

A meeting of the Town of Moreau Planning Board was held on November 19, 2018 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Ron Zimmerman	Chair
Erik Bergman	Planning Board Member
John Arnold	Planning Board Member
Mike Shaver	Planning Board Member
Reed Antis	Planning Board Member
Peter Jensen	Planning Board Member

Also present: Tricia Andrews, Recording Secretary

Not present: Jim Martin, Zoning Administrator; Jerry Bouchard, Planning Board Member

The meeting was called to order at 7:10 pm. The Board reviewed the minutes of the Sept 17, 2018 meeting. There were no corrections. Mr. Antis motioned to accept the September minutes and Mr. Shaver seconded. August minutes are still outstanding due to lack of quorum.

#1 Combs, Morris
Fawn/Fortsville Road
Site Plan Review

The agenda was modified in order to hear this long-running issue first. Mr. Arnold motioned to re-open the public hearing for the Morris Combs Fawn Road/ Fortsville Road Mobile Home Park and Mr. Antis seconded. All in favor, motion carries with no roll call.

Mr. Combs, who resides at 96 VanDusen Road, Queensbury appeared and explained that fire access has been decided and signage requirements met. The driveway off of Fortsville Road was widened to 25 ft. Mr. Zimmerman noted that he had spoken with Mr. Martin, who agreed that everything requested had been tied up, and that a letter from the County had been received pointing out that there was no County-wide impact when the issue was reviewed for the Zoning Board.

Mr. Antis asked for a review of what had been requested and accomplished. At the Sept. meeting there was the need for a driveway permit from the County, the discussion about the width of the roads and the request that the location of the fire lane added to drawings. Negative declaration on SEQR had been made, and a decision from the County was needed.

The septic soils had been modified and a letter is on file from the Dept of Health regarding amendments made.

The Fire Chief had asked for a different plan than what was finally decided for the roads, so Mr. Shaver asked whether a letter had been received. There has not been a new letter. The notes from the County also say that he should meet with Mr. Meyer, if Mr. Meyer thinks it is necessary, on the site to identify the

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septic systems in case they are near the right of way. Mr. Jensen asked whether that had been done. Mr. Arnold asked Mr. Combs if Mr. Meyer would be there when they site their driveway. Right of way for town roads vary, they are 60 ft width roads in the Town but this is a County road. Mr. Meyer works for the DOT. It was difficult to know from the drawing whether the septic systems were too close to the road, so Mr. Arnold advised Mr. Combs to be sure that was checked. There is room to move the septic systems. Mr. Antis was concerned that the assessor be made aware that the property type had changed, and the Board members assured him that she knows.

Public hearing was closed at 7:29pm.

Mr. Arnold explained that Mr. Combs has to put the trailers where they are shown on the map, and not 50 ft. from the road as he explained.

Mr. Antis asked Mr. Combs if he understood that he needs to put things where they are on the map. Mr. Arnold explained that the building inspector will be involved in making sure that happens.

SEQR and a negative declaration were done in September.

Motion was made by Mr. Bergman for Final Approval of the Site Plan for Morris Combs Fortsville Road and Fawn Road Mobile Home Park, conditional on receipt of a letter from the Fire Dept agreeing with the final fire lane plan, and that Mr. Shaver seconded. Roll call vote resulted as follows: Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Mr. Zimmerman, Yes. All in favor, motion carries.

Motion that the Chairman and one other member review and sign the mylars when they are presented was made by Mr. Arnold and seconded by Mr. Bergman. No discussion all in favor no roll call.

#2 Peter Bushey
Peaceful Living Home Sales
1572 Route 9
Site Plan Review

Peter and Lori Bushey presented. They have been in the manufactured home business their whole adult lives, been here since July 1996. Peaceful Living is looking to locate a new sales center at a property that was previously another modular home dealership. There are homes there now that belong to the previous business, he has provided a map of what their display area will look like. The models are temporary construction without foundations, but they will be there a number of years. The business includes single and double-wides which will be on display for 12-18 months, single wides less. Loads will not be coming and going high traffic, homes are delivered directly to the building site and not here.

Mr. Zimmerman asked about services to the models. They will have power to them. An electrician wires them so that they can be lit during darker months, one switch at the front door will light the whole thing. There is an office as well and it is removable years from now, but a building permit will be required. The garage will be included so that they can store furniture and parts for minor service calls.

