

A meeting of the Town of Moreau Planning Board was held on March 20, 2017 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Ron Zimmerman	Chairman
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Myron Shaver	Planning Board Member
G. Peter Jensen	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Planning Board Secretary
Planning Board Members absent: Jerry Bouchard

Mr. Zimmerman welcomed Myron “Mike” Shaver, new Planning Board member. The Board reviewed the minutes of the February 20, 2017 meeting and made the following corrections: p. 2002, bottom 7th line up ‘drill test’ should be ‘draw test’, 11 lines up on p. 2203 subdivided for connection, there’s an extra “and”. P. 2009, 3 lines from the bottom, the tally should be 5-0-2 with 2 abstentions.

Mr. Bergman motioned to accept the minutes of the Feb. 27, 2017 meeting with those corrections and Mr. Antis seconded. Motion passed unanimously with no roll call but one abstention.

**#1 Congdon, Gardner
Public Hearing
Final Subdivision Review**

Mr. Zimmerman recused himself as an adjacent property owner.

Mr. Arnold led this review by opening the public hearing at 7:04pm.

Mr. Congdon stated that he tried very hard to meet all the requirements and this is the 4th trip, having spent a considerable amount of money on what should be a simple process. He would like to know where either verbally or in the paperwork there is guidance about the posted map he was supposed to have put up. He has checked other one-lot breakouts and he’s never seen it posted in the past.

Mr. Congdon contended that due to extraneous comments by Mr. Arnold about possible dirty fill the prospective purchaser has dropped out of the deal. He doesn’t really mind that because he wasn’t that interested in selling the lot, but Mr. Congdon is still angry about the comments that the fill was inappropriate, and feels it was unnecessary to mention that at review, and was costly to him. But he would still like to know how he was supposed to know about the sign.

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Mr. Jensen explained that he had not seen the packet Mr. Congdon received, but it is supposed to be and always has been included in the packets. The wording is in the Code and it is in what is handed out. Mr. Congdon asked whether everyone is treated the same, and Mr. Arnold said that if someone had a public hearing that wasn't posted, it was only because the Board didn't know that it was omitted. Mr. Congdon said was told by Jim (Mr. Martin) this would be simple and it hasn't been. Mr. Arnold told him that it is in the Code. This requirement pertains to all subdivisions. Mr. Congdon continued to insist that he wasn't told about the requirement. Mr. Arnold explained that the Board wanted to approve this last month but we forced not to at the last minute by the lack of public notice. But since then, having been declined last month, has Mr. Congdon put the notice up?

Mr. Martin had located the requirement in the Code at Section 124-10 paragraph D, which reads that a sign of certain dimensions much be posted 10 days prior with a legend, etc. on each street bordered by the affected land.

Mr. Congdon asked why wasn't he told that or did anyone tell Ms. Darrah?

Mr. Martin stated that he didn't specifically tell anyone that a sign was required because Ms. Darrah has been through this process in the Town recently and he thought she knew the requirements.

Mr. Arnold: Did you tell her to put it in the Post-Star?

Mr. Martin: No, we do that. We place that ad.

Mr. Antis: Did she get a packet like everyone else?

Mr. Martin: Yes, she got a packet and the signs are available in the office. I am not aware whether that's in there specifically.

Mr. Jensen: I have seen it in other people's packets, Mr. Greenwood's for example included it when he brought his to us, I think it's in there.

Mr. Congdon asked Mr. Martin to re-read the verbiage he had read.

Mr. Congdon: I had a 5-acre split recently, Mr. Smith's, that I never saw a sign on.

Mr. Antis: That parcel wasn't subject to review at the Planning Board. The signs are to let the public know it is being reviewed and not all subdivisions come to us for review.

Mr. Arnold: 1989 this law went into effect. You can't keep dividing off 1 lot after 1 lot. You triggered the review by asking to subdivide again within 7 years.

Mr. Congdon: The other lot of Mr. Smith is relevant.

Mr. Arnold: We were going to approve it, it's just not notified.

Mr. Congdon: I am agreeing it should be posted. But the way this thing developed, it should have been brought to my attention. Someone should have told me so I didn't have to come three times and pay.

Mr. Arnold: We said it last month.

Mr. Congdon: That was after three.

Mr. Arnold: But you still didn't put a sign on the property for this month.

Mr. Congdon: Correct.

Mr. Arnold: So you didn't think you needed it. You could have come to the Town, they would have clarified it for you and you could have put one up.

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Mr. Congdon: I was told it was cancelled due to lack of a sign.

Mr. Arnold: We were ready to finalize this.

Mr. Congdon: Where do we stand now?

Mr. Arnold: You don't have proper signage.

Mr. Congdon: What are you going to tell people about the dirty fill?

Mr. Arnold: I am not the only one who brought up either the quality of the fill or the high water table. Members of the public brought both things up at public hearings. Attributing it only to me was rude.

Mr. Congdon: I filled it 20 years ago with clean fill from across the street.

Mr. Arnold: That's fine. My question was asked and answered 2 meetings ago. I have no further concerns.

Mr. Congdon: It has never been brought up before for a subdivision.

Mr. Arnold: Yes it was. Mr. Martin sent it to us because of that.

Mr. Congdon: That's why I am here, I am sick and tired of people complaining about the fill I used.

Mr. Arnold: This is not personal. It's my job to ask questions.

Mr. Congdon: You asked inappropriate questions.

Mr. Arnold: We asked, you answered, we fixed it. You brought it up when I had dropped it.

Mr. Arnold closed the public hearing at 7:27 pm and asked for a motion to table Mr. Congdon's subdivision on Selfridge Road due to lack of public notice. Mr. Bergman made the motion and Mr. Jensen seconded.

Mr. Shaver: I don't understand, what's the public hearing for?

Mr. Arnold: It's for a one-lot subdivision, and in order to do that, there's notification including a sign on the site for ten days required and it wasn't there last month so we tabled it, and there's not one now, so we still can't have the public hearing.

Mr. Shaver: So the rest is irrelevant to the public hearing?

Mr. Arnold: We can't have a public hearing because there was no sign.

Mr. Antis: I would like to clarify that it's a 2-lot subdivision when one is separated from the remainder.

Mr. Arnold: Yes, that's right. The public hearing is tabled until further notice. As long as it is properly noticed, we will do it next month.

Mr. Antis: Who pays the cost of the ads in the paper each month?

Mr. Martin: The Town.

To the motion, roll call vote resulted as follows: Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Abstain. Motion carries 5-0-1.

#2 Vittengl, Donald
Top Notch Self-Storage
Site Plan Review

A meeting of the Town of Moreau Planning Board was held on March 20, 2017 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Vittengl wants to add one building along Route 32. He got a Setback Variance from Zoning last month. The existing berm remains as-is, proposing to add a storage building, 25' x 210', same as the rest in color, materials, lights, etc. 1-2 visits per day increase in traffic, no reduction in parking but will add 2 drywells. It will make a buffer and there will be no doors on the side facing the road, only the access drive. The distance is 10-15 ft. to the berm, with a little swail for runoff from the roof.

Mr. Zimmerman: What is that area between the building and the berm?

Mr. Vittengl: It's grass.

Mr. Martin: The business had a Variance application in 2008, and the current application was approved by the Zoning Board because before, they asked to do the whole length of the building next to it, and this one is a substantive change from that application.

Mr. Zimmerman: How has the 21 ft. lane worked out for you?

Mr. Vittengl: It's good.

Mr. Zimmerman: The ones there now have doors on both sides, are these going to be smaller?

Mr. Vittengl: I haven't decided; you can do an interior hallway with 5' x 10's, which are in demand.

Mr. Martin: But the outside remains the same?

Mr. Vittengl: Yes.

Mr. Shaver: There's no room for a fire truck in there.

