

A meeting of the Town of Moreau Planning Board was held on September 17, 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
John Arnold	Planning Board Member
Mike Shaver	Planning Board Member
Reed Antis	Planning Board Members

Also present: Jim Martin, Zoning Administrator, Tricia Andrews, Recording Secretary

Not present: Peter Jensen, Erik Bergman Planning Board Members

The meeting was called to order at 7:00pm. The Board reviewed the minutes of the July 16, 2018 meeting. There were no corrections. Mr. Bouchard motioned to accept the July minutes and Mr. Arnold seconded. The August 20, 2018 minutes were not reviewed due to lack of quorum of members present.

#### **Hudson Headwaters Update:**

Richard Jones: There were two outstanding items: Fire Department Review and Water Department signoff on the hydrant. It has been two weeks. Mr. Martin said he would ask at the Water Department. Mr. Antis asked what that was and Mr. Jones explained that it's on the plan, the Fire Chief likes the location but the water department has to sign off on it. It is near the entry to Route 9. There was already one planned on the back side of the site. A single one would have been allowed per the Code but this will make it one per 200 ft.

The biggest item was the DOT review. They got back a week ago and accepted the traffic study and current driveway configuration, so there will be no changes to driveway configuration. There were minor detail changes. They would like to begin with the site package if they can have an indication from the Board that they can get started. They will be clearing extensively and that's what they can do first. With DOT signoff they are ready except for the final word on the hydrant.

Mr. Martin explained that as soon as the plans are there for signature they will call around for members to do it. Mr. Arnold asked whether the Route 9 cut was ingress/ egress and it is. Mr. Martin asked and Mr. Jones intends to have a pre-construction conference.

Mr. Shaver asked whether the hydrant detail is necessary before they can dig. Mr. Martin said technically they can begin, but he wants a conference first.

Mr. Jones thought that they could have bid awarded in 2-3 weeks.

Mr. Arnold asked whether Mr. Martin expected a problem with the hydrant and Mr. Martin said he would call at 9am and would contact the Water Department then, but he didn't anticipate a problem.

Mr. Martin said he would call Mr. Zimmerman and Mr. Jones as soon as he knew.

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The Board thanked Mr. Jones for the update.

**#1 T-Mobile Northeast LLC  
Sisson Road Water Tower  
Public Hearing  
Special Use Permit**

Mr. Szkolnik, NB+C as designated agent for T-Mobile presented bigger plans as requested. Nothing has changed. There will be a couple cabinets on the ground with a concrete pad, no structure. At the top of the tower there is a handrail. Since he was here last month, he found out that the FAA beacon will need to be raised 2 feet to make it 1 ft. taller than the tallest item. They will be ok with the FAA filing and final height after that.

Mr. Zimmerman asked whether Mr. Martin had heard from the Water Department about fencing, snow removal and the landscaping question and painting the antennas, but he had not heard.

Mr. Martin said he would ask again.

Mr. Szkolnik asked for conditional approval.

Mr. Shaver asked and the concrete pad is outside of the fall zone if snow comes off the tower. It is 194 ft to the top of antenna, 195 ft is the height of the light, and the filing is approved for up to 196 ft high. They will work with the Water Dept. to find out who is going to do the raising of the light. It will show on the as-built drawing.

Mr. Arnold asked what the question was about the landscaping, and Mr. Szkolnik said they needed to know whether screening was required, they don't plan to do any as of now because it is already not really visible from the road.

Mr. Zimmerman said that written notification had to go to nearby municipalities and neighbors, and that was done.

There were neighbors present for the public hearing. Mr. Zimmerman opened the public hearing at 7:18pm. Cathy and Gary Bennett who live directly across from the tower asked is it the existing light that's going to be raised and not a strobe light. It is. Mrs. Bennett asked about electronic emissions produced and Mr. Szkolnik said that they are standard cell towers and sites are checked by and engineers and are below threshold, and these are 190 ft in the air. There are 8 antennas.

Patricia Frederick of Queensbury, who has property on Sisson Road, was envisioning antennas way above the towers and was concerned about flight paths. Mr. Szkolnik said they had done an air space analysis and are below thresholds for the FAA.

There were no further questions from the public.

Mr. Antis stated that this water tower is visible from K-mart in Queensbury.

Mr. Zimmerman closed the public hearing at 7:24pm. The Board reviewed the EAF. A long form was discussed but the guidelines did lead to a Short Form.

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Part 1: Description Mr. Bouchard asked about the 190 feet tank top. The center line top of the tank is 190 ft but the handrails are 188. Question 12b Mr. Arnold asked about archaeology- it was auto-flagged. This is not relevant because the area has already been disturbed and has fill.

Part 2: Mr. Bouchard thought that questions about scenic overlooks and natural enjoyment might be better intended for the State Park than the rec park, and it's probably more than 3, but they chose .5-3. Parks Bentley House was identified as historical.

They chose 5+ miles for Moreau Lake and Grant Cottage.

Mr. Arnold motioned to make a negative declaration regarding the Short Form EAF for T-Mobil SEQR and Mr. Antis seconded. Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Shaver, Yes; Chairman Zimmerman, Yes. All in favor, motion carries.

