

A meeting of the Town of Moreau Planning Board was held on June 18, 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

Not present until 8:15pm: John Arnold, Planning Board Member

The meeting was called to order at 7:00pm. Minutes of the May 21, 2018 Planning Board minutes were reviewed and revised as follows: p. 2113 3rd pp, discussion about a large area 3rd line should say septic should say 'sewer', 3rd pp from bottom, Mr. Martin asked how soon and the minutes referred to " Mr. 3". It was meant to be Mr. Montayne. p. 2114, 3rd pp motion to set public hearing was 'mad'. Motion was made by Mr. Bergman and seconded by Mr. Antis to accept the May minutes as amended. All in favor, no roll call. Motion carries, Mr. Shaver and Mr. Zimmerman abstaining.

#1 Hudson Headwaters Health Network
Public Hearing
Site Plan Review

Mr. Zimmerman disclosed a prior business relationship with the applicant and applicant's representative, but he doesn't currently have one.

Mr. Jones, Mr. Jones and Mr. Montayne presented. Mr. Richard Jones stated that DOT has requested a full traffic count and won't discuss the situation with them until that is done. They had a study done by Chazen when they chose the property, but DOT wants to see the raw data for themselves.

Mr. Montayne addressed the SWPPP. Since soils currently drain well on-site, a full SWPPP isn't needed. There is no discharge offsite for a 100 year event. Town's engineer stated that the Town still has the right to ask for a full plan so that they can come on site and make sure that everything is being done correctly. Laberge has agreed to sign off on the SWPPP presented if the Board is so satisfied.

In response to questions from the prior meeting, they anticipate 33 full time employees and 153 patient visits per day for the Health Center. 10 full time employees and 111 patient encounters per day at the

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Imaging site. Some overlap between HHHN & GFH by referral. 80 encounters and 4 employees are expected at the pharmacy, again with a great deal of overlap. These are in a letter of June 4th.

Delivery vehicle radiuses are sketched on the comment letter sent to Mr. Martin. Pharmacy has a dedicated turnaround point, and there are adequate places to maneuver throughout.

Mr. Martin announced that NYS Parks and Historic Preservation has sent a no-impact letter. Lead agency letters were sent. Saratoga County & DEC concurred.

The DEC letter stated that there are state and federally listed karner blue butterflies and frosted elfins on site, so a permit may be required pursuant to Endangered Species Act. The applicant should request a determination of jurisdiction. They have not taken action on that up to this point. Applicant argued that nothing was said during EAF Review, and it is a standard letter. It's a boilerplate for this area. Mr. Martin said it's much like a DOH situation, review is required and any action should probably be made contingent on it.

Mr. Zimmerman opened the public hearing at 7:13pm. Mrs. Joanne Whiting of 38 Fawn Road, wants to know how much of the woods behind her will be going/left. Mr. Martin asked Mr. Jones to review the project again. Mr. Jones said that everything from a certain point back will stay, and that additional screening will be added. Mrs. Whiting said that they are coming pretty close to the stockade fence. Mr. Jones said it's about 30 ft in places and 5 or 10 to the parking spaces at some points. She asked when they will break ground and Mr. Jones said it depends on the Board, but they would like to be close to Labor Day.

Mr. Antis asked how the traffic study would affect start times. Mr. Jones stated that they are at the mercy of DOT and in discussions, HHHN has said to do whatever DOT requires because they want to be on that site. Mr. Zimmerman asked for more information and Mr. Montayne explained that the for permit for a curb cut application, DOT can ask for a traffic count and trips generated by the project and will do a mathematical formula and decide what kind of driveway to allow. It has been referred to Albany on Wolf Road, cameras have been set up last week, analysis is in progress and the report should be back in a week. Mr. Antis asked for clarification as to whether this would have something to do with restricting flow in certain directions.

Mr. Montayne explained the DOT permit process. They will start with an application for full-service, and if that's approved they will build it. If DOT feels that a restriction is necessary for left turn only or something, they will do that. Camera was mentioned. It's all done by camera now. Counts are done based on the film. They do a two hour slot during peak hours, morning and evening, weekdays and weekends. They are looking at level of service and whether mitigation is necessary, and whether turn lanes are problematic.

