

A meeting of the Town of Moreau Planning Board was held on December 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
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: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary

The meeting was called to order at 7:00 pm. The Board reviewed the minutes of the August meeting. Mr. Bouchard motioned to approve the minutes with no corrections and Mr. Shaver seconded. All in favor, motion carried with Mr. Bouchard abstaining.

The Board reviewed the minutes of the November meeting. Jerry Bouchard noted that he was absent but listed as both absent and present. Motion to approve the November minutes with that correction was made by Mr. Antis and seconded by Mr. Bergman. All in favor, motion carries with Mr. Bouchard abstaining.

Chairman Zimmerman began the meeting with a discussion of how last month's meeting had transpired. People came forward after who were uncomfortable with how it had gone. Mr. Zimmerman asked for comments. Mr. Antis expressed that the applicant seemed to think he was told that this was going to be very easy, and the Board was on the defensive because Mr. Martin wasn't here to clarify what the applicant had understood. Mr. Martin stated that he would never tell the applicant that they can be approved in one month. He was emphatic that he would not and had never said that or seen that happen. Mr. Arnold stated that two or three applicants in his memory were of that opinion, but were wrong. It turned out last month that the staff notes were very handy.

Mr. Martin explained that many people come in to his office for information. Sometimes they can have what they want, he can help them that day and it's simple, but other times it isn't. He knows and he tells people that especially on Route 9 he can never speak for the Board, and the first meeting is really just a completeness check for the applicant. Having been a Planning Board member, he would never disregard their hard work or speak for them. He regrets missing that meeting and does not make a habit of it. He would never have said what the applicant stated he said.

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

Peter and Lori Bushey were present to give an update as requested by the Chair.

Mr. Martin stated that the hearing was properly noticed to the public and that a no impact finding was returned by the County.

Mr. Bushey stated that most of the homes left behind had been removed but there are still a couple double wides. The surveyor has staked it off. Everything is ready to go and the site looks much better. When they start building, they will bring in a dumpster for any remaining trash.

Mr. Arnold asked for clarification that the dumpster was temporary and Mr. Bushey agreed that it was. If they did keep one, it would be a small one near the garage. They would enclose anything they added.

Mr. Zimmerman asked Mr. Martin if there were other issues open and Mr. Martin said he has seen the applicant and the property owner in his office a couple of times, and he thinks the new drawing looks good. He feels the issues raised in the staff notes were addressed.

Mr. Zimmerman opened the public hearing at 7:16pm.

Mr. Freitag, property owner was there and in response to Mr. Arnold's question he acknowledged that he knows that the water source will be an issue if he ever tried to separate the properties.

Mr. Pew, owner of the neighboring property, asked about the boundary lines because the last person using the site was too close to his property and his trees with the display units, and he never got an answer about that when he complained to the Town, as it was uncertain whether these counted as structures.

Mr. Arnold explained that since these are not permanent structures, the setbacks don't apply to them and there are none that do. Mr. Martin suggested that the Board add one for this site since they are in fact somewhat permanent structures.

Mr. Freitag asked what the typical setback is, it is 15 -18 ft. He didn't see a problem with that.

Mr. Bushey said he planned to adhere to that. The lines are well defined. Mr. Martin thought a condition was a good idea.

Mr. Bouchard observed that rear setbacks are 30 ft and the temporary storage area is within that. Mr. Arnold asked and those are on wheels and not going to be there long so the setbacks would definitely not apply to that type of storage.

Mr. Shaver asked where the water line was, and Mr. Bushey told him it was behind the office and is visible when you are on site. It goes into the crawl space the office sits on. Mr. Freitag said they would be extending the line about 150 ft from where it is now.

Mr. Shaver has a problem with this use of well water from an adjoining property when the property is within the water district. Mr. Arnold explained that it is an existing well. Mr. Shaver thinks that both

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properties should be on the water district, as they don't have good separation from septic. Mr. Arnold stated that other residences have not hooked into it. Mr. Shaver said anything new has to. Mr. Arnold didn't think everyone was required to hook up to it. Mr. Shaver said it may be existing, but it is new ownership and asked is it allowable in the Code to have it like this?

Mr. Martin said it's good to have this conversation, most municipalities want people to hook up and that is what should happen, but it's in the Board's discretion to allow it to continue this way.

Mr. Antis asked whether this was a new building.

Mr. Bushey said it is a new modular on a crawl space.

Mr. Shaver felt it should be hooked up to a municipal system. He would be willing to allow the applicant to wait until Spring to do so.

Mr. Antis asked about the meter panels. An electrician will come in. The panel there is on a board now, and the electrician will bring it to the new building and use it to light the new displays.

The 16 x 76 is strictly lighted, it is on wheels and blocks. The electricity will be in conduit, Mr. Bushey would like to bury it.

Mr. Arnold asked whether there would be non-family employees and Mr. Bushey said probably two sales consultants besides himself.

Mr. Bouchard asked about the parking and whether there was enough room to turn around.

Mr. Bushey thought people might parallel park, to make it easier to get out. He only expects a few cars at a time.

Mr. Zimmerman read into the record a statement from the fire company accepting the plans as drawn.

Mr. Arnold thought that the spaces were nice and wide, but the length isn't long enough on the map so please make the 18 ft. 20 ft. on the plans. The spaces will not actually have to be painted onto the gravel.

Mr. Bouchard disagreed and thought that only 200 sq ft were required and no specific dimensions.

Mr. Arnold thought they ought to put the dumpster with enclosure on the map and Mr. Arnold said just to put a note with the requirement listed on the map, a statement that if there were a dumpster, it would have to be enclosed.

Mr. Bouchard asked whether the existing lighting was going to be used. Mr. Bushey said that he will use it if it works, but he doesn't know right now whether it does. Mr. Bouchard stated that if they change the fixtures in the future, the building department has to be notified, and asked how that would be handled.

Mr. Zimmerman explained that that amounts to a change in the site plan, if the fixtures are changed.

That is usually included on the plan to make sure it's downcast. Mr. Arnold thought that should be included on the plan.

Mr. Bushey said the entrances would be lighted, which is required. There will not be exterior floodlights.

Mr. Bouchard asked whether Mr. Bushey was comfortable with a restriction against that on the plan and he said that he was.

Mr. Antis asked how late the lights would be on, whether it would be lighted at night for security/safety.

Mr. Bushey said that the sign was lighted, and that would be the only thing. Hours are 10-5 M-Th and 10-

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3 Friday and Saturday. Mr. Antis asked about for security reasons. Mr. Bushey was not planning on it. Mr. Bushey asked whether he would have to come for a permit to change the lights.

Mr. Martin suggested wording the condition on the plan to state no light wash on the surrounding properties. Signature lines also need to be added to the final plans.

Chairman Zimmerman closed the public hearing at 7:43pm and Mr. Shaver asked about a decision on the water. Chairman Zimmerman stated it should be discussed as a condition of the approval.

Mr. Antis asked about the lighting again and Mr. Bushey said that the 8 ft lights are not in front. He would if anything just leave a couple homes lights on, and Mr. Freitag said that it has never been an issue as they are just empty houses and he has two big dogs.

Chairman Zimmerman turned to the SEQR review.

The Board reviewed part 1 and agreed that the responses were consistent with the Site Plan, and turned to Part 2.

Mr. Jensen motioned for a negative declaration regarding SEQR and Mr. Antis seconded. 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.

The Board reviewed the conditions Mr. Martin had captured. They were that side setbacks would apply for display models only, side yard setback only; that electrical lines would be run in underground conduit; that there would be one way traffic flow on site; that the site will hook up to municipal water; that new or replacement lights or fixtures would be downcast with all lightwash on-site, no floodlights; and that a signature block be added to the plan.

Chairman Zimmerman added the dumpster note that if it's added it will be enclosed.

Mr. Shaver thought the service might already be there for water.

Mr. Bushey asked if he could have a set date of later than spring for the water hookup because this move is costly for him. He wanted to wait until fall, Mr. Shaver wanted him to do it by Memorial Day. Mr. Arnold pointed out that it's not Mr. Bushey's cost; it's Mr. Freitag's. Would Mr. Freitag be willing to do that?

Mr. Arnold doesn't see a compelling health reason to require the water hookup, but if the Board wishes it, he still doesn't see a reason to rush it. He's not opposed to a lenient time frame. Mr. Martin proposed July 1<sup>st</sup>. Mr. Jensen clarified that there is plenty of separation between the well and the septic. The Board and the applicant agreed to July 1<sup>st</sup> as a condition to connect to the water.

Mr. Jensen asked what is the busiest time of year, and Mr. Bushey said March-May and end of Aug –Sept. Mr. Jensen suggested Aug 1<sup>st</sup>. Mr. Bushey said he was interested in knowing his expenses and he would have to talk to Mr. Freitag about it.

Motion was made by Mr. Bouchard to approve the Site Plan for Peaceful Living Home Sales with the following conditions

They were that side setbacks would apply for display models only, side yard setback only; that electrical lines would be run in underground conduit; that there would be one way traffic flow on site; that the site

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will hook up to municipal water by August 1st; that new or replacement lights or fixtures would be downcast with all lightwash on-site, no floodlights; and that a signature block be added to the plan. Second was Mr. Shaver. 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 that the chair and one other member sign the copies of the final plans when they are presented was made by Mr. Jensen and seconded by Mr. Arnold. All in favor, motion called with no roll call.

Mr. Martin noted he also sends notices of decision to the applicant with a list of conditions if any.

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

Applicant has withdrawn this application, Mrs. Richardson having stated that the landowner got a better offer from an incoming tenant.

Mr. Antis motioned to reschedule the January meeting to the 28<sup>th</sup> and the February meeting to the 25<sup>th</sup> due to federal holidays on the usual meeting dates. Mr. Bouchard seconded. All in favor, motion carried with no roll call.

Mr. Antis stated that the Town Board is really emphasizing training for the Board members and Mr. Martin encourages the Board to go on the 6<sup>th</sup> of February, Mr. Antis would like to go to both that and the Federation training in April.

Mr. Martin is also asking the County if he can run one locally himself. Mr. Antis said the members run the risk of being dismissed from the Board if they don't get their credits.

Meeting was adjourned at 8:11pm per motion by Mr. Arnold, seconded by Mr. Shaver. All in favor, motion carried, no roll call.

Respectfully Submitted,

Tricia S. Andrews