

A meeting of the Town of Moreau Planning Board was held on June 20, 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
Dave Paska	Planning Board Member
Jerry Bouchard	Alternate Planning Board Member

Also present: Atty. Malcolm O'Hara, Attorney for the Town; Jim Martin, Zoning Administrator; Tricia Andrews, Planning Board Secretary

Not present: Erik Bergman and Ron Zimmerman, Planning Board Members

Chairman Jensen called the meeting to order at 7:00pm. Corrections made to May minutes: Secretary is listed as having been present.

Mr. Arnold motioned to accept the minutes as corrected and Mr. Antis seconded. Motion passed unanimously with no roll call.

#1 BKM Properties
1330 Route 9
Site Plan Review

Mr. Mackenzie presented photos and layout of the area as requested and he had been told that everything was submitted to the State.

Mr. Antis asked whether Jim Martin had been hired to represent the Town, and Mr. Martin is here.

Mr. Arnold: You are proposing parking vehicles on top of your septic, what contingencies are in place to make that drivable?

Mr. Mackenzie: I have a high capacity filtration system that you can drive on, and here's a paper.

Mr. Arnold: And the pavers on that are considered not non-porous?

Mr. Mackenzie: Yes, we can put stone around it.

Chairman Jensen: How much area will be disturbed or become impervious?

Mr. Mackenzie: If we have to use permeable pavement around the edges we will. The whole lot is less than an acre in size.

Mr. Paska: Any further sharing of the parking lots?

Mr. Mackenzie: No, I haven't been able to work through all that yet.

Mr. Antis: There's 27 spaces total? Does that meet requirements?

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Mackenzie: I thought I had a note on the plans. On the back-it shows the calculations for how we arrived at the number of spaces for the two uses. 16 & 11, Retail is 1590sq ft, requires 11 spaces and 4400 sq. ft. industrial 16 spaces.

Mr. Paska: The three in the driveway are not counted in the 27?

Mr. Mackenzie: No, we are not using that right now. They are counted, but if we put the driveway in we would lose the three. I don't really want to do that, but you had asked me to show the possibility on the plan.

Mr. Bouchard: The lot coverage: Did this Board look at the coverage on paved area?

Chairman Jensen: Yes.

Mr. Bouchard: I was here when you came before and your tenants were indeterminate.

Mr. Mackenzie: We've had a couple people drop out because it's taking so long, I've been here 8 months.

Mr. Bouchard: Does any tenant he gets have to come before the Board?

Chairman Jensen: Yes, each one that wants to come in will come in for Site Plan particular to their use.

Mr. Mackenzie: I want PPC included in the initial approval, which is already operating on the corner of Bluebird Road.

Mr. Arnold: You haven't been before us for 8 months, I want to clarify we haven't help you up.

Mr. Mackenzie: Right, I was in Zoning before, too.

Mr. Antis: The Zoning says it has to be an acre or greater and this is not, does ZBA have to do something?

Mr. Arnold: This is a pre-existing undersized commercial lot.

Mr. Mackenzie: We meet all the setbacks, etc.

Mr. Arnold: I see you are attached to the idea of a drain in your bays.

Mr. Mackenzie: 100% better to have a drain with an oil separator.

Mr. Arnold: There's other ways to handle that.

Mr. Mackenzie: I know, I am comfortable with this.

Mr. Arnold: Most people get rid of drains when we challenge them, is there, just for curiosity's sake, does that get inspected to make sure it's working properly?

Mr. Mackenzie: It's like a sewer system. It's based on that we have 2 spigots on the inside 10 gal/min.

Mr. Antis: Do you have electric underground?

Mr. Mackenzie: Yes, we have a pole in the corner.

Mr. Arnold: He's handed in info on the infiltrator for septic that can have vehicles parked on it, and an oil interceptor sheet.

Mr. Antis: Because there's a house there, is that going to be open to the road, what's the entrance like, any curb?

Mr. Mackenzie: We have a driveway going in and out.

Mr. Antis: Where is it going in and out?

Mr. Mackenzie: On the driveway.

Mr. Antis: Nothing to the south of the display area?

Mr. Arnold: What is between Route 9 and the display area?

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Mackenzie: Grass, shrubs, a couple pedestal lights.

