

A meeting of the Town of Moreau Planning Board was held on April 16, 2018 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
Erik Bergman	Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary; Atty. Karla Buettner, Attorney for the Town

The meeting was called to order at 7:00pm. Minutes of the March 19, 2018 Planning Board minutes were reviewed and revised as follows: On the first page, the minutes were inadvertently referred to as March when they were for February. P.2098 3 lines up from bottom 4-500 ft changed to 400-500 ft.

At the bottom of Page 2096, Mr. Arnold asked for a quote attributed to him to be cleaned up. The second “with that” was removed.

Motion was made by Mr. Antis, second by Mr. Shaver to accept the March minutes as amended. All in favor, no roll call. Motion carries 5-0-2.

#1 ARK Development Final Review

Ethan Hall presented. Reed Antis excused himself for a conflict of interest. Mr. Hall represents Rucinski Hall and has brought this to the Board several times. The Town’s engineer has not returned any opinion except to say that they are not reviewing it, and Mr. Hall would like to know why. Mr. Martin attributes that to a misunderstanding, because the Town has decided to do their own post-approval inspections, but the engineer seems to think that their responsibility to review the plans has changed. The \$2500 escrow to pay for the review has been paid.

There was a change to an enclosed catch basin, a plan was submitted, everyone is fine with it, it is a clarification that it’s a drywell so they had to get the detail. That’s going to be added to the plan. A DOH Meeting has been setup for Final Approval with them. So Engineering review of the SWPPP and sign-off, and DOH sign-off, are the parts that are waiting. Mr. Zimmerman reminded the Board that on January 22nd there was a negative declaration made, and a preliminary approval was granted.

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Mr. Hall said that he had spoken with Kathy Perez about the lack of action from Laberge and he knows he sent the plans, so he is perplexed about the problem.

Mr. Martin has the archaeology and SHIPO reports that were outstanding, and a no-impact letter has been received from the County. They also have provided a well report.

Mr. Zimmerman asked the Board for questions.

Mr. Arnold asked for the results of the well tests, because it's written very small on the plans and appears there is a water storage tank on the plan. That is a standard required by the State. Mr. Hall read the results of the well tests and the Board agreed that they were very good.

Mr. Arnold asked about whether spaces on the plans described buffers were in good enough detail to be enforceable, and Mr. Martin said that they were, but he would still like to see them included in the approval motion.

Mr. Bergman asked whether contingency approval was acceptable in this case and Mr. Martin agreed that it is. There are no unique circumstances or areas of concern.

Mr. Arnold asked whether this was the one with a name issue and they have changed this to Timber Lane to accommodate that.

Mr. Bergman motioned to approve the Final Site Plan for ARK Development on the condition that the final mylars include, and the project be built including, a 30ft. no-cut buffer as depicted on the most recent drawings presented at the April 16th, 2018 meeting; and on final engineering and DOH signatures. Mr. Bouchard pointed out that the revised drywell detail also needs to be added and seconded the motion. Roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Antis, Abstain; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. Motion carries, 6-0-1. Mr. Bergman motioned that the Chair and one other member sign the mylars when they become available and Mr. Arnold seconded. Motion carried with no roll call, Mr. Antis abstaining.

#2 Stewart & Bovee Developer & Investor, LLC
Preliminary Review

Garry Robinson, consulting engineer, representing. He was not here when Mr. Stewart presented last month, and Mr. Stewart is not here tonight. This is now a three-lot subdivision bordering Mountain Road. It has small frontage on Mountain Road, more on Spier Falls Road. It is 36 acres. The blue line on the map represents a 100-ft buffer on the DEC wetlands, and there is plenty of room for houses on the lots proposed. On lot two, there is an existing driveway from a tree cutting project, with stone on it already. He left room for another one going towards the Northway. It shows two houses and septic there. A third house is shown on Mountain Road. Bulk and density is shown on the application. Total disturbance is shown, a little more than an acre, they could have much more. They have done a limited SWPPP, an

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erosion and sediment control plan. There is a water line on Spier Falls for those two lots, and the third house would need a well because the water line shown there is not treated water, per Jesse Fish.