Mr. Vittengl: They can drive across the grass on the back side. There are 10-15 ft. between there and the road.

Mr. Shaver: It's not enough for an apparatus. One small door and they can't get to the back?

Mr. Vittengl: I can show you a schematic once we decide, but it's 10 feet in and makes a right, there will be 5-10 doors on a hallway. There is always potential for fire, but flammable items are not allowed by contract.

Mr. Shaver: I don't know how much jurisdiction we have over that.

Mr. Zimmerman: We can ask for peer review from Fire.

Mr. Shaver: I am a member of the Fire Dept.

Mr. Arnold: It's a single story, 25 ft wide. What's the concern?

Mr. Shaver: I am looking for enough width to get a piece of apparatus in there.

Mr. Vittengl: I can sculpt the inside of the berm a little to make room.

Mr. Antis: It's not a home or residential facility.

Mr. Vittengl: No one lived there, a fire might be allowed to go.

Mr. Arnold: What's our percent site coverage?

Mr. Vittengl: We have 3.25 acres and we are adding 2,000 sq ft, currently at 35,000 with be 37,000.

Mr. Arnold: How far does the pavement go on the South?

Mr. Vittengl: Just enough to support a turn radius. I just want the drywells because of the rain when the ground is frozen.

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Mr. Martin: Laberge has been retained as consulting engineer, do you want them to review the SWPPP and drainage plan?

Mr. Zimmerman: I think that would be a good idea. Let's refer to Fire and Laberge as well as the County.

Mr. Arnold: What's there now?

Mr. Vittengl: Gravel. I am not allowed to have outdoor storage.

Mr. Martin: Some engineers think of gravel as impervious once it becomes impacted.

Mr. Arnold: So if it was already impervious, this doesn't add impervious area.

Mr. Vittengl: This area is pitched to slope away. DA Collins will put in drywells, pavement will be cut away.

Mr. Martin: But the area is paved right now.

Mr. Vittengl: Partially. 5 ft. of 25 ft., the rest is gravel.

Mr. Zimmerman: How long ago did we review this?

Mr. Arnold: 2009. This is dated in 2004.

Mr. Antis: When were they built?

Mr. Vittengl: Thirteen years. 2004.

Mr. Zimmerman: What's our next step with regard to SEQR?

Mr. Martin: It's unlisted, not necessary to refer it or declare lead agency, you can take it up now or wait. No other involved agencies.

Chairman Jensen: I don't think we would be doing ourselves or the public any favors to take it up without all the information.

Mr. Martin: I believe we are trying to set this up with Laberge that when a referral is made, the applicant sets up an escrow account for that work. No cost is incurred until you see it and approve of the scope. Consensus is to get review?

Mr. Zimmerman: Motion?

Mr. Martin: This is on the borderline, as I perceive it, of what you want a public hearing for. Do you want one?

Chairman Jensen: Since we are delaying for SEQR next month, we would not hurt him. We have time to invite the public.

Mr. Arnold: I definitely want a public hearing. What are we asking the engineer to look at? The whole thing, or just the change?

Mr. Bergman motioned to schedule a public hearing for Top Notch Self Storage for April 17th at 7:01pm with referrals to Engineering, Fire, and Saratoga County. Board would like to see the lighting fixture placement on the plans. Mr. Vittengl was asked to get a spec or cut sheet for the lights.

Mr. Vittengl repeated that he didn't think Fire was going to be a big deal, but Mr. Jensen clarified that people don't always follow the rules regarding what they can store.

The Short Form Part 1 is in the packet but the Board didn't receive copies.

Mr. Arnold seconded the motion and the motion passed unanimously with no roll call vote.

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The member of the public present was here to see if the water test in the Greenwood subdivision had passed and was given a copy of the report to look at. Mr. Martin told her the Board had just received it and had not looked at it.

Archaeology is still outstanding.

Motion to adjourn was made at 8:00 pm by Mr. Antis and seconded by Mr. Shaver. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews