

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

Present:

Ron Zimmerman	Chair
Jerry Bouchard	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary
Planning Board Members Absent: Erik Bergman, Planning Board Member

The Board reviewed the minutes of the September meeting and made the following corrections: p.2044 about #1 unanimously misspelled. P. 2048 2nd line delineate is a better word. P.2046 top line Mr. Antis; was that a placeholder. Motion to accept the minutes of the September meeting as amended was made by Mr. Antis and seconded by Mr. Bouchard. Motioned passed unanimously with no abstentions. The Board reviewed the minutes of the October 16 Joint meeting with the Zoning Board. On p. 2051 “easier to see on the map” was amended to refer to “the map included in the plan.” Motion was made by Mr. Antis and seconded by Mr. Jensen to accept the revised minutes of the Joint Meeting. Motion carries, all in favor with no abstentions. The Board reviewed the Public Hearing minutes, p. 2054 5 lines up inflow to residential areas should be “infill” p. 2057 8 lines down regarding the Tee-bird gold course, the ‘he’ who wondered if it was in the Ag district, was Mr. Gutheil. P. 2054 2nd up Mike Linehan’s statement was that he was running for Supervisor and would be closely reviewing the plan. Motion to accept the minutes of the public hearing as amended was made by Mr. Antis and seconded by Mr. Bouchard, all in favor, motion carried with no abstentions. The Board reviewed the minutes of the regular October meeting. On p. 2059 Comments back “have not been deceived” should be received. On p. 2065 regarding the heliport they have been using Hillman’s not Hellman’s. On p.2066, bottom Mr. Bouchard’s comment “I have never heard one of these before,” refers to a helipad request. Motion was made by Mr. Antis and seconded by Mr. Bouchard to accept the minutes of the October meeting as amended. All in favor, motion carried with no roll call.

**#1 McKenna, Shawn
Route 32
Public Hearing
Final Review**

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

Mr. McKenna has asked for preliminary and final review at this meeting. At the last meeting, there was some discussion about getting rid of the proposed hydrant and about how to share a driveway and add back the 4th lot into the proposed subdivision.

Jessie Fish of the Water Dept. just met with Mr. Martin tonight and he wants 4 curb boxes positioned at Gansevoort Road with individual lines running off each to serve each house. That's his preference. There is some discussion about where to position those. The four could be consolidated on the frontage of 2-4, which would require an easement for line 1. The Town sets up the curb stop and the developer runs the line to the house.

If Lot 1 water comes through its own frontage, there will have to be 10 ft. separation between that and the leach field for the septic which is shown on the map, which might be tight. None of this is shown on the current map. The water lines all have to be separate. Mr. Smith told Mr. Martin that they could not be in the same trench, but Mr. McKenna thought he could do a central trench, so Mr. Martin said that they could make it conditional on the Water Dept. approval to be sure. Mr. Smith also wasn't sure whether there was a hydrant close by and the Board said that there is one near Alder Lane, and the standard is 800 ft., so that's acceptable. Mr. Shaver asked about gravel vs. blacktop and it is currently gravel, but Mr. McKenna suspects it may become blacktop.

Mr. Antis brought up a concern that the three lots being linked to the one driveway (not meeting the requirement that they use their frontage for access) hasn't been waived yet. He feels that needs to be addressed before the Board goes to public hearing.

Mr. Arnold motioned to waive the requirement that each lot in this situation use its own frontage for access to the public highway for ingress and egress, due to concerns about public safety, and instead that they use a shared driveway which will have an easement recorded on the deed for each property to document it. Mr. Bouchard seconded. Under discussion, Mr. Antis wanted it noted that he doesn't care for the way the driveway is situated for Lot 1. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, No; Mr. Arnold, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. Motion carries 5-1.

Mr. Jensen noted for the record that he has done business with Mr. McKenna and that it is not relevant to this issue. The public hearing was opened at 7:27 pm.

Mrs. Robyn Melton of 26 Sage Lane, Moreau has seen surveying tape across the property. She lives in Woodscape and they were told that there was open space beyond her property. She wanted to know if her HOA was notified, Mr. Martin said that if they are within 500 ft. they would have been notified, and there was also a public notice. She asked what does it mean that they "front on" Route 32 and the Board members explained that Route 32 is where their access to a road is. Mr. Arnold asked Mr. McKenna to show her the map and he did so.

Steve New of 461 Gansevoort Road, pointed out that it's wet there, and asked what about runoff, he sees Mr. McKenna has it raised up with sand.

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Mr. McKenna said that the SWPPP has been sent to the Town's engineer and Mr. New was told that the plan will not move forward until the Town's engineer has seen and approved of plans to handle stormwater.

Mrs. Melton was concerned that the runoff in a heavy rain will flood her yard. Mr. Antis said that if the plan is correct, the whole idea is that water stays on the property. She asked what types of homes are planned and Mr. McKenna said that they are single family and about 1500 sq. ft. with 2 car garage, but built to order.

Mr. Zimmerman pointed out that the Board can't say anything about the type of house, etc.

Mr. Arnold said that since the HOA owns land right next door, they would have gotten the notice, and it would have gone to the P.O. Box. She asked if it was a done deal, because although the public is asked to comment it seems everyone is assuming it is going in. Her house looks back at the green house and there were some trees taken down for access this summer. Mr. Antis explained that the 4 lots were combined for safety and to make the plan better. She asked how the process works and Mr. Zimmerman said that this is preliminary hearing and that comments, engineers' reports, SEQR, etc will be looked at and the plan will go to final review. The shared driveway going in is on the other side of the former Griffin Road.

Mrs. Seaman, 28 Sage Lane, Mrs. Melton's next door neighbor was also present and said that it sounded like they could voice whether they want it there or not, but now it sounds like they can't do that. She thought she had moved into a place with a wooded lot, and she didn't anticipate having additional houses back there, it's not what she wanted. Both women expressed concern about property values. Mr. Zimmerman explained that unfortunately, there's no way to say that a piece of property will not be developed unless the HOA owned it. There is a strip of HOA owned property back there. They could ask the HOA for enhancements.

Mr. Antis asked whether there was an advertisement posted, and Mrs. Melton said no, Mr. McKenna agreed he had not posted a sign, so the public hearing could not be closed tonight. The application could not be approved tonight anyway because of engineer's reports that have not been received. So this will have to be tabled. The signage requirement can't be waived. Mr. Antis motioned to table the public hearing for McKenna Subdivision on Gansevoort Road and Mr. Shaver seconded. Under discussion, Mr. Arnold wanted to the Board to be sure to get all the comments. Mrs. Melton asked whether she can get a copy of the plans to show her husband, and was directed to talk to the building department. They can be viewed, a personal copy would cost.

To the motion, roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. Motion carries 6-0. DEC was fine with Lead Agency, County wrote back no issues, DOT had responded, the driveway permit process is conditioned upon the Site Plan Review. Permit is essentially in place. SHIPO Endangered species report is needed for SEQR. Nothing comes up on the mapper. The letter from Keith Dickinson about Emergency Services is undated. Mr. Martin reviewed the old list of issues that needed to be addressed and archaeology was the primary issue. Lead agency status needs to be accepted.

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Mr. Arnold asked for perc tests and Mr. McKenna said that they were on the septic design for Lot 1. They have not been done on all the lots yet. He can't clear yet. Mr. Arnold asked how do you do a storm water plan without perc tests? Mr. McKenna thinks his engineer must have done them. The building department or an engineer is supposed to be there for the tests and Mr. Arnold can't find the map, so Mr. McKenna will look that information up and give it to Mr. Martin so he can forward it.

Mr. Bouchard wondered if there is a statement from an engineer that the driveway will hold up to the required spec. Mr. McKenna thought that since he asked the engineer to design it that way, it was safe to assume that it was up to spec. Mr. Bouchard asked that some kind of letter or statement or stamp to be included to state that it is good for a 50,000 lb vehicle, and an associated cross-section detail. It does not have to be paved but there has to be record that it is up to design standard. Pavement is not required but Mr. McKenna says he may do it.