Mr. Arnold: Are we no longer asking for berms on Route 9? I think you are asking for dead plants on the well drained soil, but I would like to see separation from Route 9. I would like to see low level plantings on the mylars. It will look nicer, and provide separation from Route 9 and the apron.

Mr. Antis: I am more concerned about traffic coming in and destroying your display area. I would use stone or bricks.

Mr. Mackenzie: I prefer green space.

Mr. Arnold: That's a berm. Highway people wouldn't want that. It causes more injury if someone does leave the road.

Mr. Bouchard: How is the oil interceptor sized?

Mr. Mackenzie: Based on the number of spigots you have inside.

Mr. Paska: How much water you put in per minute.

Mr. Bouchard: Is this company's data recognized by NYS, some assurance this is adequate?

Mr. Mackenzie: I am familiar with it, just put it in at Saratoga Honda. I can get you a full set of prints when we are sure we are approved.

Mr. Antis: You can have up to 5 businesses in here, what sq. footage will each get?

Mr. Mackenzie: When it gets approved we will see what we can get, maybe 2 bigger ones.

Mr. Arnold: I commend you for putting the interconnect on for us, I like the look of that if it does happen. It's nice to be able to shoot traffic out to Fortsville Road. If you pick up that property in the back, you could have put that in the potential plans, that's a possible future element. DOT does want us to funnel traffic off of Route 9. I'm still uncomfortable that there's no DEC inspection on that oil trap, it surprises me there's no reporting on that, but I am not going to make an issue of it.

Mr. Robinson: Where's it go?

Mr. Mackenzie: Drywell.

Mr. Robinson: What's in there?

Mr. Mackenzie: A wash bay, basically. We are installing bullet liners, there might be snow on the truck we have to shovel off that melts, goes into the drain.

Mr. Arnold: Bullet liner is already in Town and they don't have a drain where they are.

Mr. Mackenzie: They have a water problem though and that's why they are moving.

Mr. Robinson: I don't think DEC would let you lead that to a drywell. Highway Department has one that's collected elsewhere.

Mr. Arnold: So explain this system to me. What cleans it out, how do you know when, who does that?
Chairman Jensen: A truck has to come in and pump the oil off the top, every so often based on your size and usage.

Mr. Mackenzie: I'm sure there's a contract with Sheldon Oil.

Mr. Bouchard: Who'd you buy the separator from?

Mr. Mackenzie: A plumbing supply company.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: I think we have an adequate plan here. I want to see some planting plans to delineate your business, to the south. Lighting plan looks good.

Mr. Mackenzie: We will make it match Dunkin Donuts, etc.

Mr. Paska: Will you have tractor trailer deliveries?

Mr. Mackenzie: No.

Mr. Arnold: We can put it on the plans that there are no tractor trailers, and we can do that with each of your tenants as they come through.

Mr. Antis: So 60' x 100' building, where do people enter?

Mr. Mackenzie: Through the three front doors, and the storefront or garage doors on the side depending how we rented.

Mr. Arnold: Where are handicap spaces?

Mr. Mackenzie: Those aren't marked.

Mrs. Riggi: You could use the ones on the corner.

Mr. Bouchard: The responsibility when it's installed (oil separator), that it's clean and efficient, is the landlords?

Mr. Mackenzie: The schedule will be in the building.

Mr. Arnold: If it becomes a pollution problem it goes to the landowner.

Chairman Jensen: Do we have an EAF? It's been to DEC.

Mr. Martin: I have it right here. It's a Short Form.

Chairman Jensen: DOT, Saratoga County, not DOH, DEC...

Mr. Antis: DOH for a septic?

Mr. Robinson: They will not look at septic unless it is over 1,000 gallons.

Mr. Mackenzie: It's under 1,000.

Mr. Arnold: Depending on tenants. It may end up being adequate or may need to be revised.

Chairman Jensen: They upgrade, they come back.

Mr. Arnold: Barbershops are different, I know that was one of the possibilities you mentioned.

Mr. Mackenzie: OK.

Chairman Jensen: Lead Agency?

Motion to assume the role of Lead Agency for SEQR was made by Mr. Arnold and seconded by Linda Riggi.

Mrs. Riggi: Can we schedule a public hearing?

Chairman Jensen: As long as it's a month from now.

Mrs. Riggi: Motion for public hearing July 18th at 7:10pm.

Second by Mr. Antis. Motion passed unanimously with no roll call.

(We have a 7:00 public hearing for Moreau Emergency Squad on July 18th)

Mr. Arnold: I just noticed. Is this a standard setup, to have a catch basin tiled into a drywell in a different location?

Mr. Robinson: It's acceptable.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: It seems appropriate; we don't usually see it that way though.

Mr. Mackenzie: This holds more water.

Chairman Jensen: Do we have enough test pit info?

Mr. Arnold: There's zero, but we know what it is, but we should have one.

Chairman Jensen: Scheduled with and witnessed by the Town.

Mr. Mackenzie: Who does that?

Mr. Arnold: You do it, they come and watch.

Mr. Mackenzie: I just dig a hole?

Mr. Arnold: A specific type of hole, yes.

**#2Cerrone Subdivision
Old Bend and Paris Roads
Final Review**

Atty. O'Connor: We were here before, and comments were made. Tom Center who works with Tom Nace is not available so Tom Nace is here from Nace Engineering.

Mr. Nace explained three notes: Lots 5 & 6 are to be held in advance, no disturbance til signed by SHiPO, Cleaning of no disturbance along the back of all the lots, 150 ft back on Sheet 3. Also on the steep portion of the Site along Potter Road, that steep area can't be disturbed without Site Plan approval from the Town.

Mr. Antis: Would that require the Lot owner to go to the Town?

Mr. Nace: That's correct.

Mr. Arnold: Why that last phrase, "unless shown on final subdivision plans"?

Mr. Nace: We can take that off.

Mr. Arnold: You never proposed doing anything back there.

Mr. Nace: I don't know why Tom Center put that on there.

Mr. Arnold: I didn't know if maybe your swail went up there.

Mr. Nace: I will check it out and possibly take it out.

Chairman Jensen: What's the concern with SHiPO?

Atty. O'Connor: Initial investigations indicated some site exploration was necessary, and we submitted initial documents and are waiting to hear if we need to do more. So we would like to get it approved while we are waiting, saying we would not get a building permit or do anything on those lots until we get their letter.

Mr. Arnold: It really doesn't look like the area touches anything you actually disturb.

Atty. O'Connor: It doesn't, but our consultant thought we ought to leave it alone.

Chairman Jensen: Counsel, can we go forward? We can't complete SEQR without ShiPO.

Atty. O'Connor: Usually we get a letter from SHiPO that it's not in an area of interest, but this time we got a Site 1a and 1b that they have done test digs back there and found some glass and some buttons. It's an advisory we don't have to follow.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: You're saying the report we get from SHiPO to help us do EAF isn't official?

Atty. O'Connor: It's advisement.

Mr. Arnold: And they've advised us that it's possibly significant?

Atty. O'Connor: That two other sites in that area had something significant on them. So we have them do a literature study and test holes throughout our 25 acres. In the area of the foundations between 5 & 6, we found a possible area of interest. We will abide by final determination by SHiPO, we know where they are focused, we hope we don't have to eliminate 2 lots, but if they say so, we will.

Mr. Arnold: We do not as a Board have anything from SHiPO?

Chairman Jensen: Correct.

Atty. O'Connor: We are making it subject for what you do receive. You won't have DOH approval either so you hold the mylars til you get it, it's the same.

Atty. O'Hara: We will get it before the mylars, I'm ok with that.

Chairman Jensen: How do I complete an EAF?

Atty. O'Hara: Have you submitted anything?

Atty. O'Connor: They have the full report about the test holes that points out 5 & 6.

Mr. Arnold: That doesn't remove them.

Atty. O'Connor: If there's an issue on those two lots, we are waiting to find out.

Mr. Arnold: But how do we do a SEQR that says there's nothing of archaeological interest, when there is?

Mr. Antis: What happens if they find something?

Atty. O'Connor: We avoid disturbing it, or we come to an agreement with SHiPO. Depends on the cost of what they suggest. You can spend more in your reports than on developing the lots.

Mr. Arnold: Do you put in on your map?

Atty. O'Connor: You never put it on a map, that attracts people who are treasure hunting.

Mr. Paska: They'd have to come back and do another SEQR on those two lots.

Chairman Jensen: We have this and this to complete. And we are going to go through and say there's no impact on historic resources.

Mr. Nace: We've said that all except lots 5 & 6 there are no findings. So those are not going to impact.

We've said on 5 & 6 we are not going to impact if they ask us not to.

Atty. O'Connor: I am ok with leaving 5 & 6 out of approval right now and coming back for new review for those two lots in whatever way we can.

Mr. Arnold: That's a pain for you. I understand that you are saying you won't impact.

Atty. O'Connor: It's just a note that says "not approved as building lots." When we find out we can, we come back.

Mr. Robinson: Who owns those?

Atty. O'Connor: The developer does. We've got people interested to go ahead and we want to get going on those. If these turn out to be significant and it'll cost \$30,000, we will chop out what we aren't using.

Mr. Robinson: Can you add it to a neighboring lot?

Atty. O'Connor: And put a restriction on it? I don't know the answer to that.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Robinson: I don't either, but I have to see a lot at auction over and over again because no one wants to pay taxes on it.

Mr. Arnold: Can ShiPO say you can own it but not disturb that part?

Atty. O'Connor: Yes, but we have to wait 6 months to know what they think.

Mr. Robinson: The historic site might not leave enough to develop, so it could be added to another.

Atty. O'Connor: I just registered something in Essex County, and my staff spent 5 hours on it.

Mr. Arnold: Motion to reopen the public hearing on Cerrone Subdivision.

Mrs. Riggi seconded and roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Chairman Jensen, Yes.

The Board reviewed the EAF for the record. Portions had already been completed.

Atty. O'Hara: You can make a negative declaration that doesn't apply to 5 & 6.

Mr. Antis: Mr. Martin?

Mr. Martin: You have a proposal for 10 lots, so I say option B- declare a moderate impact.

Mr. Arnold: It seems cleaner to me.

Atty. O'Hara: Either way.

Mr. Bouchard: Isn't this environmental impact?

Mr. Martin: It includes archaeological.

Chairman Jensen: Public Hearing closed. 8:05pm

Mr. Antis motioned to make a moderate impact declaration on SEQR, to be mitigated by the possible elimination of lots 5 & 6 due to archaeological concerns, pending a documented decision from SHiPO.

Mr. Arnold seconded. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carries 6-0.

Mr. Arnold: A notation on Lot 6 that says it is a 1 acre lot, but it's not an acre, it's 42290 sq. ft.

Mr. Martin: You gotta borrow from the next one, it's oversized.

Atty. O'Connor: We will adjust that. Also I asked for a waiver on the not subdividing a lot that's been clear-cut in the last five years. I wrote a letter, in which I said it's not a clear-cut and that it's not applicable because it was done by Finch, Pruyne for their business not related to the subdivision, and won't affect the Town's residents. I think you need to give us the waiver before you act on the subdivision application.

Mr. Arnold: You argued you don't qualify under that rule.

Mr. Martin: I don't understand the rule. You just leave an eyesore in place for 7 years.

Mr. Arnold: I think they want to avoid developers clear-cutting to avoid doing a SWPPP. But you are doing SWPPP. This wasn't FP clear-cutting to develop it or sell it off, it's a forestry harvesting.

Mr. Martin: Which is land management, not clear-cutting.

Atty. O'Connor: But the Town regulation says something stricter than APA and DEC. It's particular to the Town and I don't want it to come back on me. I had a couple different things in here. We are utilizing 8 of 25 acres for houses, driveways and lawns. There's a letter from Finch, Pruyne that says they left 50% of the wood on site, but they don't say 50% of wood that was 6 inches at chest height, as the rule states.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Antis: It was supposed to be documented before they did it. I want to see that documentation.

Mr. Arnold: They will have a forestry inventory on file.

Mr. Antis: They have to file it with the assessor.

Atty. O'Connor: They filed it in 2013 and paid \$10,000 in January and \$4080.82 in April based on what they have submitted. DEC doesn't have it. It can be filed with the assessor or DEC.

Mr. Antis: The law says to file it with the Town Assessor before anything can be cut.

Mrs. Riggi: You are trying to penalize Mr. Cerrone for what Finch, Pruyne did.

Mr. Arnold: Finch, Pruyne already gave us that in a letter, telling us what was cut.

Mr. Antis: The law says show us what they plan to cut, not what they did after.

Mr. Arnold: How's it relate to what we're doing?

Mr. Antis: He asked for a waiver, he brought it up.

Mr. Arnold: Okay, but I don't think he needs a waiver.

Mr. Antis: I don't see why we need to do it.

Atty. O'Connor: It's been raised at every meeting and I've tried to answer it so I am trying to represent my client. Appropriate tax is not in your subdivision regulations.

Chairman Jensen: It's all on the record and it's there.

Mr. Robinson: John said a SWPPP was done, was there?

Mr. Nace: I think so. DOH will see it.

Mr. Robinson: The Town looks at the SWPPP, not DOH. They did an Erosion & Sedimentation Plan. They are disturbing 8, they need a SWPPP. Look at the Plan.

Chairman Jensen: You will have to approve subject to review of the SWPPP then, if you approve.

Mr. Arnold: Lots on the sides of the undersize lot have minimum width of 175, and I see one that's 167 ft. wide. And that doesn't leave room for adjustments to the undersized lots.

Mr. Bouchard: Does taking out 5 & 6 limit the disturbance so they don't have to do that?

Mr. Martin: Width is measured at the building line.

Mr. Arnold: Well yeah, but they are parallel lines. Is 175 the limit for single residence?

Mr. Martin: I see your point.

Mr. Arnold: Lot 4 is 166.9, it's not wide enough. Lot 2 has two markings which together are enough. I wonder about Lot 1, but I think it's fine. Lot 6 is undersized for acreage and Lot 4 is undersized for lot width. This puts the whole thing into limbo. We should have caught it sooner, us or the engineer. Lot 5 was in question anyway and 6 too, which is undersized.

Mr. Martin: Lot width requirement is 125 ft in R-2 with sewer, and 175 ft. without public water. These are without.

Mr. Arnold: Something has to be redrawn.

Mr. Martin: Or they get a Variance.

Atty. O'Connor: Lot 1 has frontage and acreage.

Mr. Arnold: It does not. It's a flume park.

Atty. O'Connor: Your regulation is lot size, not area.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: If you move it, you get into the 15+ slope.

Atty. O'Connor: We're missing 9 ft. of frontage. Slanting those lines to get full 175 and taking it out of Lot 8...we can do that.

Mr. Arnold: If you are redrawing, can't you do something to only have 1 lot in limbo?

Mr. Nace: We tried. The 50 ft. buffer gets us.

Atty. O'Connor: Anything else?

Mr. Arnold: Sorry I didn't notice it sooner.

**#3 Leonelli/Schermerhorn
Harrison Avenue Apartment Complex
Final Review**

Mr. Antis asked and Chairman Jensen explained that this project was already approved but never completed.

Mr. Mitchell presented a site plan amendment. 32 acres. UR Zone. 380 units is total allowed density, 2007 approved for 240 units, 30 buildings and outbuildings, maintenance, clubhouse etc. We are proposing with more details...same # of units, 9 garages, mail kiosk, same setbacks, 50 30 50 total 440 parking. We show more parking than the original, Mr. Schermerhorn likes it that way. Sample architecture. Overall site plan. Gravity sewer, pump station, force main on VanBuren & Harrison, town water main. Same details from 2007.

The Planning Board had asked for a sidewalk which is shown, internal sidewalks continuously on one side. Full SWPPP provided. Grading plan submitted. Added retention areas to meet new green practices since 2007. The three issues were the sidewalk, provided. Traffic concerns were raised, so provided traffic report from another project showing that this was included as full buildout when the subsequent development was studied. SEQR was in question, and Mr. Mitchell was told we can go through this process, highlight changes, and reaffirm SEQR without going through it all again.

Mr. Bouchard: Parking?

Mr. Mitchell: Was 440 spaces, changed to 528.

Mr. Bouchard: Traffic study was based on less parking.

Mr. Mitchell: Yes, but the same use, same no. of apartments/residents. The difference is Mr. Schermerhorn doesn't want to see people parking on streets or in grass.

Mr. Schermerhorn: We have to plow. We want them to have someplace to go. We have maintenance trucks that will take 4 spaces during turnaround, and we want to give people some more space. Guests. I want more from experience. It doesn't mean I expect more vehicle traffic overall.

Chairman Jensen: If you had x number of spaces and this is for a greater number, does that change the SWPPP?

Mr. Mitchell: Yes, that was why we went back to DEC, we are changing the impervious area.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Robinson: I haven't seen it yet.

Mr. Antis: That Van Buren intersection wasn't monitored at all on the traffic study.

Mr. Mitchell: We were looking at whether this project's numbers were factored into later studies, and I'm showing you it was.

Mr. Antis: But people use that intersection, and it wasn't monitored.

Mr. Mitchell: It probably was on the 2007 study, and the Planning Board thought it was acceptable.

Mr. Arnold: Did those trip calculation numbers change?

Mr. Mitchell: Not sure, I will check.

Mr. Bouchard: Anecdotally, traffic is worse in the Town.

Mr. Arnold: The studies always say no impact.

Mr. Antis: And they missed VanBuren St.

Mr. Arnold: Plans for that drag strip on the eastern side? A speed bump?

Mr. Mitchell: I hadn't considered it yet, frankly.

Mr. Schermerhorn: Kingswood On Dix Ave is very similar. We do regulate it with 5 or 10 mph signs. We can police it or do speed bumps.

Mr. Antis: Do people police themselves?

Mr. Schermerhorn: We have signs that there are children in the area, we will address the tenant immediately if there is a complaint. If someone is violating a speed limit, neighbors will call, they take cell phone videos. You get an occasional jerk.

Mr. Bouchard: A few stops signs would help.

Mr. Arnold: These garages are not to be leased to non-tenants?

Mr. Schermerhorn: Right.

Mr. Arnold: Non-commercial use?

Mr. Schermerhorn: It's in my lease and it's a Town ordinance.

Mr. Arnold: The plan looks like a parking garage for a tenant, but it also kind of looks like storage units.

Mr. Schermerhorn: We're very restrictive.

Mr. Arnold: Wetlands percentage?

Mr. Mitchell: Don't have the numbers.

Mr. Arnold: Those trapped areas aren't?

Mr. Mitchell: No, just the shaded parts. We are not crossing it and tripping wetland thresholds.

Chairman Jensen: Mr. Robinson needs to see the SWPPP.

Mr. Mitchell: It's been submitted, just hasn't reached his desk. Are we on hold for Mr. Robinson, can we do conditional approval?

Chairman Jensen: Board, Counsel, as this has already had a public hearing, do you want to schedule another public hearing on this project? Historically we have had, and this project has had one and has no increase in units.

Atty. O'Hara: You are not required to have one?

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Antis: My thoughts are it's been 9 years, nothing has happened, the public deserves another opportunity.

Mrs. Riggi: I think that serves no purpose.

Mr. Bouchard: What conditions were placed on the site plan?

Chairman Jensen: We don't have that information.

Motion to schedule a new public hearing for Leonelli/Schermerhorn Harrison Avenue Apartment Complex at 7:20pm on July 18th was made by Mr. Antis and seconded by Mr. Bouchard.

Mrs. Riggi, No; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bouchard, Yes Mr. Paska, Yes; Chairman Jensen, No. Motion carries 4-2.

#4 Stewart Bovee Developer & Investor LLC
Old Saratoga Road
Preliminary Review

Terry Stewart, one of the partners of Stewart & Bovee. One or two changes were requested. We added an access driveway to be constructed prior to sale of one of the three lots. We added 30 ft. coming in on the entrance on old Saratoga Road. Jim White added those changes.

Chairman Jensen: Are you proposing to create three lots or create three and build some?

Mr. Stewart: Develop the entrance, and sell to builders to develop for themselves. I want to blacktop the entrance.

Chairman Jensen: Of the work you are contemplating doing, how much land will you disturb?

Mr. Stewart: Don't have that answer.

Chairman Jensen: Are you disturbing more than an acre?

Mr. Stewart: I would keep it under an acre.

Mr. Arnold: It's under a quarter of an acre, on the plan. The only part you want to disturb and pave is the solid line part?

Mr. Stewart: Yes. We didn't know what size building the business wants, could be a smaller office with less parking.

Mr. Arnold: It's great, it's a great location but you were asking someone to buy a lot and put a road on someone else's land. This is great, it accesses all three lots.

Mr. Stewart: We can limit expansion on the plans, I have done something similar.

Mr. Arnold: This is shared use, not shared ownership?

Mr. Stewart: Not sure, I completed it with an attorney.

Mr. Antis: It's right across from the house?

Mr. Stewart: Yes for visibility. That house is from 1905. "Shared access driveway ownership and maintenance agreement" at closing they will sign and agree to it.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Bouchard: That lot width at the building line proposed looks narrower, lot 2. We measure where you build.

Chairman Jensen: He would have to meet setbacks where he builds.

Mr. Arnold: If that lot is approved, the building can't go where you show it without a Variance.

Mr. Bouchard: And setbacks change depending on what kind of business that is.

Mr. Stewart: I will bring it to my surveyor's attention.

Mr. Arnold: Anyone who buys comes in for review anyway.

Mr. Antis: Just paving the road to lot 3?

Mr. Arnold: Dividing up the three lots.

Chairman Jensen: Are you going to remain in ownership or sell?

Mr. Stewart: Sell.

Chairman Jensen: Is there concern about a driveway traversing the property line?

Atty. O'Hara: That's not uncommon.

Mr. Martin: The easement's going to go into the deed.

Atty. O'Hara: It's going to be reviewed by the title company, etc.

Mr. Stewart: And it's filed with the County.

Mr. Arnold: Plenty of frontage on each lot.

Mr. Antis: Does the shared drive need to be on both? Couldn't you get it on one?

Mr. Martin: What's across from these? Lands of McNaughton.

Mr. Stewart: There's a gravel driveway.

Mr. Martin: You try to align them so you don't get conflicting movements.

Mr. Arnold: As these are business sites, you might want to avoid having the bedrooms, living room right across from the driveway.

Mr. Bouchard: You are at the crest of the hill

Mr. Stewart: Yes. The highway superintendent approved of that prior.

Mr. Bouchard: Considering the State Park driveway, you have a lot of traffic.

Mr. Arnold: This is a subdivision, I don't see test wells, you are proposing septic so we need test wells, perc tests.

Mr. Stewart: Proposed buyers would be subject to approval by Site Plan before they buy it from me.

Mr. Arnold: And they can do a Sketch Plan to get a feel from the Board. Such as Mr. Bouchard pointing out that the building on Lot 2 has to move or get a variance.

Mr. Bouchard: I would try to make the easement narrower, because that pushed the building. Zoning Board might consider that a self created problem since you drew the lines. That easement boxes you into a corner.

Mr. Stewart: ZBA?

Mr. Bouchard: ZBA if you can't get the building in where you want it and you have to prove you didn't create the problem.

A meeting of the Town of Moreau Planning Board was held on June 20, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: Just move it ahead far enough so the front is in the 200- ft area. If you move the access road up, you can do that.

Mr. Stewart: I will try my best.

Mr. Martin: He has room here to play with. Move parking, reorient.

Mr. Arnold: Contours are enough? Do we require 2 on subdivision?

Chairman Jensen: We do on the final but we can waive.

Mrs. Riggi motioned to waive requirement for 2 ft contour lines, and Mr. Arnold seconded. Motion passed unanimously with no roll call.

Chairman Jensen: What else would we be looking for?

Mr. Antis: Do we need it moved to either side of the property line?

Chairman Jensen: Counsel and consultants say it's quite common that way. Test pit info, perc tests, update the drawings for potential building locations, site statistics left out in first lines. It's going to the County.

Mr. Arnold: Is it going to go to State because it's so close to the Park?

Mr. Martin: They have no approval over this.

Chairman Jensen: They will be notified as a neighbor. We need ShiPO, endangered species reports. Do we have EAF? Mr. Martin: No.

Mr. Stewart: I did one on the Sketch Plan.

Motion for the Board to assume the role of Lead Agency on SEQR was made by Mrs. Riggi and seconded by Mr. Antis. Motion passed unanimously with no roll call.

Mr. Arnold: While we are cleaning up the lots. Mr. Brown has some usage...if I were you as a property owner I wouldn't put that on a map, it looks like a deed...you can have a gentlemanly agreement with him, but I wouldn't put that on the deed. Adverse possession.

Atty. O'Hara: How long has he been there?

Mr. Arnold: It looks like you accept it when you put that there.

Mr. Stewart: Maybe he'd like to buy lot 3.

Chairman Jensen: Get your docs in by July 5th.

Mr. Stewart: When's the public hearing?

Mr. Arnold: If we have everything next time, we can set it for August.

Chairman Jensen: Coordinate soils investigation with the Town. They have to be present.

Mr. Stewart: I'm familiar with that.

Motion to adjourn was made by Mrs. Riggi at 9:33 and seconded by Mr. Antis. All in favor.

Respectfully Submitted,

Tricia S. Andrews