

A meeting of the Town of Moreau Planning Board was held on July 18, 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
Dave Paska	Planning Board Member
Jerry Bouchard	Alternate Planning Board Member
Ron Zimmerman	Planning Board Member

Also present: Atty. Stefanie Dilallo-Bitter, Attorney for the Town; Jim Martin, Zoning Administrator; Tricia Andrews, Planning Board Secretary

Not present: Erik Bergman and John Arnold, Planning Board Members

Chairman Jensen called the meeting to order at 7:00pm. Motion was made by Mr. Paska to accept the minutes without correction and Mrs. Riggi seconded. Motion passed unanimously with no roll call, Mr. Zimmerman abstaining.

**#1 Moreau EMS
Public Hearing
Site Plan Review**

Ethan Hall of Rucinsky-Hall Architecture. Contact has been made with National Grid regarding the easement needed for the back of the property, to add parking. There has been no indication they won't approve it, and that supplies the required parking, so they are waiting to clear that up before they go to the Zoning Board.

Resident of 1603 Route 9 Gordon Hadsell asked for dimensions of the buildings. The proposed addition is 84 x 72 ft, and a 16 ft. addition going onto the original building which is 110ft., with a connector at the front. The new building is two stories at the front, one at the back, sloping. Existing facility will get 2 drive-thru bays. Mr. Hadsell asked why area residents were never contacted when the Emergency Squad had a fundraiser for this project.

Mr. Hall replied that he thought that neighbors were notified, but he isn't the fundraiser, so he can't answer that.

Mr. Antis: Since there is a second floor will you have an elevator?

Mr. Hall: We are under 3,000 ft. and that's the rule, but we are designing it so that one could be added in the future, as well as a second set of stairs, should the need arise.

Chairman Jensen: When do you anticipate getting a building permit?

Mr. Hall: As soon as we can get our permits and parking squared away. Probably will apply in the winter and be ready to build in the spring.

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Chairman Jensen: So that's after Oct. 1. How will the changes affect you?

Mr. Hall: I have looked, it's mostly the energy code; mostly dealing with sprinklers and the energy code. I've incorporated it anyway.

Mr. Antis: Can you explain that to us?

Mr. Hall: As the building is erected it has to be inspected for sealants being added at the right times and right sides of walls, to prevent loss of air in either direction. And then they do a blower door test with fans the pressures. I don't do it. It makes sure things are secure.

Chairman Jensen: So the dance with the Zoning Board has not been completed?

Mr. Hall: We've obtained all that we need short of the parking, which is unclear at this point.

Chairman Jensen: So the Board has a decision they can make. We can't approve the project until all Variances are in place. Do you wish to do the Environmental Assessment this evening, or wait until all the Variances are in place to do a positive approval?

Mrs. Riggi: We should get it over with.

Chairman Jensen: Consensus? (No objections.)

The Board reviewed Part 1 of the EAF with comments:

An archaeological site was mentioned on 12b. Certain questions are filled in automatically and this was pre-filled. Mr. Hall couldn't find it on reference maps so doesn't know why it's archaeologically sensitive.

There is also a cleanup site listed which is across the street at Abilene and well known to the Board.

The Chairman asked the applicant to answer about the archaeologically sensitive area. The remediation from across the road doesn't explain that, but the Board will need to know about this. The Chairman stated that they can not go forward without that.

Atty. Dilallo-Bitter said that the online EAF mapper is often wrong and the applicant can get a specific letter from SHiPO pretty quickly from their website.

The Board did not make a declaration regarding the EAF for that reason and Mr. Hall agreed that was the best course of action. He had no further questions for the Board but Mr. Antis asked about the easement from the neighbor which was going to be for egress. Mr. Hall said they have verbal agreement but are waiting to hear from National Grid first as they are tougher to get a hold of.

Mr. Zimmerman motioned to table the public hearing on Moreau EMS and Mr. Antis seconded. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr.

Zimmerman, Yes; Chairman Jensen, Yes.

Mr. Antis invited the public to return next month.

#2 BKM Properties
Public Hearing
Site Plan Review

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Mr. Mackenzie explained that he wants at 6,000 sq. ft. retail building with up to 5 tenants, on what is currently an empty lot. The building might be orange or charcoal, he presented a layout and a drawing of it, he has been back a few times and has been to Zoning and is all set there also.

Mr. Antis asked whether we could get DOT to put up curbs to control flow onto the property, he thinks DOT does that by choice and wants to know what we can do.

Chairman told him the Town Board could request action from NYS DOT, but the Planning Board can not.

Mr. Mackenzie thought he just had to put in shrubs.

Mr. Antis asked if the rest of the Board felt the same.

Mr. Zimmerman said that in light of the conversations last time about snow and things, it was addressed.

Mr. Antis feels curbs would help.

Chairman Jensen asked him to communicate that to the Town Board.