Mr. McKenna expressed some frustration about having to have that attestation made and Mr. Zimmerman reminded him that the Board has been trying very hard to get things done.

Mr. Martin asked where the engineers were and Mr. McKenna stated that he has been charged for the work, but not gotten any written statements. They have verbally told him and his engineer that things are okay.

Motion was made by Mr. Jensen to accept Lead Agency status for the McKenna Subdivision, Mr. Arnold seconded and motion passed unanimously with no roll call vote.

Documentation will have to be received by Dec 4 for the 18th. This includes the Stormwater engineer letter, a DEC Letter, perc tests for lots 1, 2, 3, 4, all on one plat, wherever a septic bed is shown. Mr. Jensen said those are done when a building permit is requested, so not that, just for the SWPPP. It was done through the driveway and split. Mr. Arnold still wonders how a stormwater plan was written without test holes, so they may have been done, but they are not on the plans. The Board also needs the engineer's confirmation that the driveway holds weight. A sign will need to be placed out front for a public hearing. SHIPO report is needed. The 4 curb stops design should be on the plat for water. A letter will be required from the water department but it won't be issued until the information is shown on the plan.

**#2 ARK Development
Butler Road
Sketch Plan Review**

For the record, this property abuts Mr. Antis'.

Ethan Hall, Rucinsky Hall presenting and Bill and Martha Dickinson, owners. This is on Butler Road. To the West is National Grid and Galusha property, 14.63 acres, 4 lots previously carved out. A U-shaped road wrapping around and back to Butler Road would create 13 lots. Two more lots would have driveways on Butler Road. Well locations and septic shown, limits of clearing shown, 30 ft no-cut buffer between the subdivision and the 4 existing houses, and between these new and LeDuc. Aerials shown. Three test

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pits were done with DOH, there is a roadway there from old logging. It's fairly clean. Test pits results were good, soils won't be amended. Lot #2 and #11 are test well locations for draw tests. They were easy to access. They have a letter from DEC, they have started SHIPO and archaeology, there are no DEC wetlands, no Army Corps. No natural gas, water or sewers are available. There is very little elevation change, so water will be directed into catch basins and drywells.

Mr. Martin added that on the driveways closest to Butler Road they were asked to look at separation distances. Mr. Hall explained that they moved some driveways away from the intersection on 1, 10 & 11. Lots 12 & 13 have pretty good sight distances on Butler Road. There is a strip owned by Galusha between the proposed subdivision and the Northway that might be Galusha's access. Mr. Martin commented that he appreciates the effort to keep the woods there for the sake of the people who already live there. Mr. Bouchard asked and there will be deed restrictions to keep that no cut in place, which the neighbors have to police. The adjoining lot owner will have the right to enforce. If it is on the subdivision map as green space, the Town can also enforce it if needed.

Mr. Antis asked that the rest of the property be included on the map and Mr. Dickinson said that it would be forever wild. It still needs to be shown. It is unbuildable.

Timeline is surveyors locating wells, road topo & layout, details are standard. SWPPP is started. Mr. Antis said to make sure they weren't within 500 ft of the river and Highbridge Creek and bring the County in if needed. Mr. Hall was confident.

Mr. Martin said that the owner might want to contact Saratoga PLAN about donating that unbuildable portion. It could run the risk of being left void or going up for taxes.

Mr. Jensen motioned that the Board declare Lead Agency and Mr. Arnold seconded. The motion passed unanimously with no roll call.

Mr. Hall is not sure they will have the SWPPP ready enough for the Dec meeting. Mr. Bouchard motioned to set the date for the January 2018 meeting to the 22nd because of the holiday on the third Monday, and to set the February 2018 meeting for the 26th. Mr. Antis seconded. All in favor, motion carried with no roll call vote.

Mr. Hall was reminded that he will need to post signage regarding the public hearing and he offered to place two since there are separate road frontages. Motion was made by Mr. Antis to set the public hearing for ARK Development LLC for 7:01pm on January 22nd, and Mr. Shaver seconded. The motion passed unanimously with no roll call.