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They will have a lease from Mr. Freitag. He is cleaning up the site, there is litter in the back. Mr. Antis pointed out that there are two parcels and asked whether it is acceptable to have a site plan span two properties, and Mr. Jensen said that it was. Mr. Jensen asked about the new map.

Footings will be placed for the houses on display, but not for the mobile homes. They are 6 in floating footings. They do not plan to change out the models with any frequency. The only water and sewer is to the office. Mr. Zimmerman asked for the water and sewer lines to be shown on the map. It is a septic, not a sewer, they do need to locate that. There will be 4-ft frost wall footings for the garage.

Mr. Bushey said that Mr. Martin had told him that he didn't have to produce new professional drawings. Mr. Arnold explained that he wants more of the details added to the hand drawing. Route 9 needs to be shown and the location of the driveway, septic, water lines. Setbacks need to be shown, location of a sign. Mr. Bushey argued that those details are on the old map he brought and he's just taking over an existing business. He stated he was told he didn't need those things. He stated that wanted to pull out of the project because it couldn't be handled that way fast enough, because he has to be up and running in a couple of months.

Mr. Zimmerman explained that the Board is very careful on Route 9, and that they will help make some amendments and their job is to look at ingress, egress and landscaping. They need to add things to the drawing by hand. Mr. Bushey thought that all he needed was to go to the Town Board in December and he would be all set. This has all been there for 20 years and he doesn't plan to make any changes, so why hold this up and make it sound like a manufacturing site.

Mr. Zimmerman explained that the process is a dialogue around a few things, details they need. When the Board has all the information they need, a public hearing would be scheduled. Mr. Bushey was sure Mr. Martin told him he only needed the old map and not even the new drawing.

Mr. Zimmerman pointed out the details listed on Mr. Martin's staff notes, which Mr. Bushey agreed he had received.

With regard to drainage, there are no ditches and he doesn't understand why he has to talk about drainage. The Board explained that it is site drainage, not drainage from the road.

Mr. Zimmerman moved on to the traffic safety and parking design concerns.

Mr. Bushey had these notes in advance. He did not understand that these were things they were supposed to be addressed, because they were marked 'yes.'

He states he only needs parking for 3 or 4 cars. There is more than adequate parking available. Mr. Jensen stated that the applicant could be accommodated if he did his homework correctly. By his timeline, after a public hearing he could be closed out and get final approval quickly.

Mr. Bushey stated that he can't do his homework without proper instruction.

Mr. Arnold stated that the survey is adequate, and just wants him to transfer some features to the drawing, while eliminating items that won't be carried over. Then he can show traffic flow. The Board hasn't been on the site.

Mr. Bushey asked for further explanation of traffic flow because he thinks cars just come in.

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Mr. Arnold stated that they want the business in the Town.

Mr. Bushey stated that he has a home scheduled to come in the middle of January and he will have to reschedule.

Mr. Arnold said he could be approved in December if everything is correct. The new items will have to be received by Dec. 3rd to be heard at the December meeting. Mr. Bushey was angry and stated that the Town had opportunities to tell him what he needed and he doesn't understand why this is so hard.

Mr. Arnold stated that nothing has delayed him. He was always told he had to come back next month, and they are just giving him some things to do before he comes back that day. Mr. Bushey explained that he doesn't want to come back and be told anything is missing, and he feels this is harassment.

Mr. Willing Freitag, property owner, wants a written list from the Board. He stated they would get everything.

Mr. Bushey is convinced that showing a survey map has thrown a monkey wrench into things and Mr. Arnold wanted him to understand that he really needs to combine the two. A list of outstanding items will be made now, listed in the minutes and made available to the applicant.

The map needs to show ingress and egress. Mr. Freitag stated there are two curb cuts, one in front of the rescue squad entrance and one on the southern side that they use for tractor trailers. The one on the far north corner Mr. Freitag stated was 'unofficial.' Mr. Bushey was asked to show the location of display models, well and septic, and separation of those. Mr. Arnold pointed out that Mr. Freitag can help, these things are not all the responsibility of the applicant and Mr. Freitag agreed it is no problem. People will park and come into the office, and walk to the models, there will be no driving on the site. Mr. Bushey thinks that the building inspector can address these issues when he comes in to give the building permit. The applicant was advised that outside lighting needs to be shown. They are staying from the current site. Mr. Freitag stated there are no drywells, it is all sand and water also flows to the back of the lot. Mr. Antis brought up a concern about vehicles backing into the site and blocking traffic.

Mr. Freitag said that tractor trailers can pull right in forwards now, but the business has no plans to bring them on site except in emergencies where a new home needs to be stored for a few days. Mr. Arnold asked for a designated area on the map for where that storage would be so that it doesn't come up looking like a violation in the future.

Lori Bushey asked whether the setbacks apply to that and Mr. Arnold said they would not because they are temporary.

The septic also serves Mr. Freitag's adjoining home. Mr. Shaver was concerned that they should have their own source of water for different properties. They are owned by the same person. Mr. Jensen said it would only be a problem if the one with the well were sold separately. Mr. Freitag stated that he intends to put them into a trust together in a few months' time. Mr. Shaver was uncomfortable letting a business open up while using someone else's water. Mr. Arnold felt it wasn't a problem because he is getting water from the same person he's leasing the property from.

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Mr. Arnold stated that he liked the plan and the models were nice, it would be an improvement.

Mr. Zimmerman noted that Mr. Martin asked about a dumpster, and they just plan a residential size receptacle, not a dumpster. A temporary dumpster during the move in stage does not need to be shown on the map.

Mr. Zimmerman asked about a landscaping plan. Mr. Bushey has a relationship with Grasshopper Gardens and he has put the houses in Shelley Park in Northumberland. He will make the site look nice. There will be plantings in between the sidewalks.

Mr. Antis explained that they have had people do different than they had shown. Mr. Bushey said he has a reputation and the Board should trust him that it will be nice.

Mr. Arnold asked whether they had any questions as to what was requested.

Mr. Freitag said the pre-existing shrubs and bushes would be kept at the front and he could add some if they wanted. Mr. Arnold agreed they should show them if they are keeping them.

Mr. Antis asked whether a crane would come in. Mr. Bushey said one would.

Mr. Zimmerman read back the list:

Septic and water shown.

Connection of parking to Route 9, ingress and egress at three points.

Given the nature of the business and low traffic, parking lines don't have to be delineated.

Existing sidewalks will be used as possible. They are on the map.

Temporary storage of units. Outside lighting posts- changes or deletions.

Utility routings. Probably underground if possible. Electrician will be consulted.

Existing sign will be reused.

Refer to Mr. Martin's notes.

Mr. Antis wants him to show how the trucks will come on the property. Just a couple arrows.

Mr. Bushey has been in contact with the County about their Planning Board meeting and this issue was handled, a letter has been received and Mr. Zimmerman read it into the record. No County-wide impact, but please clean up and add to the Site Plan to reflect the Zoning requirements.

Motion was made by Mr. Jensen and seconded by Mr. Arnold to schedule a public hearing at 7:01 pm on Dec. 17th.

Lead Agency status is not necessary as there are no other involved agencies.

Mr. Bushey asked and Town water is available at the site if needed.

If his map is good at the time of the public hearing, if there is no surprise issue raised, he was advised could get approval in December.

Mr. Zimmerman asked whether the Board wanted to refer it to the Fire Department. Access is quite simple but the Board decided to take it to the Fire Department. Their response should be signed and dated, not a phone call or an email.

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#3 Samantha Richardson/Learning Ladder Day Care
195 Fort Edward Road
Site Plan Review

This application was presented by Tabitha Jarvis, 40 Connecticut Avenue Queensbury NY and George Denny of V & H Construction, which owns the property.

No changes are planned to the site, parking, sign, traffic pattern etc.

Saratoga County said today that there was no County-wide impact and that internal traffic circulation and child safety are a concern that should be addressed in the Planning process.

Parents will leave their vehicle for direct contact to pick up their kids, therefore be careful to delineate the correct number of spaces. This will be taken into consideration.

The handicapped parking space is shown at the side of the ramp, but they have moved it to the other side. George Denny met with Matt Dreimiller and they talked about using the ramp.

The State of NY doesn't want another entrance due to the change, so this adjustment fits what is actually going to happen. They can also overflow into the parking for the other building, as they only have 4 or 5 people in there at a time.

The parking was set up for the church, and before that the union, but the way it is set up doesn't work. They would like to get cars away from the entrance.

But they can't keep making new plans as they deal with the Dept of Health. Health has the Miller Design copy.

The County Planning Board was concerned about traffic while kids are coming and going. Mr. Arnold asked whether a sidewalk could go in. George said it is all stone, walkable, plowable, but there is no curb. Mr. Arnold suggested a sidewalk in front of those spaces to keep people from walking behind the cars. Curb stops causing a path to be left before the grass would create a walkway.