When asked about the property behind him he had suggested a future possibility of connecting to, Mr. Mackenzie noted it is back on the market.

Mr. Antis: Didn't we have questions about the drainage?

Mr. Mackenzie: We have an oil separator and it is maintained by owner.

Chairman Jensen: You are in need of some Zoning Board action also.

Mr. Mackenzie: I shouldn't be. I haven't been before them in 3 months.

Chairman Jensen: This says you need it, is it wrong?

Mr. Mackenzie: Yes, that's my first application, it's wrong. Other things were figured out.

The Board reviewed the EAF for BKM Enterprises. On Part 1 #2, Mr. Bouchard asked whether it should be DOT or Saratoga County. Chairman Jensen explained that the question is about funding. DOT doesn't approve anything, they just look at ways to make it safer. They won't do anything before they have a permit.

Mr. Antis: He has more than one business?

Chairman Jensen: Mr. Mackenzie has one business, which is having tenants. That is allowed.

Mr. Bouchard: #8 public transportation is available near the site.

Mrs. Riggi: It doesn't go down that far.

Mr. Martin: You did say a highway access permit is required from DOT?

Chairman Jensen: Yes.

Part 2: Impacts not found.

Chairman Jensen closed the public hearing at 9:38pm.

Mr. Zimmerman motioned to make a negative declaration regarding SEQR and Mr. Bouchard seconded.

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

Mrs. Riggi motioned to grant final Site Plan approval BKM Enterprises Route 9. Mr. Antis seconded. Mr. Paska asked how the plans said no tractor trailers. The motion was amended to add, "subject to note added to the plans stating that there will be no tractor trailers on the property." Chairman asked and Mr. Robinson said that the building department would look for separation from neighbors' wells on the septic

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and some stormwater control mechanisms. A formal plan is not required because of the size of the property. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries 6-0.

Mr. Zimmerman motioned that the chair and one other member sign the final mylars when they are presented. Second: Mrs. Riggi. No roll call vote, motion passed unanimously.

#3 Schermerhorn/Leonelli Apartments
Public Hearing
Site Plan Review

Mr. Mitchell, Environmental Design Partnership presented plans for a modification to the Leonelli project approved in 2007. Building architecture is changed. Many items are the same. The same number of units are going in, but with more parking. Updated plans resulted in changes to stormwater plans. Question was raised about traffic analysis from 2007 and how it would work compared to today. Board has letters indicating that the factors used in the study haven't changed.

Mr. Antis: But the studies never discussed VanBuren St.

Mr. Mitchell: The original did and the Towns' Engineer approved it. What I provided two months ago was a study from another project just to show that the numbers from that had included this one.

Mr. Antis: But it didn't address VanBuren Street.

Mr. Mitchell: The previous study that it was based upon, did.

Mr. Antis: I don't agree.

Mr. Antis: Are the buildings not all even?

Mr. Mitchell: They are staggered for architectural relief.

Vince Sporrer, 163 Fort Edward Road. With 240 units, how many vehicles?

Mr. Mitchell: It was approved in 2007. They used a standard study .62 multiplier of the 240 units and that's your peak hour trips.

Mr. Sporrer: My concern is Route 9, to the Northway and the Bluebird Road, Fort Edward Road intersection. Traffic backs up to 197 on Route 9. Fort Edward, Bluebird Road intersection is 5 cars back each way. 240 units, what impact is that going to have on these facilities? Most people go South to go to work, I just read that. If I was on Harrison Ave., I'd go to Bluebird Road or Fort Edward Road to get out to 197. What's that number where that intersection is too crowded?

Mr. Mitchell: We are here to modify our site plan, not to discuss traffic.

Mr. Sporrer: Things have changed. You've put in several facilities.

Mr. Mitchell: And every time they factored in the approved projects.

Mr. Sporrer: You try it. They are not doing a very good job. They are backed up all the way.

Mr. Mitchell: It's been reviewed and the Town's engineer approved it.

Mr. Sporrer: Who's that?

Mr. Mitchell: Jacobs, Edwards and Kelcey.

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Chairman Jensen: The Town hires a traffic engineer to study what their consultant has done.

Mr. Sporrer: How do you know he's right?

Chairman Jensen: How do you know he's wrong?

Pat Frederick, Fort Edward Road: Have any of these been built? No. You have Sisson Reserve. You have others in the area. You are going right next to that. All of that butts up against property that me and my siblings own on the corner of Bluebird Road and Sisson Road. The traffic is equally congested with traffic, it's increased since 2007 and Mr. Schermerhorn is building another on Harrison Ave. On my property this weekend I could not get 15 seconds of silence to listen to the birds, there is a huge amount of traffic going through that area. Fort Edward and Bluebird, and Bluebird & Sisson need to be seriously studied. Jason Hughes 89 Harrison Ave: Bought property since 2007 and wants to know what the proposed entrance and exit area will be, as he is directly across from the gravel drive that's there now.

Mr. Robinson: It's pretty close.

Mr. Hughes: That's right across from my house and kitty-corner from my driveway, how am I going to be able to get out of my driveway?

Mr. Mitchell: I represent Mr. Schermerhorn and tonight we are just focusing on the internal site. We have kept things just as they were originally approved as regards the boulevard.

Mr. Hughes: I didn't know about this when I bought my house. I didn't get to be here for that in 2007 when I didn't own the property, so I am trying to figure out what that's going to do to me. 120 cars are coming out of there and shining their headlights into my living room. I understand it's already approved but I wanted to know when that was. Bringing in 243 apartments with Harrison Place already there and the other one, what's that going to do to the school system?

Mr. Mitchell: It was presented to the school and they know and follow along as a project progresses.

Mr. Hughes: I may not have purchased if I had known about this, it's going to deplete my property values.

Mr. Sporrer: Sewage systems. Is that line, are you going to have your own, or is it part of the Town's line. You've already used up some capacity.

Mr. Mitchell: That was accounted for in calculations when each project was approved. When we applied for the Harrison Quarry/Bluebird Trace, they knew about this one. The Planning Board and their engineers all take a look at what's being built, what's approved etc when they approve something.

Mr. Sporrer: Does Mr. Schermerhorn pay to use the pipeline? I understood it was at capacity now. Where to find those capacities? You have 3-4 projects in there. Who do I FOIL to get that?

Chairman Jensen: The Town Board has an engineer they pay for that.

Mr. Sporrer: You're saying there's enough.

Mr. Mitchell: In 2007...

Mr. Sporrer: You keep talking about 2007. What about 2016?

Mr. Antis: The Town purchases capacity from Glens Falls.

Mr. Sporrer: I know that. I want to know the calculations for the capacity of the pipeline and in the industrial park.

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Mr. Endal, 90 Feeder Dam Road: How long is a site plan good for? If someone doesn't build something that's approved?

Chairman Jensen: Once you have an approval, it's approved.

Mr. Endal: Even if things change?

Chairman Jensen: Yes, things can change but approvals stand.

Mr. Endal: So many things have changed. If it were brought up today, it might not be approved. Can someone really get an approval and sit on it for 20 years and build it later?

Mr. Antis: Yes, because those things are taken into account.

Mr. Endal: Are they, though? Did the public really have all that in mind when the other things came up?

Russ Hase 91 Harrison: I am concerned about traffic flow too. How can this road possibly handle all that capacity? Past the school. It seems inconceivable. Will you widen the road and take property from me? That has to be considered. How much more fill will have to be brought in to complete this? 1,000 truckloads went in there 4-5 years ago, and topsoil came out last summer, that's a lot of traffic just during the construction phase.

Mrs. Frederick wants to know whether subsidized. Mr. Mitchell says that it is not. Mrs. Frederick pointed out that in Sisson Reserve, which happens to be subsidized, there has been increased police presence. Just throwing that out there.

Brandon Belair, who lives in the Fenimore: How can you change everything from 2007 and still have approval, and now we have to pay for kids to go to school, and I don't care what you say about sewers and traffic, it's just going to get worse. It's near a school, everybody in that area is going to have it more difficult. Enough is enough right now.

Richard Hughes, Harrison Ave: The traffic study from 2007 is outdated. It doesn't seem long, 2-3 minutes but when you are trying to get out of your driveway, that's too long. The road can't handle the traffic now.

Chris Music 71 Harrison Avenue, shares same concerns and wants to know when they would break ground.

Mr. Mitchell: I expect it would be spring by the time we finish everything.

Mr. Sporrer: What about the new bus garage for the school system?

Mr. Mitchell: I know it's frustrating, but we are just here for the modification of the site plan.

Mr. Sporrer: It's foolish to ignore issues that you can see are going to happen.

Mr. Belair: It's too much too soon. Wait another couple years

Mr. Hughes: If nothing's been done since 2007, it's a small modification, what about one for me. What's the exit onto Bluebird?

Mr. Mitchell: There isn't one.

Mr. Hughes: They all come out that one entrance. That seems like a lot. You need another one. Isn't that a fire issue? Dump trucks spin out just trying to get in there, how would a fire truck get in?

Chairman Jensen: These questions, this layout, went to Emergency Services and they had their chance to redesign entrance.

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Mr. Sporrer: In 2007?

Mr. Hughes: It needs to be redone then. They are on my property all the time trying to get in there with fill.

Thomas Frederick, Sisson Road: I've sat in on Mr. Schermerhorn's issues and he's never here when we have contentious meetings, what does he say when you tell him that's a concern?

Mr. Mitchell: He's rarely absent, he is out of state right now. He comes to more meetings than most of my clients.

Mr. Frederick: What does he say?

Mr. Mitchell: We comply with the requirements, the engineering and the science. It's relative, what seems like a lot to you isn't much in another area. We comply with the guidelines.

Mr. Sporrer: The Emergency plan was done 2007?

Chairman Jensen: Everything was submitted to all of our services...it will be revised to Fire before it's done.

Mr. Sporrer: How can you approve something like this when you don't know some of the elements?

Chairman Jensen: Who said we are?

Mr. Sporrer: 2007 was 9 years ago, everything's changed.

Chairman Jensen: I had concerns about fire trucks, in 2007 they had a look at it, people who know what they are doing. It is the same entrance it was then.

Mr. Antis: Has the fire truck gotten bigger in ten years?

Chairman Jensen: Not that I know of.

Mr. Music: Surface area of the buildings is not much larger, are they lower, wider?

Mr. Mitchell: It's a different type of building, the one piece that has changed is stormwater, that analysis is changed for greater impervious surface.

Mr. Sporrer: Are the number of apartments the same?

Mr. Mitchell: Yes.

Mr. Music: What is the price per unit?

Chairman Jensen: Not the purview of this Board.

Mr. Music: Sorry.

Mr. Bouchard: There was a conditional site plan approval in 2007. What conditions were on it?

Mr. Antis: Whatever it was, he didn't do it. How does that affect this?

Mr. Robinson: I believe it was DOH, DEC and a water line from Bluebird Road to Sisson Road that he had to do. That's been done, Mr. Leonelli paid for that, and the other approvals they have. I think those were the three.

Mr. Martin: We'll check.

Mr. Antis: I remember there were things he didn't do, that was clear at the beginning of this process.

Mr. Frederick: When building progresses, what does it take for the Town and people in general to start getting sidewalks? Where are kids going to ride their bikes?

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Mr. Mitchell: We will be putting one in on our property that we control, we can't do anything about the rest of it.

Mr. Frederick: Is there talk about that?

Chairman Jensen: The Town doesn't own that and can't make people do that.

Mr. Antis: Doesn't the Town have a right of way, if the Town is motivated?

Mr. Robinson: Yes, don't recall how wide it is. I do think we were putting a piece of sidewalk to the school in the right of way in the initial approval. It would have been on an adjacent property and they said no, but there was a plan to go around that and put it in.

Chairman Jensen: Board, do you have the answers you feel you need? Is anything lacking? Do conditions appear to have been met?

Mr. Antis: I am concerned they did not meet them. Do you remember what you told us?

Mr. Mitchell: Mr. Schermerhorn bought an approved site.

Chairman Jensen: I have to rely on the consultants that we pay. When these studies are done, once it's approved, that's cast in stone as an infrastructure item. The next guy who comes along has to take his on top of the previous, going forward. Our consultants agree that was done, and I don't have license to overrule them even if I understand the concerns expressed.

Mr. Bouchard: I'm concerned. They have some C's and D's, which is a 15-25 second wait, and a D is a 25-35 sec wait, that means it takes 10 minutes to get 20 cars through an intersection and that would not be ok with me.

Mrs. Riggi: This is nothing like other towns I have lived in. Nothing says that they all go to work at the same time. The traffic study can't just be thrown out. You want a Town to grow, and grow better.
(Objections from the crowd)

Mr. Hughes: Do you know where Harrison Avenue is? Do you know how wide Harrison Avenue is? Wouldn't it bother you to sit in the driveway for 2-3 minutes?

Mr. Frederick: I embrace a greater lifestyle. I bike. Would you be comfortable doing that on a busy road?

Mrs. Riggi: I don't ride a bicycle, I don't know.

Mr. Music: We chose to live on Harrison Avenue because there was a lack of traffic. I came from Metro DC. I don't want that again.

Mrs. Riggi: I live off of 197 and I know what time I have to leave to get out in traffic.

Mr. Music: This report was probably done to include traffic at peak times, but that is the concern. Everyone generally has to go to work at the same time.

Mrs. Frederick: Comparing Harrison Ave to 197 is not a fair comparison.

Mrs. Riggi: They are two lane highways.

Mrs. Frederick: There's no white line on Harrison.

Mr. Sporrer: Do they ever go back and see if the calculations are correct?

Chairman Jensen: I don't know.

Mr. Sporrer: The County does, don't they?

Chairman Jensen: DOT.

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Mr. Sporrer: What roads?

Mr. Martin: In the field traffic data collection, traffic engineers do that in preparation for these studies. When a report is done they also use a background growth rate projecting growth in years forward, so you could check that growth rate and see if they had used one in 2007 that was reasonable and accurate.

Mr. Paska: Is moving the entrance away from this gentleman's house, can you move it?

Mr. Mitchell: It isn't a big deal, but I don't know the factors that went in to why it was placed where it was at the time so I can't say for sure.

Chairman Jensen: Even if we overlooked it, the person who lived there didn't bring it up, we do often require that to be done and would strongly look at that being done.

Mr. Mitchell: I did make a note and will discuss it with Mr. Robinson. We have a length of straight roadway and there shouldn't be a sight distance issue, but I don't know offhand.

Chairman Jensen: Don't put it on someone else's.

Mr. Robinson: I don't believe the outlet does that, we did look at that.

Erica Hughes, 89 Harrison: We have a large picture window and we were looking at a field with deer and turkeys, and the kids could ride down to the school playground and not worry about trucks coming in and out. There's no shoulder there.

Mr. Antis: Do you know the width?

Mr. Robinson: Not off the top of my head.

Mr. Antis: Does it comply?

Mr. Antis: Don't know.

Mr. Bouchard: Can we get the actual growth rate? The traffic study assumed 2%.

Mr. Mitchell: That's not the study done for this project. It is a later study I showed you to demonstrate that this one was taken into consideration when they approved the other.

Mr. Bouchard: But if we've experienced 4% and not 2%, that's something worth knowing.

Mr. Sporrer: What growth rate?

Mr. Martin: Of traffic volume. It can be affected by other communities, they look at the volume on the roads, not something as simple as population.

Mr. Bouchard: Can we get it from DOT?

Mr. Martin: It's a local road. They don't count that. And they don't do it as frequently as they used to. You can suggest an update, they are not that expensive.

Mr. Antis: Does the County do it?

Mr. Martin: Very rarely.

Mr. Robinson: There's counts done when they generate the studies.

Mr. Martin: They will look at the other counts done for nearby projects, too.

Mr. Bouchard: The 2014 report used 2007 numbers?

Mr. Mitchell: The 2014 report used 2014 numbers and the information that an approved 240 building project was located there.

Mr. Antis: I'm still concerned about what Mr. Leonelli didn't do.

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Mr. Zimmerman: We want to check this growth rate.

Chairman Jensen: Do you want to revisit this study?

Mr. Zimmerman: It's the only way.

Mr. Paska: It would be appropriate.

Mr. Mitchell: Still using Jacobs, Edwards and Kelcey? Can we ask them to review it, rather than do another full-blown study? Can we ask for recommendations?

Mr. Antis: Please mention Van Buren Street.

Mr. Frederick: Thank you for that. In the past, there have been certain groups of neighbors that have gotten their own done, what would the time frame be for that?

Chairman Jensen: I don't know if this applicant will be able to complete this in time for our next meeting, so I can't answer that definitely. They will do everything they can to be at next month's meeting, but I don't know for sure that they will.

Chairman Jensen: We are going to review the April minutes for a determination. The applicant and the Town traffic engineer will review the situation to make new recommendations

Atty. Dilallo-Bitter: What's the purpose of reviewing April minutes? You need to look at the actual 2007 approval to see if there were some conditions placed.

Chairman Jensen: Correct.

Mr. Antis motioned to table the Leonelli/Schermerhorn Apartments Site Plan revision and Mr. Paska seconded. Mr. Zimmerman had the April minutes and asked again what the Board is looking for on them.

Mr. Antis: Mr. Leonelli didn't complete contingencies. I want to know how that affects this.

Chairman Jensen: We are going to ask the Zoning Administrator to look up 2007. Not check the April minutes. To the motion, no roll call vote but all in favor, no abstentions.

**#4 Cerrone Builders
Old Bend and Paris Roads
Final Review**

Chairman Jensen stated that a blunder was made last month. We overlooked some measurements and told the applicant he was under width. We lost 8 feet, and if you add those missed dimensions, that were placed there because of a slight change in direction together, he meets.

Mr. Antis: But it was square footage.

Chairman Jensen: The square footage was fine. We don't tell him what he can do. If it's undersized for two-family, and he asks for one, it's a burden on the zoning administration, or building official to make sure that a building permit is still meeting the requirements for the zone that it's in.

We have a method to not harm the applicant. They lost a month because of our mistake. We have the authority to, with justifiable reasoning, waive certain requirements. On a subdivision of this size, a final approval and preliminary approval are not supposed to be at the same meeting. Last month the hurdle was the extra eight feet we didn't catch. If you desire, you can, if everything else is done correctly, you can

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waive the separation requirement and take up final approval so that we don't look like we've caused him harm.

Atty. Mike O'Connor and Mr. Cerrone were present: We were about ready for preliminary approval and then Lot 6 was suddenly too small. It's in SEQR that they are single family homes and we have the square feet we need for that. The other comment, somebody challenged the length of the frontage on lot 4, and he read only the 166.90 and ignored 8.01. The engineer who was here was a substitute and he got blindsided. I should have asked for more proof. The other comment we did address was Mr. Antis or someone asked for a note that said there would be no adjustment of sloping. In an early discussion, there was a request by the Board to put a swale on Butler Road along the back side of lot 1, so that is affected by the developer.

Mr. Martin: Is that note about changes new?

Atty. O'Connor: That's in our statute. I'm talking about the one that says no disturbance except as herein provided, and we took that off and put it just on Lot 1.