The Board reviewed the criteria for granting a Special Use Permit as found in Article V, Section 149-32:

1. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts or reduce property values.
2. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site, layout and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood.

The project was found to meet these criteria.

The only condition set was that as-built drawings be provided. The Board discussed the setting of a time limit on the permit. The lease agreement on the tower is 30 years. Mr. Martin thought to mirror that by stating "as per the lease agreement with T-Mobil or assignee."

Asked about a time frame to start, Mr. Szkolnik said that they would like up to a year. They plan to build it by the end of the year. Outstanding items include the question of painting and vegetation requirements, question of who will move the light.

Mr. Bouchard motioned to grant Special Use Permit subject to conditions that the applicant provide screening for ground based equipment if requested, that the antennas be painted if requested, that as-built drawings will be provided after construction, and that the Special Use Permit be limited to the term of the lease, with one year to put into effect.

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Mr. Antis seconded. Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Shaver, Yes; Chairman Zimmerman, Yes. All in favor, motion carries.

**#2 Combs, Maurice**  
**Public Hearing**  
**Site Plan Review**

Mr. Combs appeared and explained that the Board received an updated map tonight. The applicant was to approach the Fire Dept and they asked for a second driveway on Fawn Road, which is shown on the revised plan. It runs from the hydrant along other end of the homes. It dead ends, but it could be connected.

Mr. Arnold asked what the point is of it. Mr. Combs said that the Fire Chief drew it on there himself and he provided an email that explains what he wanted. It should be a minimum of 12 ft wide and provide adequate parking spaces to keep cars out of the roadway. Nicholas Flynn wrote the email.

Mr. Antis asked what Mr. Combs would do to prevent people from parking there. Mr. Combs said they all had driveways so why would they want to?

Mr. Arnold asked whether any homes were more than 300 ft from the road. He feels they could be hit with water from the road in case of a fire, and he wonders why the fire dept wanted that road. He doesn't see why a 20 ft driveway into the middle of the woods is a good idea. People will park stuff on it for storage. Mr. Martin pointed out that the Board asked for this advisory but wasn't obligated to include it. Mr. Combs said that they are wider than they appear on the map. Mr. Arnold thought each driveway should be 16ft wide so cars could pass each other.

Mr. Arnold wondered why the fire dept would want that road, unless all 7 trailers were on fire at the same time.

Mr. Combs said that the Fire Chief had said that in the books it says they have to have access from two directions.

Mr. Martin reminded the Board that at one point there was a proposal for mobile homes along Fawn Road, that the residents were very opposed to, which is why the plan had included the woods. A road that connected there would be used as a cutoff.

The initial request was for ten homes. That was essentially denied. This was an expansion of a non-conforming use that allowed 3 new to the 7 existing so there will be 10. Lots have been combined to meet the density requirements to file as a mobile home park.

Mr. Shaver had asked about the septic and DOH had asked for the septic beds to be modified on the old application. At that time the homes were in different locations.

Mr. Arnold wanted to go back to the driveway question. He asked if the first driveway on Fawn Road could be made a hammerhead and the Fire Dept could shoot from there if needed. He asked where the nearest hydrant is and it is right in front of them on Fortsville Road.

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Mr. Martin pointed out that it is tight in scale and only 180 ft from Fawn Road to Fortsville Road.

Mr. Arnold proposed that an additional parking area be built and labeled as Fire Dept use only. They could also use a locked gate to which the Fire Dept has a key. Mr. Combs pointed out that these residents are all 55 and older, only 2 bedroom homes and they behave better, but Mr. Arnold said that isn't stipulated anywhere so they can't use it. Mr. Combs said he was willing to put in the driveway with a hammerhead as Mr. Arnold described, behind the driveway on Fawn Road that has only one home on it. It should be 20 ft wide. That one should be built to hold 85,000lbs with compacted gravel. Give them something good and solid to drive in on.

Mr. Zimmerman asked whether the Board needed anything else, and Mr. Martin reviewed the items from the last meeting. No response was received to Lead Agency declaration.

Public hearing opened 8:22pm.

No written correspondence had been received. Mr. Arnold asked if the location for the houses on the W/NW corner driveway was already set and Mr. Combs said the Board could put it any place they needed. Mr. Arnold wanted it 10-12 feet from the boundary instead of right on the line. On further consideration there wasn't room to do anything.

Mr. Brian Mackenzie from the next property said he might want to build in the next few years. He believes that close driveway will be a problem in the future. Mr. Combs said it's been there 40 years and abuts the line. Mr. Arnold advised Mr. Mackenzie that he can put a fence right along the boundary if he wants to.

Mr. Arnold asked Mr. Combs about the dumpster he has off the Fawn Road driveway. Mr. Combs said that the tenants have their own small ones. Bigger ones got used by the whole neighborhood so he took them out. Mr. Combs asked where it was because he didn't know about it. Mr. Arnold had seen a fire behind it some time ago and just wanted to make sure.

Mr. Arnold asked who does maintenance and Mr. Combs does it. People mow their own lawns but if they don't he sends someone. Mr. Antis asked if Mr. Combs has to follow mobile home guideline rules. They are already inspected annually by the Town and the Health Dept. They walk through and make sure everything is as it should be and is neat. Mr. Martin said they are also looking for leaks in the sanitary system. Mr. Combs pumps out the tanks as needed, some rarely and some more often.

Mr. Martin pointed out that the location and size of the septic tank is a part of the building permit process.

The date of the letter from DOH about the septics was April 8 2016 when the application was for 7 new homes.

Mr. Arnold asked whether Mr. Combs had any plans to formalize the 55+ model and he does not. They have mailboxes out on the road.

Mr. Martin pointed out that the postal service is going to stations in places like this. Subdivisions will no longer get door to door delivery.

Driveway permit is on file with the County.

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The public hearing was closed at 8:37pm and the Board reviewed the Short Form EAF.

Mr. Bouchard said that the Code said in 966 Part F: All roadways shall be at least 25 ft width in a mobile home park. So the proposed hammerhead from Fawn Road should be larger.

Mr. Arnold asked, Are the driveways that serve three homes, roads? Mr. Martin thought it was a pre-existing condition that could be left alone. Since there is no two-way traffic, they aren't roads. Mr. Martin thought that anything new should meet the standard. So the new one with the hammerhead should be 25 ft wide. Mr. Martin argued that no new driveway be required from Fawn Road if the ones on Fortsville Road be widened to 25ft.

Mr. Arnold felt his plan could be done without disturbing the septic and trees. Whatever is built Mr. Combs will have to put up Fire Lane signage to make sure people don't park on it.

Part 2 of the EAF reviewed.

Mr. Antis motioned to make a negative declaration regarding SEQR for the Maurice Combs site plan review and Mr. Bouchard seconded. Roll call vote proceeded as follows:

Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Shaver, Yes; Chairman Zimmerman, Yes. All in favor, motion carries.

The County Planning Board meets this week. Mike Valentine thinks this will be covered under the MOU but doesn't know officially, and he didn't like it when the Board moved ahead without him on Hudson Headwaters.

While he doesn't foresee any County-wide impact, there is no approval. He recommends contingency approval.

Mr. Arnold wants the fire lane signage on the new map. Fire will have to approve the new driveway plan. The new drive off of Fortsville will have to be 25ft.

Mr. Antis said he would like to have the new map and County approval before granting approval. Mr. Combs said he would like to start clearing and Mr. Martin said that was ok.

Mr. Combs asked for an explanation about County review and it was explained to him.

So the drawings in October should include the alterations as follows:

The existing driveway off Fawn Road will be made 25ft wide with a hammerhead to allow fire access and the new drive off Fortsville will also be 25ft wide. Distinct placement of fire lane will be shown on the plans. New drawing sent to Fire Dept. April 2016 letter asking for septic soil modifications must be met with note on plan. County response expected by next meeting.

Mr. Combs was advised that the date for submission is by Oct. 1 for the next meeting.

**Stewart and Bovee Developers**  
**Lot line adjustment**

A meeting of the Town of Moreau Planning Board was held on September 17, 2018 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Stewart appeared with Garry Robinson, consulting engineer. This was just approved for a three lot subdivision. After one of the subdivision hearings, Mr. Donbeck expressed concern about the large property with the wetland. It's going to be incorporated into his property instead of as a part of one of the three. Because this was already a Planning Board approved subdivision, any changes to it also have to be approved by the Planning Board.

Mr. Bouchard asked whether the new subdivision would not be contiguous. The subdivision is filed and completed. This is Lot One being adjusted. No new lot will be created. It will be attached to Mr. Donbeck's lot off of Mountain Road, so that he can care for the wetland. He will have one large lot with frontage on a Town road. This is an amendment to a prior subdivision, adjusting the boundary lines in two places. All zoning requirements setbacks, widths etc must be met. It would have been administratively done if the Planning Board hadn't already been involved.

Mr. Bouchard thought that this is a good plan.

It's about 24 acres. A young couple is building a new house on Lot One and didn't want all that, they will have three acres.

Mr. Martin explained that the Board needs to decide whether it merits a new public hearing.

The Board agreed that it was a cleaner situation.

Mr. Donbeck said he would agree to any stipulation they wanted to put on it, as he is only buying it to protect himself from anything going in there.

The wetland is already protected.

Mr. Bouchard motioned to approve the lot line adjustment to the Planning Board approved subdivision to create a new boundary at lot line 155.63 N56° 31' 48" east and remove the line at 212.38 n 25° 58' 20" west, on the condition that Mr. Donbeck first merge his two properties to create the required road frontage for the newly created parcel. Second by Mr. Antis. All in favor, motion carries, no roll call. Motion that the Chair and one other member sign the mylars when they become available was made by Mr. Bouchard and seconded by Mr. Antis. Motion carried unanimously with no roll call vote.

Meeting was adjourned at 9:27 pm per motion by Mr. Bouchard, seconded by Mr. Antis.

Respectfully Submitted,

Tricia S. Andrews