There are 10 spaces along the building, 5 at V & H and 11 along the road, plus one handicapped. The ramp is covered and has a handicapped door.

The facility will be licensed for 30 kids.

They plan to have 6 permanent cars parked. Parents do not all come at the same time.

They won't have any kids being dropped off from a school bus. They don't do half days or after school care.

Transient parking is as noted in the Aug. 2007 drawing, and kids will always be walked into the building. There are 9 +2 handicap. This is becoming time-critical. They have looked at snow removal and they know that this setup works.

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Mr. Antis asked for the ZBA approval. Mr. Zimmerman read it into the record. The Board was curious as to why they had to have a Special Use Permit, it is a permitted use but it is on a list of allowed uses that have to be reviewed.

As part of their review process with Dept of Health, they need this approval to move forward and get a stamped plan that they can take to the Dept of Health. They have redone the bathroom, added doors. They need a Building Permit stamped drawing for the interior remediations. Then they get the permit from DOH. Facilities are licensed as well as operators being licensed. It doesn't need to be sprinklered because they have adequate egresses. Matt Dreimiller has been very helpful. An electrician came in, signage is there, etc.

Staff notes wanted the septic reviewed, but it withstood much greater use in its past occupancies. The water has been checked for contaminants and is fine. Lighting is in place, had an upgrade, needs a little TLC because it hasn't been in use. Additional lights on the handicapped entrance. Sign will go in the existing space.

V & H has equipment to maintain the parking area if there is a spring flood, ultimately they may pave it. They are accustomed to removing snow from all the spaces and they have room to pile it in the back.

Mr. Denny complained about the maintenance of the railway right of way, and he was advised to call the County because it is a County road, and the County may actually own that now.

The Board began to review Lead Agency status for SEQR.

Involved agencies are County, Dept of Health.

Mr. Denny asked why DOH was included since they want the plan set before they receive it, and Mr. Zimmerman explained the SEQR process. They have to be notified in order for the Town to proceed with SEQR. There is no approval requested from them, they are just being informed. It is still possible to approve the project at the next meeting.

Mr. Denny feels that time is being lost doing a Site Plan Review when there are no changes. Someone is going to complain and it's going to slow it all down.

Mr. Arnold argued that DOH, while listed as involved, might not need to contribute anything per the SEQR review.

Mr. Denny pointed out that they have already been through reviews for Change of Use.

The idea of waiving the public hearing was raised because there is so little change in the plan.

Mr. Denny argued that it serves no purpose because no one will know they are there.

Mr. Arnold thought that people will know they are there, but may or may not have concerns about it. They need something they can take to the Dept of Health.

DOH can come in and say you are all approved except this change and they will have to get another permit or whatever. Mr. Denny wants to be able to get a building permit issued even though he is guessing at what DOH wants. DOH doesn't want to see drawings, they want a finished product.

The applicants didn't know they needed site plan review.

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Mr. Arnold said in the past the DOH has sent a letter saying that they don't anticipate problems, and that has allowed things to move forward.

They are waiting for a building permit to do interior work to pass DOH, why does that interior work depend on Site Plan?

Mr. Denny did not think he could get a building permit without site plan review but Mr. Arnold thought that he could, if all the work was interior.

Mr. Arnold asked what Matt's issue was with it. Mr. Denny said that they were reluctant to spend money on the place with no guarantees that they would get what they need.

SEQR and public hearing can happen in December and they can be working on their interior changes at the same time so it can be all buttoned up before January 1.

This Board doesn't have anything to do with building permits. It seems to the Board that the applicant should be able to do the things.

They are adding exterior doors, which may be the problem.

The Board wanted Mr. Denny to feel confident moving forward, but he was unwilling to spend the applicant's money to get the building ready if there was a possibility that something might come up.

A lot of time was spent discussing the approval process and the order in which things are done.

Motion to set a public hearing for Learning Ladder Day Care for Dec 17th at 7:05pm was made by Mr. Arnold and seconded by Mr. Antis. All in favor, motion carries.

Motion to declare Lead Agency for SEQR was made by Mr. Arnold, seconded by Mr. Shaver. All in favor, motion carries. Involved agencies are DOH, DOT, County already weighed in.

Meeting was adjourned at 10:07 pm per motion by Mr. Jensen, seconded by Mr. Bergman. All in favor.

Respectfully Submitted,

Tricia S. Andrews