Mr. Martin: I had an earlier plan that didn't have that.

Mr. Bouchard: Last month it did.

Mr. Antis: It was brought to my attention, the Town is going to put some type of drainage along Old Bend Road and we might have that done by an engineer.

Chairman Jensen: The Town's going to do it?

Mr. Cerrone: The Town.

Chairman Jensen: We can't tell the Town to do anything.

Mr. Martin: The grass swale with the check dam, that's going to be done by the Town?

Mr. Cerrone: Yes.

Mr. Robinson: I think Tom Nace said there as 8 acres of disturbance, so I would need to see a SWPPP.

Atty. O'Connor: That's the total area, I don't think there's that much disturbance.

Mr. Martin: I don't think so.

Atty. O'Connor: I have to defer to Tom Center.

Mr. Robinson: Put in the plan, where it is and a number how much it is, if it's less than 5, it's a limited SWPPP.

Atty. O'Connor: Didn't he do that? In here he says 8.15 acres. So we'll do a SWPPP.

Mr. Martin: Must be the septic systems.

Atty. Dilallo-Bitter: What was the determination about the clear cut and the waiver?

Chairman Jensen: Doesn't need a waiver.

Atty. O'Connor: There was discussion, I don't know if there was a resolution.

Mr. Antis: I'm not prepared to make a resolution because I haven't gotten answers to my questions.

Atty. Dilallo-Bitter: I think the Zoning Administrator can make that determination for you.

Atty. O'Connor: I sent documentation to your office indicating that this was done for forestry reasons and not by my client. It doesn't use the same guidelines for measurement as the Town, but Finch did not consider it a clear cut, they called it a shelter cut. DEC and APA wouldn't call it a clear cut either based on

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the timber left. It was not a clear cut. The Board moved on. Even if it were a clear cut, we would still be able to get a waiver because it was less than 50%, as they left a border untouched.

Mr. Bouchard: Would that be considered part of the cut?

Atty. O'Connor: It's total parcel area I think.

Mr. Bouchard: It's vaguely written but I think it's the area actually cut not the whole parcel.

Atty. O'Connor: Does it impact health welfare safety of the Town? No. I can't control Mr. Antis' argument with the Assessor, either, and she does not want to discuss it any further as she states she has collected what was owed.

Chairman Jensen: Recommendation?

Atty. Dilallo-Bitter: Your options are to ask the Zoning Administrator to determine if it was clearcut. Or you could, if you think it was clear cut, issue a waiver to the application, you do have that power under subdivision regulations. 129-42, Waivers.

Atty. O'Connor: It says that "due to special circumstances...may waive such requirements subject to appropriate conditions."

Atty. Dilallo-Bitter: Issuing a waiver would not be inappropriate.

Mrs. Riggi: Motion to issue a waiver regarding the cutting of the trees based on the clear-cut provision of 124-21b which states a parcel can't be subdivided, etc. The waiver being issued in reference to the support from May 16th letter where Atty. O'Connor outlines the special circumstances of the application.

Second: None.

Motion dies.

Mr. Zimmerman: Can we hear Jim's thoughts?

Mr. Martin: Can I see the letter? (After a long pause to review)... I don't see where it's possible for anyone to determine conclusively that a certain number of trees at a certain length above ground level and a certain diameter were cut...you can't. Also I don't see how it's relevant. 60% has not been harvested. There's no way to say any of this conclusively.

Mr. Antis: That's why they were supposed to tell the Town what they were going to cut.

Mr. Martin: I would consider that Resolution. 60% was not cut. I don't understand why this regulation is there. It penalizes a land owner, and it leaves a blight to exist. I don't get it. I can't give you a determination. I can only advise you should reconsider the waiver. Unless you want to be punitive to an applicant. I don't understand the point.

Mrs. Riggi motioned to issue a waiver regarding the cutting of the trees based on the clear-cut provision of 124-21b which states a parcel can't be subdivided, etc. The waiver being issued in reference to the support from May 16th letter where Atty. O'Connor outlines the special circumstances of the application.

Mr. Paska seconded. A roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Abs; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries 5-0-1.

Mrs. Riggi: Motion to grant preliminary site plan approval to Cerrone Subdivision on Old Bend & Paris Roads.

A meeting of the Town of Moreau Planning Board was held on July 18, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Atty. Dilallo-Bitter: Wasn't the SEQR conditional? You'd have to do something to make approval conditional.

Mr. Martin: There's a note on the plan, it stays in abeyance until the issue has been cleared up with SHiPO, or if they determine it is something of historic significance, then they never build it.

Atty. Dilallo-Bitter: OK.

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

Motion to waive the requirement for separation between preliminary and final approvals, for Cerrone Old Bend/Paris Roads Subdivision, in order to correct a delay created by an error made by the Board that delayed the application last month, was made by Mr. Zimmerman and Seconded by Mrs. Riggi.

Mr. Bouchard: Was this advertised correctly for that?

