

A meeting of the Town of Moreau Planning Board was held on February 22, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

G. Peter Jensen	Chairman
Linda Riggi	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member
Ron Zimmerman	Planning Board Member

Also present: Atty. Karla Buettner, Attorney for the Town; Tricia Andrews, Recording Secretary; Ben Marcantonio, Code Enforcement Officer

Planning Board Members Absent: None

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the January meeting were reviewed and corrected. On p. 1862 near where Mr. Paska stated “floor space...” it should say St. Andrews where it says St. Andres. On 9. 1861, 5<sup>th</sup> line from bottom, “boat storage” should say “bulk storage”. 3<sup>rd</sup> line up before Stewart’s appeal on p. 1862 it reads “reviewed Short Form EAF” and should say “accepted.” Moving Made EZ was referred to as Moving Made Easy. On p. 1865, 5<sup>th</sup> line from bottom, the motion carried 6-0 not 6-1.

Motion to accept the minutes as revised was made by Mr. Zimmerman, Mrs. Riggi seconded. Motion carried unanimously with Mr. Bergman abstaining.

**#1 Blue Flame Gas Company**  
**Public Hearing**  
**Site Plan Review**

Tom Hutchins of Hutchings Engineering in Queensbury and Mr. Liporace, General Manager of Blue Flame Gas, appearing. 1325 Route 9 is under contract. They would like to construct a propane storage and distribution center. Traffic will be local delivery trucks and very little retail, although occasionally a customer will stop in to pay a bill or discuss service. The property is 600 ft. North of the Fortsville Road/Spier Falls Road intersection. The parcel is presently vacant. 36x 36 office bldg, 42 x 42 garage, and open cover for the delivery trucks. Small fences in area for small cylinder storage and there are 2 planned 30,000 gallon above-ground storage tanks, regulated by EFPA and has been reviewed by the fire department. Reports from those reviews are included. Fire Dept has no concerns. Zoning Administrator had determined this is an allowable use.

Traffic will be a few delivery trucks a day. Presently 6 employees, could go to 8-10. The plan is wholly compliant with setbacks and height restrictions. The grade on the site is pretty flat with about 4 ft of slope

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overall, deep, well-drained sands. Test pits have been done. Stormwater controls will be handled subsurface. Tanks are required to be fenced and 50 ft. from property lines and they are well within that. Entrance is shown as far north as it realistically can be laid, to maximize distance from the intersection. There is not much to be said about the Erosion and Sedimentation Control Plan, but that has been submitted along with lighting and landscaping plans.

Chairman Jensen gave the ground rules for a public hearing.

Brian Mackenzie of BKM Properties, asked if the fence is chain link or decorative. It will be 8 ft chain link. Mr. Hutchins said that the plans don't show the vinyl slats to screen it, and Mr. Arnold pointed out that on an 8 ft. fence, the tanks will still show. Mr. Mackenzie asked whether there are limits as to what can build next to it, and Mr. Hutchins said that with the 50 ft setback, anyone can build next to it.

Mr. Antis asked what size tanks are at their present location in Queensbury. They do not have storage in Queensbury, they are in Providence and Argyle. He asked about the deliveries. They expect 4 per week in the winter and 1 in the summer.

Mr. Sutphin asked how close the tanks were to his mother's house & business at 1331 Route 9. She has a building and a motel about 30 feet from the line. Mr. Antis said that their storage tanks are at least 50 ft from the property line. Mr. Hutchins said there is an additional vacant lot between, and the tanks are to the rear, so there's another 200 ft there.

Mr. Antis still disagrees with the interpretation of the former Zoning Administrator that this is an allowed use. He asked Atty. Buettner for interpretation of the idea that our Zoning says you can't have a fuel tank. He thinks it is allowed only in an M-1.

Mr. Arnold argued that the use isn't specifically allowed, but it's also not prohibited. There are two other facilities that do the same thing, and one has been there about 50 years. If the applicant were bringing it on freight trains and delivering it wholesalers, that would be a fuel depot. He delivers to retail customers, so this is similar to an automobile gas station, except that propane has to be delivered to stationary tanks. Chairman Jensen stated that a grocery store isn't expressly allowed by the Code either, but they exist.