Outstanding items are the SWPPP, Archaeology, DOH progress report, SHIPO. It is within 500 ft of the Northway, so a County letter will be submitted by Mr. Martin. Deed language on the cutting restriction easement. Motion was made by Mr. Bouchard to waive the requirement for topo on any property on the north side of Butler Road and seconded by Mr. Jensen. All in favor, motion carried with no roll call but Mr. Shaver abstaining. The property on the north side of the road is in the same tax map number as the remainder, so it is a 14 lot subdivision.

DEC and County for involved agencies, DOH, the school district an interested party. Fire & EMS also interested.

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#4 Cerrone Builders
Route 9 and South Road
Sketch Plan Review

Matt Cerrone. R-2 4 single family lots on South Road. Nothing fronts on Route 9, driveways' details are all shown on the map. Driveways have turnarounds so no one backs onto South Road. Test pits are planned for Monday. One was done on the lot to the south, will do more. DEC, endangered species and SHIPO begun, clearing limits are shown, working on SWPPP, no DOH review, onsite septic and wells, hydrant across the street is within 800 ft. Lot width of 175 ft is set. They are minimizing disturbance of slopes towards Route 9. They will add deed restrictions that owners' access can't come from Route 9, with note on plat. Every lot has dual frontage. The driveways are being kept under 300 ft, but they are still getting turnarounds and are 16 ft wide. Mr. Jensen said that if they are over 150 ft so they have to be 20 ft wide. He cited International Fire safety. Lot 4 is the only one with a driveway not over 150 ft, but for consistency they will do that one at 20 ft too. He would like preliminary and final at the same time, so he will indicate that on his next cover letter. If the deed restriction about Route 9 driveways is to be enforceable it will have to be shown on the plans.

He plans to do a perc test on every lot.

Involved agencies are, Saratoga County, DEC for endangered species. They will be 1800 sq ft range. Mr. Bouchard cautioned the applicant to review the Town subdivision regulations very carefully since he wants to waive separation.

Applicant was happy to come back at the Board's convenience.

Outstanding items are: deed restrictions on the plat, 20 ft wide driveways, SWPP review, SHIPO letter, prelim and final in transmittal, turnarounds for 30 ft vehicle shown, perc test results, endangered species reports.

Mr. Bouchard motioned for the Board to declare Lead Agency and Mr. Antis seconded. All in favor, motion carried, no roll call.

#3Snyder Drywall
Route 9
Public Hearing
Site Plan Review

Dan Snyder, representing his father. A survey was done, they went to their attorney and National Grid, their attorney wanted a second survey actually staked out because the first appeared to be taken off an old map. Once they get the new survey, they will ask National Grid for an easement and were told 1-4 months to hear back.

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Mr. Martin reminded the Board that in September they had asked for lighting specs, the use of the garage indicated, the easement, parking for 9-10 vehicles shown with a turn radius, the septic system investigated to see if it's on the National Grid property, and placement of the overhead door in relationship to traffic pattern.

He will send those notes to Mr. Snyder. They have been in touch with Mr. Snyder about the progress all along.

Mr. Martin has been to visit the Habitat Restore about temporary tents which are not allowed as an exterior display area, those will be removed by Dec 1. The store lost their lease on a storage facility they were using. Metal storage containers being used for storage at the back of the property, they want to keep those, so they are coming in for site plan modification. They also have a roll off dumpster there which was not included in site plan, and Mr. Martin attributes it to the fact that attorneys were present and not the people who run the actual site.

Large dancing balloon/advertising is probably illegal, but not specifically mentioned in the Code. It should be addressed. It has been so popular that people are parking all over the place, and partly because they used their parking for outdoor display. They should be here for Dec 4th.

A template resolution has been provided, will be adapted to include subdivisions as well.

Motion to adjourn was made at 9:22 pm by Mr. Shaver and seconded by Mr. Bouchard. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews