

A meeting of the Town of Moreau Planning Board was held on March 18, 2019 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

**DRAFT**

John Arnold	Planning Board Member, Acting Chair
Jerry Bouchard	Planning Board Member
Reed Antis	Planning Board Member
Erik Bergman	Planning Board Members
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member
Meredith Matthias	Alternate Planning Board Member

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

Not present: Ron Zimmerman, Chair

The meeting was called to order at 7:00 pm by John Arnold, Acting Chair. Mr. Antis motioned that Mr. Arnold act as Chair and Mr. Jensen seconded. All in favor, motion carried. The Board reviewed the minutes of the January 28, 2019 meeting. No additions or corrections were made. Motion by Mr. Bergman to accept the minutes as written and seconded by Mr. Shaver. Mrs. Matthias, Mr. Bergman and Mr. Bouchard abstaining. All in favor, motion carries 4-0-3.

**North Country Paws for Obedience  
Route 9  
Expansion of approved Site Plan**

Laura Bacharach appearing. Business is going well so they would like to expand into the existing other side of the building. They are putting in sheet rock and a ceiling as well as fencing in a space of 15 x 30 for the safety of clients when they open the garage doors. The expansion will allow them to have 8 dogs per class M-F instead of 7 days a week with 10 dogs. They aren't doing any new services, just expanding. They have classes, training, private obedience training, day programs. They have a no tolerance program for barking. They are not doggie day care. In evening programs, owners are there for an hour or so with their dogs. In day care, the dogs are loose all day, unstructured and no training involved. Theirs in a daytime training program that lasts for 3-6 months.

Mr. Shaver asked and they will allow no more than 20 dogs on site, they currently allow up to 15.

Mrs. Matthias asked where they would put turf. They are going to raise it up a bit, there is a drain there that clogs now and can't be cleaned, this is an improvement.

Mr. Martin noted that the fenced area is a problem because side yard fences over 4 ft are not allowed in the Town, which is a unique part of the Code. They could shorten it or move the fenced area to the back.

Ms. Bachrach said that they had no problem lowering it to 4 ft. Mrs. Matthias asked if they had plans for a sign, and Ms. Bachrach said that they had submitted an application just recently.

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Mr. Arnold asked how they had amended their parking plan for the expanded use, and Ms. Bachrach said that they had only been using about half their allotment, but that they had gotten permission from the landlord to use the whole thing. Mr. Martin said he had counted 42 spaces and Ms. Bachrach stated that they only have 15 dogs there at a time. They sometimes have more during events, but not so many that it has created any trouble.

Mr. Antis asked about lighting as he has been by at night and it is very dark. There are motion sensors and lights in places but nothing that illuminates the parking area.

Mr. Antis referred to the July meetings and asked about their hours, asking if they were going to change them. They would like to go 3:30pm-8pm M-F Sat 9-2 and closed on Sundays and Friday evenings. They have events on some Sunday mornings and Saturdays. She stated that they have had staff meetings on Sundays. Staff sometimes train their own dogs there. Mr. Antis insisted that there were cars there on a Sunday, a parking lot full. The building was lit up. Ms. Bachrach would like to know when that happened. Regarding hours, they are serviced based. There are no walk-ins. Everyone is screened for vaccinations and health. They have a consultation before they are allowed to take part. No one stops in and they aren't a retail establishment where someone would come to buy pet supplies.

Mr. Arnold asked why they needed more space for fewer animals. Ms. Bachrach explained that someone can be working one on one with a dog while there is a class going on on the other side. So for private lessons and consultations, more space is helpful.

Mr. Shaver asked if they were walking the dogs in the developments on the other side of Route 9. Mr. Shaver said that he was concerned about crossing Route 9 to Nolan Road as well as about children in the area if a dog got loose. Ms. Bacharach said that they were insured. This walking is explained in their business plan. Mr. Arnold asked why they didn't go down Bluebird Road.

Mr. Bergman said that would be a disaster and Mr. Shaver said that what they are doing is also a disaster since they are walking 4-5 dogs at a time, dogs they aren't familiar with. Applicants stated that they are training them in leash walking. Mr. Antis felt that this would be done one on one. Mr. Arnold asked whether walking in a subdivision was the point, and Ms. Bachrach stated that they are willing to walk them in the parking lot instead.

Mr. Martin did not know that this was an issue but he thinks of this as a Commercial use extending into the Residential district, and wouldn't be appropriate.

Mr. Antis circled back to lighting and Ms. Bachrach said that she would prefer to have more lights. She wasn't sure how to go about it, and Mr. Martin directed her to go to her landlord and ask for downcast lights, and a lighting contractor would tell her how much she needed to get good coverage. They do hear from their clients about it.

Mr. Arnold advised her to keep them low on the poles and Mr. Martin explained that they would have to submit a lighting plan and keep the light on site.

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The property manager for the site has changed and the applicants are trying to get better lines from the new person. Mr. Arnold pointed out that some of the lines are in the way of driveways, and Mr. Martin pointed out that the scale might be incorrect on the maps.

Mr. Jensen mentioned for the applicant that there are rules about the size of the parking lot spaces and Mr. Arnold said they have to be 10 x 20. On the current map Mr. Bouchard said that they appear to be 5 ft. It is unclear which parking guideline to use because this use isn't listed on the schedule, it is not retail or warehouse, etc.. They are currently using 10-12 parking spaces.

They have 5 staff, which she wasn't including in that total. Mr. Arnold was in favor of limiting the number of cars as well, in case expanded use becomes a problem. Ms. Bachrach said that they have had up to 25 cars there during events. Mr. Arnold said they should show 30 spaces on the plan, and try to get their landlord to draw them. Mr. Martin said that they could indicate employee parking in the less desirable spaces. The Board and Applicant agreed that 30 spaces should be shown to work, drawn to scale.

Mr. Bouchard asked if they had any kind of license which limited the number of sq ft required per dog and they aren't subject to anything like that.

Mr. Antis asked how often a single dog would come. Ms. Bachrach stated that they are 3-6 months in a program. Mr. Antis insisted that this was day care.

2<sup>nd</sup> applicant stated that this is a training care program because they are not loose and free running.

It is not for the life of the dog, it's not a drop off program, and is a limited number.

Mr. Bouchard owns a day care and education is part of the day care, so he agrees that an all day program is day care. Ms. Bachrach agreed but stated that dog day cares are different. Mr. Arnold also disagreed because he has friends who run dog day cares and they do some training. Mr. Antis said that the owner is not there, and that's what makes it day care.

Mr. Arnold asked Mr. Antis whether it was not allowed, if it were day care. Mr. Martin stated that this issue was already settled. It is allowed. Ms. Bachrach pointed out that nothing has changed about what they are doing and all of it is in their business plan. Mr. Antis read from the previous minutes stating that they had said they don't do anything during the day. Mr. Arnold clarified that even if it were a day care, that's an allowed use so there isn't a problem.

Mr. Arnold didn't think it mattered whether it was a day care, it fits in the district as long as it isn't a kennel which no one has said that it is, so they can move forward. Parking spaces, lighting, change in dog walking, and a lower fence are the issues to be addressed.

Mr. Bouchard pointed out that the hours listed on the site plan are not the same as the business plan. The 3:30pm-8:00pm period is for private lessons. They are there 7:30am-8:30pm. Mr. Antis took issue with saying 'by appointment' when they are actually having an event. Mr. Arnold asked why it made any difference. Mr. Antis stated that they were using it more than they are saying they are. Mr. Arnold asked them to add "and for special events" to the hours listed on the site plan. They are there after the hours listed, and they don't want people walking in at those times. Mr. Arnold clarified that the Board needs to know when they are there, not when they are open to the public. Parking on Sunday could be 1 car or 30.

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Mr. Arnold clarified what they should list as far as hours of operation. They are in a Commercial Zone so they are allowed to be there.

Items to be clarified are an exterior lighting plan, that there will be dog walking on site only, rescale parking design to show 30 at the correct scale, patron versus staff parking areas, time frames for Sundays, fence 4 ft tall.

Mr. Antis asked whether they would limit the time the lights would be installed, such as before winter. Chairman Jensen asked whether the Board planned to curtail the number of animals they could work with. He was not in favor of micro managing the business.

Ms. Bachrach stated that they didn't want large class sizes.

Mr. Martin suggested August 31<sup>st</sup> as the deadline for lighting. They will need to submit their revised plan by April 1<sup>st</sup> to be heard at the April meeting.

Motion to table Paws for Obedience while they address those 5 items was made by Mr. Bergman and seconded by Mr. Shaver All in favor, motion carried no roll call.

**Bartlett/Doyle**  
**Revised Site Plan Review**  
**205 Reservoir Rd**

Mr. Pidgeon appeared and Mr. Martin explained that the building is shifting east and parking to the west. Lights have been added. Location of a compliant sign is shown, and the grassy area. Mr. Jensen disclosed an unrelated contractual relationship with Mr. Bartlett.

Mr. Arnold stated that he liked the fence between them and the residential neighbors and Mr. Martin pointed out that from the back corner of the building to the front line the fence has to be only 4 ft tall. Mr. Arnold asked whether there should be a gate in the fence in case Mr. Bartlett plans to live there and wants to get to the business side without going out on the road. This was intended, so it was sketched in.

Mr. Antis asked if there was dirt there and Mr. Martin pointed out that no CO would be issued until that was taken care of as listed on the site plan.

Ms. Matthias asked and the entrance is crushed stone.

Mr. Martin wanted to make sure the drywell was going to go in, it is shown on the plan and it must be done.

Mr. Arnold pointed out that all the 'proposed' areas should be removed as they must be done, they are not just proposed. Even the proposed silt fence is required. The 'proposed by 2017' fence is already in place. The plantings also need to actually be there to get the CO.

Mr. Martin asked when they would be in for their building permit, but Mr. Pidgeon didn't know. The building has been purchased.

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Mr. Arnold asked if 7 ft tall garage doors were planned as shown on the elevations. Mr. Pidgeon thinks they will be higher.

The retail store area doesn't connect to any doors. Mr. Pidgeon stated that they would enter through the front door display area.

Mr. Bouchard pointed out that it says 'proposed design is subject to change,' but the gable design is now settled so that note can be removed.

Mr. Antis asked when they want to have their CO and Mr. Pidgeon said as soon as they can.

Mr. Arnold reminded Mr. Pidgeon that this started as a compliance issue and there is too much junk visible from Route 9 still. The location of the building and finalization of this plan is not an excuse for not cleaning up the site as requested.

Mr. Pidgeon thought that Mr. Bartlett was eager to get started but that is too vague. They need to be ready to have their CO by Nov 30<sup>th</sup>, and they won't get their CO unless this is done and clean. If it is not, and that date comes, they will be brought back in or eventually ticketed. Mr. Bartlett can't conduct business out of his new site until the CO is issued. Mr. Bouchard suggested bringing the applicant back for visits to keep him motivated. The neighborhood is also concerned about the state of the property. The junk moved, so most of the neighbors are satisfied according to Mr. Martin.

Mr. Jensen pointed out that anything that happens after this site plan is issued is an enforcement issue, and not this Board's problem.

Other than adding the gate, nothing was changed so this plan is acceptable. The word 'proposed' was removed in all instances, and the fence will be shorter at the front of the site. They can take out the views of the buildings because it isn't right. The locations of the entrances are on the plan and that's the important part.

The setback is 50 ft and the building is 51ft now so Mr. Martin reminded Mr. Pidgeon that the setback goes to the eave. Mr. Pidgeon decided to move the building back a couple more feet to 53ft.

The Board discussed conditional approval.

Motion made by Mr. Bouchard to approve the amended site plan for Bartlett/Doyle Reservoir Road with four conditions; 4 ft fence from back building line forward, addition of a gate, removing 'proposed', and 53 ft setback from the front property line.

Second by Mr. Antis. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Mrs. Matthias, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Mr. Arnold, Yes. All in favor, motion carried 7-0.

Mr. Dave Johnson of 251 Fort Edward Road adjacent to Winterberry is concerned that they have moved a lot of dirt. He heard the presentations before it was sold to Michaels group. There was a sewer district at first but it was changed to all septic. It is on Town water. He is concerned that they are pumping water into the ground through the septic and no water is being drawn out because they aren't allowed to use groundwater for anything out there (plume). He is concerned about all the additional water, that the

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ground will flood in that area as it did in the Gansevoort Road area when the Michaels Group built on Reservoir Road. He is concerned that his basement will flood and he and his neighbors will have to pump their basements. The developer took away a hill that was there.

Mr. Johnson spoke to Mr. Dreimiller who assured him that septics are designed for this, but Mr. Johnson has seen septics fail.

Mr. Antis reminded him that the original plan was downsized when the sewer didn't come down that road. At 49 houses they are not required to have DOH review of the system.

Mr. Martin said that the removal of that hill was on the grading plan. They dug 14 test pits and the percolation rates are very high.

Mr. Johnson stated that there is clay beneath the surface, but on the plan the soil types are identified in all the pits as sand.

He is concerned they saved money but water moves and his back yard will be a lake.

If the Board can't do anything about it he would like to know who he has to call.

Mr. Shaver said that from those perc rates the water will dissipate real quick. The plume site is north of him. The water doesn't move east to west, it moves north to south. Water from the subdivision is going to continue to move. Mr. Martin saw that there is wetland on Mr. Johnson's property. He said it is hard to know where it will settle. We don't know the topography of the clay line underneath the sand.

The builder did everything that was required of them and the percs were really good only one showed the high water table. They were done in August.

These things have happened. Drainage improvement can be done if that does happen.

Mr. Martin pointed out that it is impossible to study it all and know in advance what will happen. they did do in good faith what they had to do. In a worst case scenario, As Mr. Johnson had said that the water table was 8 ft below his basement, he would probably be ok.

Essentially the Board has done all they can do which is to study it before hand and make the best plan possible, with very good test results.

Mr. Martin said that they are bound to handle their stormwater on their site, so neighbors are taken into consideration. Subsurface is much harder to plan/predict.

Mr. Johnson asked what if he finds he does have water in his basement?

Mr. Arnold said that he should document his current conditions, and that the Town could be asked to help if there was a problem for all the neighbors. Mr. Martin said to get documentation now when the ground is as wet as it will ever be because it is Spring, and to check it at this point every year. Mr. Arnold said to check it again in August.

Mr. Arnold mentioned a decision regarding Sassy Curls, and Mr. Antis asked for a written documentation of the decision to be placed in the record. Mr. Arnold brought it up because he agreed with it.

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Mr. Antis mentioned that there is no silt fence around the Hudson Headwaters site and Mr. Martin said it might not need it as it is a low area. Mrs. Matthias stated it is down-sloped.

Mr. Jensen moved in the matter of Sassy Curls that since it is an established business that has been compliant in the Town and is moving across the street to a site that was just reviewed and no changes are planned, to concur with the Zoning Administrator that no site plan is required. Mr. Bergman seconded.

Mr. Antis argued that the Site Plan was not careful and that the person who applied didn't comply with it. The site plan had no drawings and was inadequate for a retail operation.

Mr. Bouchard stated that Zoning Enforcement has made a ruling and it's not this Board's business. It can be argued at the Zoning Board if someone wants to, and this Board doesn't need to do anything. Roll call vote resulted as follows: Mr. Bouchard, No; Mr. Antis, No; Mrs. Matthias, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Mr. Arnold, Yes. Motion carried 5-2 with no abstentions.

Mr. Martin informed the Board that the interchange at Exit 17 is going to be rebuilt in 2021. Configuration will be substantially changed to something similar to the Exit 19 format, but the Southbound exit will be a right turn loop.

The Signal on Route 9 and Route 197 had 20 seconds added and it has improved the wait time.

Snyder Drywall can't get anywhere with National Grid, so he is tearing off part of his building and moving the septic, and he'll be back here after a May visit to Zoning.

Mr. Stone at the former CutRite counters site had a misunderstanding with his realtor and will be here in May because he's supposed to have review. There is an issue of remediation on the back side of the property.

Mr. Martin said he will address issues with Absolute Auto next.

The meeting was adjourned at 9:12pm per motion by Mr. Antis, and seconded by Mr. Bouchard. All in favor, motion carried, no roll call.

Respectfully Submitted,

Tricia S. Andrews