be our responsibility that we had made these changes.

Mr. Arnold: And the Town Board had the problem with the comm./retail.

Mr. O'Connor: They are going to set max. and min., they were not going to approve commercial/retail office space on that property.

Mr. Patricke: You also eliminated, but then added something they wanted.

Mr. Osborne: Your concern is about the Town Board, you modified them, you should move forward.

Mr. O'Connor: See you tomorrow night.

Chairman Zimmerman: We have one other order of business, which is rescinding Site Plan approval on Farnan Road.

Mr. Patricke: The Town Board wants to proceed with that action. You all have copies of it.

Ms. Bitter reads the action into record. No action has been taken on the site. Woodstone NY LLC, wood pallet manufacturer had approval in the Moreau Industrial Park.

Mr. Patricke: They have advised us that they have not got the financing they need to build this plant, it has been three years and we don't have a suspension clause, but since they have not completed any of the

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tasks, we are not going to do any of the other transactions. We can put the land back on the market. There were 11 lots tied up in this.

Mr. Paska motioned to make the resolution as presented and was seconded by Mr. Osborne.

Motion to adjourn was made by Mr. Osborne and seconded by Mr. Bergman. Meeting was adjourned at 11:12 p.m.

Respectfully Submitted,

Tricia S. Andrews