Chairman Jensen: We had already closed the public hearing previously, so there wasn't any legal notice given or required for this meeting.

Mr. Bouchard: Ok.

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

Mrs. Riggi: Motion to grant final approval for Cerrone Subdivision on Old Bend Road pending the completion of the SWPPP if necessary and review of that by Mr. Robinson.

Mr Bouchard: Second.

Mr. Zimmerman: 5 & 6 are held in abeyance?

Chairman Jensen: Yes

Mr. Bouchard: Do they need to revisit when it is settled?

Chairman Jensen: The condition is that in the event that SHiPo says it has something, those lots will be precluded from structures being built on them.

Atty. O'Connor: My understanding is we'd have to submit a letter from Shipo that they are satisfied, and then we can build, if we can't get that, we can't build.

Chairman Jensen: Correct.

Mr. Bouchard: If they get okayed don't we have to go back to include them?

Atty. Dilallo-Bitter: If you amended SEQR to exclude them you would need a new approval. A notation on the plan can be amended.

Chairman Jensen: We made a notation on the plan because it could take 6 months to a year.

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

Mrs. Riggi motioned that the Chairman and one other member sign the mylars when they become available. Mr. Paska seconded and the under discussion, Mr. Antis asked whether a note could be added to the plans to guarantee that these be all one-family dwellings. The Chairman told him that the lot size limitations that apply are contained in the Zoning law.

A meeting of the Town of Moreau Planning Board was held on July 18, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Antis: There's lots with two family homes in Town.

Chairman Jensen: Yes.

To the motion, unanimous. No abstentions, no roll call.

#5 SRH/TJM
Winterberry Woods Subdivision
Revised Plan

Mr. Mitchell: On this subdivision there would be 77 lots permitted, we got 60 new lots approved in 2010, with the one existing lot. We anticipated connections to water & sewer which didn't happen, so we are back with a modified plan, an on-site wastewater disposal system. We plan the same road, the same water supply layout and stormwater plans, which DEC said that we didn't have to change.

Now we want to get 57 new lots with the 1 existing. To accommodate septic systems we moved some lot lines. Other than that layout is the same. Showed new lines on an overlay.

Mr. Paska: What's that alleyway?

Mr. Mitchell: That was there before. We were trying to have some open space for a cluster development, but it also is a natural, existing stormwater space. Atty. O'Hara thought last month that we didn't need a new SEQR since minimal changes, just reaffirm.

Mr. Antis: You said it wasn't a cluster anymore?

Mr. Mitchell: No, it still is.

Mr. Antis: Soil conditions?

Mr. Mitchell: Sandy. We will go through DOH review and approval with test pits and a Town representative.

Mr. Paska: Where is that on Bluebird Road?

Mr. Mitchell demonstrated on the projection.

Mr. Bouchard: When a lot is divided by a zoning boundary, which controls?

Chairman Jensen: Each part is controlled by wherever it's in.

Mr. Mitchell: We looked at proportionally what we would be allowed in each space, and then this is a cluster.

Mr. Bouchard: It cuts through lots at the bottom of the subdivision.

Mr. Mitchell: Sheet 3.

Mr. Robinson: Have you talked to the Health Dept about 49-lot rule?

Mr. Mitchell: Not yet, we need to. This is in regard to septic systems. One subdivision is limited to 49 lots without waivers. So we have a process to go through for a waiver.

Mrs. Riggi: Minimum lot size to have septic?

Mr. Mitchell: Zoning allows different for septic and wells vs. septic and water, and that's why we reduced the number of lots. We left space for a pool, etc., too.

A meeting of the Town of Moreau Planning Board was held on July 18, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Chairman Jensen: We've had a subdivision that was similar to this and scrunched down size of lots and DOH came back and said it had to get bigger. They do look at it.

Mrs. Riggi: Will you build these and place their septic?

Mr. Mitchell: After this Board we will go to DOH, they will look at water and soil, etc. We will put together standard design details, and each will have an individual design done on it. DOH will not get that detailed, but the building permit plans/applications they do.

Mrs. Riggi: We have issues in our subdivision, where things are too close because someone wasn't watching.

Mr. Mitchell: In this case, it helps that we are on water.

Mr. Zimmerman: Is this going to be phased?

Mr. Mitchell: No, single phase.

Mr. Martin: R-1 above and R-2 below that line? Are they single families?

Mr. Mitchell: Yes.

Mr. Martin: So, 30, 31 & 32 are 16,200-16,837. If they are mostly R-2, min size is 15000 with public water for single families.

Mr. Mitchell: Yes, but we have Cluster done.

Mr. Martin: Ok, that answers my question.

Mr. Mitchell: Public hearing is at your discretion.

Chairman Jensen: Is it your opinion that the changes are insignificant, do you want to give him carte blanche? Do you want another public hearing?