The Board reviewed the EAF. #14, Early mid-secessional forest was added. #18 lists a retention pond, but Mr. Hutchins was referring to a pre-treatment area, 18 should say No.

Mrs. Sutphin asked about contamination of her well if that were to happen again. Mr. Arnold explained that there is nothing in the project now proposed that allows for that as long as it's operated as it should be. In the past, a racetrack there did contaminate wells. Mr. Hutchins said that propane is not considered an environmental contaminant.

Mr. Arnold motioned for a negative declaration in the EAF for Blue Flame Gas. Second Mrs. Riggi; Roll Call vote resulted 6-1 as follows: Mrs. Riggi, Yes; Mr. Antis, Abstain; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes.

The County had no concerns about the project.

Mr. Robinson had asked that a safety plan be submitted.

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Chairman Jensen said that the Board should include that on the motion in order for it to be enforceable. Atty. Buettner asked for a DOT letter. DOT had asked for 4 clarifications on the lane lines, they are in the process of addressing them. They are asking for the lines on their own road not the applicant's.

Mr. Arnold guessed that they were making sure they are not in the left turn lane, which they are not, and Mr. Hutchins will be updating those lines on his submissions to them.

Mrs. Riggi motioned to grant final site plan approval for Blue Flame Gas Distribution Facility subject to completion of operation training plan and approval by DOT for the right of way work permit.

Second by Mr. Bergman.

Under discussion, Mr. Arnold mentioned the change in plan for the screening which should also be required, and on the small gas can fence area. These stipulations were added to the motion. Roll Call vote resulted 6-1 as follows: Mrs. Riggi, Yes; Mr. Antis, No; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes.

Mr. Zimmerman motioned that the Chairman and one other member sign the Mylars when they become available and Mrs. Riggi seconded. Motion carried unanimously with no roll call.

**#2 Stewart's Shops  
Public Hearing  
Site Plan Review**

Mr. St. Andrews appeared and explained the changes proposed to the Stewart's site on Bluebird Road. 1560 sq. ft. of retail space needs 16 parking spots and they have 23.

A neighbor asked and was told that there will be 31 ft. from the property line to the exterior freezer.

The Board reviewed the EAF.

#11 indicated he was hooked up to public utilities but he is not, that should say no.

#8b- the bus comes down Bluebird Road. There are crosswalks for pedestrian accommodations.

Mr. Zimmerman wondered whether we needed a letter for #15, and it was done for the previous approval on the site.

Public Hearing was closed at 7:50pm. Mr. Arnold motioned to make a negative declaration on the EAF for Stewart's Shops. Second Mrs. Riggi. Roll Call vote resulted 6-1 as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes.

Mrs. Riggi motioned to grant final approval for Stewart's Shop expansion and improvements. Second Mr. Bergman.

Roll Call vote resulted 6-1 as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes.

Motion for the Chairman and one other member sign the mylars when they become available made by Mr. Bergman, seconded by Mr. Antis. Motion passed unanimously with no roll call.

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**#3 KJNZ Enterprises**  
**Zeke's Deli and Catering**  
**Public Hearing**  
**Site Plan Review**

Chris Lanfear appeared.

Mrs. Riggi asked about parking spaces 16, 17 & 18 being removed. She would have liked the spots to be renumbered.

Mr. Lanfear had sketched in the canopy.

Mr. Antis asked him to explain how traffic would be blocked and Mr. Lanfear said there would be flowerpots or something decorative. Mr. Antis asked what size the flowerpots would be and Mr. Lanfear didn't know and asked why the Board cares. The Chairman suggested a half whiskey barrel.

The Board reviewed the EAF for the project. Some questions that had been left blank were marked no. Public hearing closed at 8:02p.m.

Mr. Antis asked if there would be a fire lane in front of the entrance and whether fire safety was being considered. Although traffic along the front has to be blocked, the fire dept. needs access.

Mr. Arnold said that he thought the same thing, but that fire trucks can still get close on some sides.

Mr. Lanfear responded that this was already approved under a different name.

Mr. Antis stated that he can look again and make a different decision.

Mr. Arnold and Chairman Jensen pointed out area on either side where there would be access and Mr. Lanfear pointed out that the Fire Marshall would deal with that too if it were a problem.

Mr. Paska asked if the barbecue pit would burn propane or wood, and it will be wood.

Mr. Arnold asked about the height of the smokestack and making sure smoke doesn't go over Route 9.

Mr. Lanfear said it would be 3.5 feet tall and has to fit under the canopy.

Motion to make a negative declaration on Short Form EAF for Zeke's Deli and Catering made by Mr. Zimmerman and seconded by Mr. Arnold. Roll Call vote resulted 7-0 as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Mrs. Riggi motioned to grant approval to Zeke's Deli and Catering pending approval of the fire marshall/emergency services. Second Mr. Antis. Roll Call vote resulted 7-0 as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes.

Mr. Zimmerman mentioned that any signage has to be seen by the Code Enforcement.

Mr. Arnold would like to go on record that this parcel needs a survey submitted and paid for by the owner.

**#4 Mark Reynolds**  
**Site Plan Review**

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Mr. Reynolds had come before the Board and they wanted copies of the survey. This is a single family home that has been a professional office in the past and he will make it one again. A 40 x 40 structure is proposed on one side. Stone will go into the parking area. In the front he wants a grass area. DOT wanted an entrance and an exit. They were asked for a large truck to have enough space to pull off of Route 9 without backing out. The Board also asked for elevations, which they provided in lieu of a topo map.

Chairman Jensen asked if Mr. Marcantonio was confident all the items had been addressed. They have. He asked whether the stormwater had gone to the engineer. No SWPPP is required and Mr. Robinson didn't have any comments, primarily because the surface of the extended parking area is going to be permeable, according to Mr. Reynolds.

Mr. Arnold said that gravel is actually considered impermeable. He recommended tapering the gravel towards the back of the lot to prevent drainage problems.

Mr. Arnold asked if the new addition would have a floor, which it will. He asked if it would have a drain, and Mr. Reynolds said it would not.

Mr. Antis asked for the Zoning and it is C-1.

Mr. Arnold asked whether there would be outside storage. Mr. Reynolds said that's not planned now. They might like to put a pole barn out in the back in a few years, and a nice 10 ft. fence.

Most deliveries are made where the equipment is stored. Mr. Reynolds explained the traffic pattern. He said that DOT will dictate the width of the driveway and what's going to be pulled in there. The surveyor did this arbitrarily, but he can make it bigger. The Board discussed having two entrances so trucks have the option that works best for them. Chairman Jensen says traffic patterns have to be established that prevent a truck backing onto Route 9.

Mr. Arnold said that the space is there, but they need to put it on the map with radii and exact widths.

Chairman Jensen asked if the Board were comfortable with the parking layout and number of spaces.

These need to be added to the plan. Mr. Zimmerman asked about planned lighting and Mr. Reynolds said he might put a security light on the garage. Asked about signage, Mr. Reynolds said they don't have one but he might show a space for one on the plans, and Mr. Bergman pointed out that would help the trucks find them.

This has to go to DOT, and Saratoga County. Mr. Zimmerman motioned that the Board should assume the role of Lead Agency and Mr. Paska seconded. Motion passed unanimously with no roll call.

There are not 30 days for objections to Lead Agency on the EAF, so this plan will not be put on the agenda for March, but Mr. Reynolds will have an opportunity to get the things requested added to the plan. He will bring those things to Ben and will probably not come to the March meeting. The plan is to have this scheduled for a public hearing in April.

**#5 Cerrone Builders**  
**Preliminary Site Plan Review**

A meeting of the Town of Moreau Planning Board was held on February 22, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Thomas Center, Nace Engineering P.C. representing Cerrone Builders for a 25 acre lot 10-lot subdivision on Old Bend and Paris Roads. They will use on-site wells, residential septic for each home. Town and DOH saw test pits, 18 secs. to over a minute. Details for soil systems are presented and they will test each lot when they site the houses.

Density is less than allowed.

A Short Form EAF is required although the engineer has been in the habit of doing a Long Form.

Mr. Antis said that the first lot was problematic for him. He asked how much acreage is flat or somewhat flat. This lot is 2.6 acres. Mr. Antis said that's too small based on the contour and the drainage and that the Highway Dept has trouble with drainage in that area. Mr. Nace said they might put a swail and a drywell in there, it is sandy. They can speak with highway on that.

Mr. Antis said that from Butler to the first marker is 70-80ft. drop. Mr. Nace felt that this could be addressed. Chairman Jensen asked for review by the consulting engineer. These will be one family homes.

Mr. Antis thought the configuration of the property looked like two-families but the builders assured him that they build single-family homes.

Mr. Antis asked about the intersection which he feels is pretty poor where Old Bend meets Butler. To increase the load by 10 lots' traffic and both roads are dead ends.

Mr. Cerrone said that the turn going East mostly comes from Redmond Road.

Mr. Antis lives on the end of Paris Road and he feels it is a tough intersection because there is a hill and it isn't wide enough.

Mr. Arnold asked about the abandoned 250ft strip. Mr. Antis said that Finch Pruyn had inadvertently built something and needed to trade some land for access purposes.

Mr. Antis also thought that clearing done in 2014 was clear-cutting (more than 50% of trees over 6inches), and if it is under the Fisher Act it can't be subdivided within 5 years.

Dave Rosebrook in the audience explained that The Fisher Act is a forest exemption from the 70's that froze the assessment except when the Town does a re-eval. There are 1000 acres on one side and this 70 on this side of the river which pay very little taxes for staying forested. So the Town should have records of how much it was cut because when it was cut, the Town was entitled to a percentage of the proceeds. That property was cut so hard that Finch, Pruyn came and said it was a seed cut, and it was a very big cut. Someone would have to go out and count stumps to know.

Mr. Arnold agreed that when he does it on his property, it is clear cut and it is well over 50%. This was all done by Finch, Pruyn and not by this applicant.

Mr. Arnold asked whether they had been told by Finch when they bought it that they couldn't develop it for 5 years and they had not.

Mr. Antis was looking in the Code at 124-2 Clearing of Land under Subdivisions. This piece was part of the larger parcel, so the 50% might have to be applied to the whole 1000 acres.

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Mr. Arnold asked whether the 25 acre parcel is in the 100 year flood plain. Mr. Nace said it is 30-40ft higher than the river.

Dave Rosebrook, former Moreau Assessor on Paris Ave., applauds Cerrone's efforts. He didn't want to see duplexes there, he is more at ease with the single family homes, but that Lot 1 is not good. Hydrological pressure coming 35ft down is going to push the septic right off the property. There is medium-coarse sand under there according to Mr. Nace, and no groundwater.

Mr. Arnold explained that the applicant can't and isn't expected to fix the intersection but that the Highway Dept. should have the chance to address it while the project is under review. Mr. Cerrone asked if the island could be filled. The road could be widened, but none of this is the purview of the Board. The Chairman asked whether the Board wanted to proceed with the issue without the determination of whether it had been clear cut. He felt it might be best to find out.

Mr. Arnold thought that the other 900 acres needs to be looked at. The Board agreed that it had all been cut, and so the Town Assessor might want to look into what had happened there.

Chairman Jensen felt that the Board should not go forward and allow the applicant to spend much more money until the issue had been settled. Mr. Center said that since they know they need 30 days anyway for public hearing, but they would like to still try to get plans submitted in time to come in March and get the public hearing on the agenda for April's meeting.

Atty. Bueetner asked whether the project needs SHIPO? Mr. Nace said it does but they can't get it til frost out, and they need that to get DOH. The vicinity to the River and the Heritage Trail makes it Phase 1 so it will be done, but they were hoping for conditional approval so that they could proceed.

The Chairman said that they could condition final approval of the mylars on the DOH stamp to insure it gets done.

Mr. Arnold asked about endangered species and DEC signoff from Albany had been received just today. This was submitted for the record.

Motion to adjourn was made at 9:03 p.m. by Mr. Bergman and seconded by Mr. Antis. Motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

Tricia S. Andrews