Mr. Antis stated that traffic is the biggest concern. Mr. Montayne stated that DOT's main concern is that traffic continues to flow. They are less apt than people think to put up traffic lights. DOT has to concur with what the plan engineer came up with.

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Mr. Shaver asked whether Fire and Emergency has seen the plan. They have not. Applicant will contact them and are confident that turn radiuses and maneuverability have already been shown and that they are probably 150 ft from any hydrants. Mr. Martin advised them to put a copy on file with the Fire Dept.

Mr. Bouchard asked and hours are 6:30-7:00am for staff to arrive and 8-4:30 appt times, staff might be there til 7.

Mr. Martin asked what the screening would be. They want to maintain the existing woods, will also plant tall evergreens. Deciduous trees on the entrance drive. Mature height would obscure view for the neighbor, and the 6ft fence will remain as well. Pharmacy hours will be similar to the health center but they might be open on Saturdays. It's a public pharmacy so anyone might use it. They used numbers for a similar facility in Queensbury that they have to predict travel.

Mr. Antis felt that they couldn't know what business the pharmacy will attract, and it might be more.

Mr. Jones disagree, explaining that he is confident that the use will be similar to the one in Queensbury which is the same size and operates the same way, attached to a health center. They are not open on Sunday.

Their customers are 50-50 folks outside of the health center vs. patients. An operator has not been named yet.

Mr. Zimmerman asked about the June 11th letter from Laberge. There were four items of supplementation on the stormwater, and they wanted another 8 items, and asked for a construction schedule to allow reviews. What would the applicant do with that review?

Mr. Jones said that those are typical items in a SWPPP, which they had already provided in draft. The next items are forms that contractors and subcontractors typically sign. Those have been included. The list is all standard things that are covered. Operations and maintenance manual will be provided with SWPPP. With subsurface storage and recharge, a placard goes up. That was added to drawings as well as some other notes about snow stockpiles, etc. Construction sequencing details and schedules also will be provided. Because there's no SWPPP, DEC will not inspect, but the Town may.

Mr. Zimmerman asked when those things would be done. The draft was supposed to be ready tonight, it will go to Laberge this week with a copy to Mr. Martin soon.

Mr. Martin said that there's plenty of time to clean up those details while they wait for DOT, and the Board doesn't need to consider conditional approval.

Mr. Zimmerman asked and Mr. Martin said that there are no outstanding items from his standpoint. DOT signoff and associated driveway permit are the big item.

Mr. Jensen asked how confident they are that there site plan is not going to change based on DOT results.

Mr. Jones said that the type of entrance might change to limited service. They would like a conditional approval based on compliance with DOT, and will not ask for a building permit until they have everything.

Mr. Jensen was more concerned about the endangered species report. Mr. Montayne said that it's a takings permit, which only restricts when you can do it, not where the building would be. It's not a major habitat, so it will not be a big deal. Mr. Bouchard asked and the application goes in for the entrance as

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shown, and DOT will agree or disagree. The only thing that might change is not the geometry, just the direction. It might become right in-right out, and that would result in adding an island and some signage to clarify this. DOT wouldn't try to change the location because that wouldn't result in a large change to mitigate the issues.

Mr. Antis asked what pharmacy operates in Queensbury and he thinks that it's going to be great business for the neighborhood and will be too much traffic for the location, as there is no other pharmacy close by. Mr. Jones explained that it's physically small so it won't stock a lot of retail items and become a neighborhood store.

Mr. Antis asked whether they were creating any kind of berm with the gas station next door. Mr. Jones said they have some plantings in there, but they would really like to see the gas station put in a dumpster enclosure. Fortunately, the gas station is uphill from the site which limits visibility.

The public hearing was closed at 7:41pm.

SEQR review. Part 1 was complete. Part II- No issues raised until the threatened or endangered species were reached. Since the Board has not resolved the issue with DEC regarding butterflies and caterpillars, small impact was considered possible, based on the size of the project. Mr. Jones felt that the Board could 'defer to determination of significance of the DEC' in Part III.

Part III 182.9 application will happen so the Board will defer to them for that. The Board could not make a negative declaration. Choice B is a conditional negative declaration pending mitigation from the DEC. This was selected. Request DEC to make determination as to whether a Part 182.9 permit is needed pursuant to June 11, 2018 letter from Susan Clickner, Program Aide.

Motion was made by Mr. Bouchard to make a conditional negative declaration per the Part III form on the Moreau Family Health facility. Second, Mr. Antis.

Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. 6-0 motion carries.

Recommendation from County as well as DEC and DOT, Fire & EMS, DOH and Laberge are outstanding. DOH has all the information, just have not provided feedback yet. They primarily look at wastewater flows and test pits, and they were present when those were done.

Applicants want a conditional site plan approval so that they can move forward with financing. Purchase agreement closes at the end of June. They need the site plan approval with the negative declaration to do that. The conditional negative declaration will suffice. If they can't get that, they won't be able to start the process and could lose their financing.

Mr. Martin advised the Board to consider whether anything discretionary would be impacted by the outstanding items, that would require them to come back.

Mr. Antis expressed concern about the traffic.

Mr. Zimmerman said that if a fundamental change were to occur, it would be a positive one. Mr. Martin said that they would come back for any changes.

Mr. Arnold joined the group at 8:14pm.

A meeting of the Town of Moreau Planning Board was held on June 18, 2018 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Zimmerman said that they would not usually give a preliminary with 6 substantial items outstanding. Mr. Antis thought they should be helped to move forward financially.

Mr. Montayne said that they were willing to reappear for an update in one month or two and to accept an expiration date for the conditional approval if the Board would be more comfortable.

Mr. Bouchard suggested 90 days, but Mr. Antis asked for 60. The applicants wanted 60 as they would like to start at the end of summer. Mr. Martin suggested the August meeting as a deadline instead.

Mr. Zimmerman caught Mr. Arnold up on the status of the application per the various involved agencies.

Mr. Bouchard motioned to approve final site plan for HHHN Moreau Family Health Center conditional on DOT approval & driveway permit, DEC approval, Town Engineer review of SWPPP, NYS DOH approval, Saratoga County approval, Fire & emergency review, and an appearance by the applicant at the August 2018 or sooner regular meeting of Town of Moreau Planning Board to report on progress towards resolving the above items. Second was made by Mr. Antis. Roll call vote resulted as follows: Mr.

Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. 7-0 motion carries.

Mr. Jensen asked whether the Board wanted peer review of the traffic study. The usual reviewer for the Town is the performing engineer on the study, Peter Faith. Mr. Montayne said that this is not a trip generation analysis, it's just to determine the best curb cut, and any consultant would probably say to defer to the DOT results. Mr. Martin pointed out that a new escrow will be required to pay for that.

Mr. Jensen moved to request review on the new traffic study and Mr. Shaver seconded. No roll call, all in favor, motion carries.

Motion that the Chairman and one other member sign the mylars when they are finalized was made by Mr. Bergman and second by Mr. Bouchard, all in favor.

Mr. Jones expressed his appreciation.

#2 Bacharach, Lora
North Country Paws for Obedience
Site Plan Review

Ms. Bacharach appeared and explained that they are a dog education and training facility looking to rent a space on Route 9. They have provided maps with parking spaces, lighting, water & sewers shown, as requested at their last appearance.

36 x 105 ft portion is the part they are renting and the other side will not be used. Mr. Zimmerman reviewed the list of items requested last month and the issues have all been addressed.

Mr. Arnold asked about the parking spaces. He advised that they are huge, are usually 10 x 20 and the applicant could fit more than 9. They are putting something in their window in lieu of a sign, they were advised that a permit is still required. No parking in front of the building is good as that is one of the ways in.

A meeting of the Town of Moreau Planning Board was held on June 18, 2018 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold asked whether the septic shown behind the building is for it or for the mobile home park behind, it is for the building.

Sanitary disposal is taken offsite daily. There will be no dumpster onsite.

The map shows a 20ft easement granted to the Town of Moreau. Mr. Shaver thinks it is the water line to the mobile home park and Mr. Martin agrees.

Classes are an hour long. M, W, F they have a short training care drop-off program 6 hours at most. It is not free play and it's only dogs they are already training who need a little more work. They would have a max of 8-10 dogs. Hours are MWF 10-8 and 8pm is the latest evening class, an employee might be there til 9pm. T-Th & weekends are by appointment, Sat 9-noon. They do seminars for the public on weekends. The side they are renting is only one floor. The upstairs is not livable.

Mr. Martin doesn't think they need sprinklers. Lisa Capone, owners' representative, has met with Matt Dreimiller. They need fire extinguishers every 75 ft, smoke and CO detectors going in as well.

Mr. Bouchard pointed out that the hours of operation, the trash situation (no on-site storage), no entry or exit from Bluebird Road, need to go onto the final plan. Approval could be conditional on those additions.

Mr. Arnold noted that there is only one copy needed of the corrected site plan- and to add two lines for signatures. Mr. Arnold pointed out that there is a typo on the 'yrailer' on the left corner of the map.

Mr. Arnold motioned to schedule a public hearing for North Country Paws for Obedience on July 16th at 7:01pm. Second Mr. Antis. No roll call, motion carries unanimously.

Ms. Capone wanted to know when they could move in, and Mr. Zimmerman said if all goes well, July 17th.

Mr. Arnold said they would probably be able to waive the requirement for separation between preliminary and final approval. Owner does not pro-rate rent. If they pay rent on July 1, they can proceed with moving in, painting, etc at their own risk.

Mr. Martin encouraged the applicant to come in a see him so they could work on how they can proceed.

#3 Resolution Re: Comprehensive Plan

Draft was provided by Mr. Martin. Revisions are allowed.

p. 2116 at the bottom non-takings lines regarding non-conforming use. Mr. Arnold was asking about it at the last meeting, because it protects landowners from loss of use if the Town changes boundaries etc. It also allows a 50% expansion of non-conforming uses. Most ordinances require Use Variances for expansions of non-conforming uses. Mr. Arnold wanted to protect those landowners but without giving them the right to expand without review.

Mr. Martin explained that non-conforming uses are supposed to be eliminated and that's why it's usually a high standard to allow it to expand. They don't fit in the zone in which they exist and so they are not welcome. Which is why Mr. Arnold doesn't want to allow it to expand.

A meeting of the Town of Moreau Planning Board was held on June 18, 2018 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Everyone can apply for a Use Variance. The standards are high and they should not be approved per the way the law is written.

This is not the Board's last opportunity to edit this. More hearings and review will be happening and the Board's active involvement does not end. Mr. Arnold asked to receive the minutes for the Town Board's public hearing.

Mr. Zimmerman read the Resolution of endorsement into the record.

Motion was made by Mr. Antis and seconded by Mr. Jensen to forward the resolution recommending the Draft Comprehensive Plan to the Town Board. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes. 7-0 motion carries.

#4 Habitat for Humanity Restore Update

Adam Feldman Exec Director, appeared to give an update.

He had come to talk to Mr. Martin about some things and is reporting to the Board. They are now in compliance onsite and on paper. They are thinking about an annex. Chris Round of the Chazen companies has offered to work on an amended site plan, and they hope to show one in July. They are looking for a 2,400 sq ft expansion, maximizing within the limitations imposed by parking. The temporary storage structures are still there and they are actively pursuing an expansion, which was what the Board requested. They got a \$10,000 seed money grant and they want the use of the containers continued as they proceed with that.

They had a June 30th deadline.

Mr. Arnold said he'd rather not extend it, but will agree not to pursue the deadline as long as there is an active application (which would be due July 2nd for the July 16th meeting).

Mr. Feldman presented a drawing and Mr. Arnold asked him to design parking along the side of the building, and Mr. Bouchard suggested keeping the addition 300ft off Route 9 in case it were all storage.

Mr. Zimmerman explained that if he comes July 16th, they may send him to ZBA the following week. All of that would be considered a working application and hold off the enforcement of the deadline.

They have sold 25,000 items and exceeded their projections. They are looking into internet sales for smaller items.

They started building a home in Lake George this week.

Hope to add a critical repair program.

Motion to adjourn was made at 9: 15pm by Mr. Jensen and seconded by Mr. Shaver. All in favor, motion carried with no roll call.

Respectfully Submitted,

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Tricia S. Andrews