Mr. Antis: I remember discussion of sight lines in Fort Edward Road. That was dealt with. Does the community need to know about the changes in sewer?

Mr. Zimmerman: Are these basement or slab?

Mr. Mitchell: Intention is basement.

Mr. Zimmerman: What about the plume? And how we might want to take that into consideration?

Mr. Mitchell: From mapping I've seen the plume spares this area. And we are not getting wells in there anyway.

Mr. Robinson: Are there monitoring wells in there?

Mr. Mitchell: No, in the mobile home park to the west. And concentrations were low enough.

Mr. Robinson: We did look at that last time around.

Mr. Bouchard: I think it's reduced the impact from what was originally approved.

Motion to waive the public hearing was made by Mr. Paska and seconded by Mrs. Riggi. Motion carried unanimously no roll call vote.

Chairman Jensen: Is it appropriate to re-affirm a negative declaration on SEQR?

Mr. Mitchell: In your reaffirmation, if you would recognize the reduced number of lots .

Mr. Bouchard: Motion to reaffirm the negative declaration regarding SEQR for Winterberry Woods, due to the reduced number of lots and moving to on-site septic instead of a public sewer. Mrs. Riggi

A meeting of the Town of Moreau Planning Board was held on July 18, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

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

Motion made by Mrs. Riggi to grant preliminary approval for Winterberry Woods Subdivision and seconded by Mr. Antis. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, No; Chairman Jensen, Yes. Motion carries 6-1.

Motion to waive separation between preliminary and final approvals was made by Mrs. Riggi and seconded by Mr. Antis.

Mr. Zimmerman: What is the rationale for skipping this separation?

Chairman Jensen: We are only looking at a minor decrease in size.

Atty. Dilallo-Bitter: And subdivision revisions don't have specific procedure in the Code.

Mr. Bouchard: We've waived the public hearing and folks couldn't comment.

Chairman Jensen: We could and likely would take comment if someone came in, but are not obligated.

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

Motion to grant final subdivision re-approval to minor revisions of Winterberry Woods Subdivision made by Mrs. Riggi and seconded by Mr. Bouchard. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries 6-0.

Motion that the Chair and one other member sign the mylars when they are presented for Winterberry Woods subdivision was made by Linda Riggi and seconded by Mr. Antis. Mr. Mitchell: There's usually paperwork to file when a SEQR is completed. In the past the minutes were enough but now they want paperwork. What will happen now that you have reaffirmed SEQR?

Atty. Dilallo-Bitter: This was a type 1 action filed with an agency. It was filed in 2010. So if we need to refile it, we can, based on what was done tonight.

Mr. Mitchell: So talk to Kathy(Perez)?

Atty. Dilallo-Bitter: Right.

#6 Stewart Bovee Developers, LLC

Final Review

3 lot subdivision. No public comment.

Mr. Robinson: I witnessed test pits and perc tests and the date is probably in his plan. Soils are good there. One was a bit fast.

Mr. Bovee pointed out those results. Map has changed a little, parking lot moved.

We put a name on it. Route 9 Professional Campus. We put the one acre zoning and minimum lot size on the plan and cleaned up the lines on the north corner Mr. Arnold was concerned about where the parking lot was over. The perc test locations had to be added.

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Mr. Antis: How about the storage tent that's just touching the line. Did you ask him to take it off?

Mr. Bovee: I didn't approach him yet, it's a half a foot.

Mr. Bouchard: I like the update to lot 2.

Mr. Martin: You could do that with all of them, it's nice.

Mr. Bovee: The new owner can.

Mr. Antis: Adjacent property owners were notified?

Mr. Martin: Yes.

Chairman Jensen: Garry you asked for something, was it the test pit info?

Mr. Robinson: Yes and I did and it's on there. Just like the previous site, an actual plan on a site will trigger new specific tests. This looks fine.

The Board reviewed SEQR but there were still no letters from DEC or ShiPO.

Atty. Dilallo-Bitter: He can pull it up on the EAF mapper, if it is an area of interest he can get a letter.

Chairman Jensen: We can't proceed.

Atty. Dilallo-Bitter: Right, you need those.

Mr. Martin: If you have trouble, come in and I can help you.

Mr. Bovee: I appreciate that.

Chairman Jensen reviewed all the rest of SEQR Part 1 and 2, but did not act on it. 12b & 15 are incomplete.

Mr. Bouchard motioned to table the public hearing for Stewart Bovee and Mrs. Riggi seconded.

Mr. Zimmerman: We had a conversation about a public hearing and we never set tonight as a public hearing.

Chairman Jensen: We did. I get copies of all the notifications and it's here.

Mr. Antis: Was it advertised? because nobody came.

Mr. Martin: Yes. Kathy wouldn't have had it on the agenda otherwise.

Motion to adjourn was made at 10:16pm by Mr. Zimmerman and seconded by Mr. Antis. All in favor.
Motion carried.

Respectfully Submitted,

Tricia S. Andrews