Mr. Antis asked about why the property ends before it gets to the road, and so is there an easement. Mr. Robinson said that distance shown is the Town's right of way. Mr. Arnold explained that this is normal. The right of way appears larger than usual because of the slope. Mr. Antis didn't think the parcel met the road, but it meets the Town right of way, which is the same thing.

Mr. Robinson had commented that the Town doesn't like shared driveways, and Mr. Arnold wanted to clarify that Mr. Stewart's presentation had not shown them using their frontage for access. The frontage would have been too steep to use. The Board had asked for a shared curb cut. It is not the shared driveway that the Board objected to. Mr. Robinson asked whether they wanted a shared curb cut and Mr. Arnold said that they should come together.

Mr. Martin pointed out that they should still avoid the need for an access and maintenance agreement. He would like a detail presented because it's hard to tell if there is room, with the culvert, two have two driveways in the shared curb cut in that space.

This has not gone to the County or had a public hearing.

Mr. Jensen pointed out that it is a County highway. Mr. Robinson said that Mr. Stewart had met with someone from the County on-site. Mr. Martin said that an access permit for the existing driveway should be included with the plan. Mr. Robinson thought they might have one already because that driveway that is already there is pretty wide.

There will be no common driveway on the lot, just on the right of way.

They have not had a chance to do perc tests and test pits because of their schedules and the weather.

There are not soil reports yet either but they do not expect to find anything except some seasonal high water.

Mr. Antis asked where the Northway is on the map and it was demonstrated for him. Mr. Antis feels the detail about the South & West of the property is not good. Contours go into no-man's-land, it should say who owns that property. Mr. Robinson thinks it is just one owner, it might be Mr. Stewart, and they can get that name on there.

Mr. Arnold asked about the ATV trail noted on the map, and whether that is the utility corridor. That part is not part of the subdivision. It is on the parcel that is mostly zoned Commercial, that Mr. Stewart had previously tried to change the zoning for.

Mr. Martin stated that this requires County review and information on the access permit. The Board will probably want to be Lead Agency on SEQR, and it needs a public hearing. It attracted a lot of public attention when Mr. Stewart applied for the Zoning change. Mr. Jensen motioned to declare the Town Lead Agency for SEQR and Mr. Antis seconded. Involved Agencies are DEC and County, DOT for a portion of Spier Falls Road. Water Department will need to be involved. Mr. Arnold thinks the overpass is DOT. Mr. Robinson said there are some roads that weren't turned back over after the Northway was constructed, that is why they are DOT.

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Mr. Antis mentioned that the topos are supposed to be 2 ft. Mr. Stewart had reported that 5 ft was approved. No resolution was passed on March. Mr. Martin pointed out that going to 3 lots resolved some of that concern. Mr. Antis asked whether the contours for the slope should be better. Mr. Martin said he would like to see a detail on that contact point.

Mr. Robinson asked whether a valid permit would suffice but Mr. Martin said he would still like to see the detail.

Mr. Jensen asked whether anyone is in place to witness the test pits. A representative from the Town has been accepted in the past. So Matt Dreimiller can do it. Mr. Antis thought they were letting a licensed engineer do it, and the Board agreed they had done so. Mr. Jensen pointed out that Health Department had reviewed Greenwood Subdivision, so it does not compare. He would rather have someone on site. Mr. Zimmerman agreed and Mr. Robinson said he would call Matt Dreimiller.

Mr. Martin read out his list of requirements for next time.

The last item is engineer review of the SWPPP. \$2500 will have to go into escrow immediately in the review is requested. Mr. Jensen moved that the requirement for a formal full SWPPP be deleted and a limited SWPPP, or Erosion and Sedimentation Control Plan be accepted instead. Mr. Robinson said that a full SWPPP is only required for 5 acres of disturbance.

Mr. Bouchard said that since there is no firm location on the homes, this SWPPP is going to be very generic. The lots are going to be sold off when they are subdivided so Mr. Stewart has no plans for the buildings. Motion by Mr. Jensen was seconded by Mr. Antis. Under discussion, Mr. Bergman asked how big the McKenna subdivision was, and it was under 4 acres but it was very compact and close to other subdivisions where there was a history of water problems. Mr. Martin agreed to a limited SWPPP, but expressed concern that it could be lost when the building happens. Mr. Robinson felt that was the responsibility of the SMO, Stormwater Management Officer for the Town. To the motion, roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. Motion carries, 7-0.

Mr. Bouchard pointed out that the Lot 1 front setback is parallel to the line going Northwest, but not parallel to the road. He wonders why it is different. Mr. Robinson said that they had looked at it like it was frontage, but it really isn't. Mr. Martin pointed out that frontage and lot width are different things. At the 40 ft setback, they can't get the lot width. The setback line is shown correctly, but they can't show the width until they know where the building will be. There is no danger of not having enough width in that general area.

Mr. Robinson asked whether a public hearing would be scheduled. Mr. Zimmerman asked whether he thought he could meet the submission deadline with all the items requested, which would be May 7th. Mr. Robinson said they would try. The other issue would be getting things back from County and engineering. Mr. Zimmerman pointed out that signs have to be posted.

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Mr. Bergman motioned for a public hearing at 7:02pm on May 21st for Stewart & Bovee subdivision. Mr. Bouchard second, motion carried unanimously with no roll call. Short Form SEQR had been submitted. Outstanding items are: scale detail of the driveway access spot, County referral on the driveway issue/permit. Perc tests pits witnessed by Matt, detail to South & West, Lead Agency taken with notice to the County, DEC, DOT for consent. Jesse Fish notified for connection point. 5ft topos and limited SWPPP are approved.

#3 Wright, Susan
Site Plan Review

Mrs. Wright appeared and explained that she owns ADK Creative Works. They are looking to teach painting classes at 1646 Route 9.

Mr. Martin explained that she had applied for a sign permit and it came up that this was a Change of Use and she would need a Permit. She had been planning a grand opening April 2nd. The site was previously used by a curtain manufacturer. There are three buildings on site, this is the large, two-story one. There is a motel as well.

Mr. Shaver asked whether they were using all the floors. There is storage in the basement but she doesn't plan to use it, she will use the first floor only. Mr. Shaver asked about flammable stuff, these are just small paint tubes, about 24 at a time. She doesn't work with oils, so no turpentine or paint thinners. It is acrylic craft paint. Mr. Arnold asked whether it was sales. It is not. Mrs. Wright said that she has lived in Moreau for years and she has always wished there were more arts opportunities. She would like to cooperate with the Community Center or other locations for bigger classes. Her classes will be 12 students at the most.

Mr. Antis asked whether there is previous site plan with parking delineated. Mr. Martin was not aware of one.

Mr. Antis asked about what category this falls into and Mr. Martin said it is captured by 'primarily servicing highway traffic.' Mr. Antis disagreed and wanted it to get a Special Use Permit. John Weber, owner of the site, explained that he had run Capital Financial in the building with 20 people. They moved down the street to work with the bank. It has never been rented out before, but Sue is just moving down the street from the YMCA for more room. Mr. Arnold said that the type of business was ok.

Mr. Jensen said it doesn't matter what category the Board wants it in, because a Zoning Administrator's determination can't be challenged by the Planning Board, so there is no sense arguing whether it is appropriate. It would have to be challenged at the Zoning Board. Mr. Weber said he bought it from a lawyer in Lake George and he has no idea whether there is a Site Plan. He had never done anything to it. Mr. Weber was in the building prior to 1989, so they never were required to have a Site Plan. Mr. Shaver asked whether it was built there or moved there, and Mr. Weber said it was built there.

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Mr. Bouchard asked whether they were making any changes to lighting, but they are happy with the way the streetlight lights the front of the building.

Mr. Antis asked about parking and Mr. Bergman said it is wide open and not a problem.

Mr. Martin stated that a waiver had been requested over the policy of having public hearings on Commercial Uses on Route 9. Mr. Jensen said that they can waive it if there is justification, but the justification has to be more than just that the applicant wants a waiver. It has to be shown that it's low-impact.

Mr. Martin agreed with Mr. Jensen that this use has previously existed in the corridor so it is not new, so it doesn't need a public hearing. Mr. Antis asked how long she had been there and it had been since December, but she was not permitted for that either. Mrs. Wright said that she taught through Wiggleworms and that's why it wasn't before the Board for a permit. So this is a new use.

Mr. Bergman asked whether preliminary and final could be done in one night because it has not gone to the County, and Mr. Jensen pointed out that a Supermajority could override the County anyway.

Mr. Arnold said he didn't know whether the curtain place also on the site had ever been reviewed.

Mr. Bouchard asked about supplies. She buys them at Hobby Lobby and expects no deliveries.

Mr. Arnold asked why they were reviewing a Site Plan when they have not even been given a drawing. It would be nice to have something on paper to look at, and he thinks the owner and not the lessee should provide it. He doesn't want it to be expensive, but it has to show what's there.

The chief concern is to delineate parking. Mr. Martin asked whether there is more than one use. There are apartments in the back. Mr. Martin asked whether there is another Commercial use. Mr. Weber said that is nothing else, 7 apartments, 7 cars. Mr. Antis asked if there has never been a site map, and Mr. Weber said he thinks he has a survey.

Mr. Arnold asked him to draw on that, showing where septic tanks are and some other details such as traffic flow. Mr. Weber also owns Sassy's across the street and has more parking he can use there, 15 spaces, and 35 elsewhere. Mr. Antis said that this parcel has to have a record of what is going on there. Mr. Antis said it has to do with what will happen when Mrs. Wright leaves the building. Mr. Martin said that if a third use came up some day, they would be able to see that so many spaces for the apartments, so many for the painting classes, and so many would be left if another use came in.

Mr. Zimmerman asked what time the business would be open. It is mostly evening, 6:30-9:00 but she might do a day class with a specific group if requested.

Mr. Weber said he could go to Mr. Rourke and get a survey easily. He said he would have it in within a week.

Mr. Bouchard asked whether they could stay within the hours of 8am-10pm and Mrs. Wright agreed.

Mr. Jensen objected to limiting the number of customers.

The square footage of the building is 1044, instructional area 726, office 318. The blind company is still in operation in the building to the north.

Sign will be located in the same place as previous.

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Mr. Martin read his list of requirements. County referral, hours, site plan to scale before opening depicting apartments, proposed business parking, 10 x 20 spaces, sign location. No more than 12 cars, no change to lighting. Mr. Weber mentioned that a property manager also lives on-site, sometimes. Mr. Martin asked for a date for the Site Plan and the Board chose the 23rd.

Mr. Zimmerman wanted to address the fact that there is more than one principal use on the site and the County may have an issue with that. The site size is 1.79 acres. Mr. Arnold thought that the uses were grandfathered and the Board agreed.

The Board reviewed SEQR. Part I #3) 1.79 acres was added. #11) was changed to Yes.

Part II No findings. Mr. Jensen motioned to make a negative declaration regarding SEQR for ADK Creative Works and Mr. Arnold seconded. To the motion, roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. Motion carries, 7-0.

Mr. Bergman motioned to grant preliminary and final site plan review for ADK Creative works consistent with one application for the following caveats: Hours of operation 8am-10pm, no change to external lighting, site owner will provide a site plan delineating parking, businesses set rough boundaries septic by April 23rd. County referral will be made and no changes to previous sign. Second was made by Mr. Bouchard. To the motion, roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. Motion carries, 7-0.

Mr. Shaver asked what is going on across from Dunkin Donuts and it is supposed to be just a cleanup. Mr. Zimmerman wanted to talk to Atty. Buettner about Habitat. They were supposed to submit a letter to that effect, and they might be back but weren't sure. As far as Mr. Martin knows they are still making progress as requested.

The Board reviewed a number of items around Town that are in violation of recent site plans. Among these, the Board asked Mr. Martin to get Snyder Drywall back in so that they could handle that plan in spite of not having a response from National Grid.

Motion to adjourn was made at 8:58 pm by Mr. Bergman and seconded by Mr. Zimmerman. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews