

A meeting of the Town of Moreau Planning Board was held on February 24, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Ron Zimmerman	Planning Board Chair
Jerry Bouchard	Planning Board Member
Alan Vantassel	Planning Board Member
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member

Absent: None

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary; Ann Purdue, Alternate Planning Board member

The meeting was called to order at 7:03 pm by Ron Zimmerman, Chair. Chairman Zimmerman introduced Alan Vantassel to the Board members who were not here last week. The Board reviewed the minutes of the January 27, 2020 meeting. On p. 2262 1/3 down item 2 'no livestock with 50 ft of the well' should say "within 50 feet of the well." Motion to accept the minutes as amended was made by Mr. Arnold and seconded by Mr. Shaver. All in favor, motion carried with two abstentions.

Chet Sanders
Route 9
Public Hearing
Site Plan Review

Mr. Sanders explained that they want to build a 40' x 60' building to service their equipment on their site. Mr. Martin explained that Mr. Sanders has been in to see him and settled all the outstanding items. This is his public hearing. This was referred to the County, but a response has not been received. They are meeting on Thursday, three days from now.

Chairman Zimmerman stated that at the last meeting this was declared a Type II action.

Mr. Bouchard asked about items from October. An Erosion control plan, indication for septic, and lighting details, lot consolidation. Mr. Martin confirmed that all of those items are settled. The lighting cut sheet was presented.

For the erosion plan, they have a drywell, and a retaining wall between the high are and the low. Mr. Bouchard asked and this will make the lot more level than it is now. Mr. Martin explained that Matt Dreimiller, who issues the building permit, will look for those things during site visits while the building is being built, and they will be taken out when the building is complete. The Board could add a condition. The applicants are not building the proposed well.

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The public hearing was opened at 7:12 pm. This was properly noticed. No members of the public were present to comment. Public hearing was closed.

Mr. Jensen moved to grant site plan approval for the Chesand Site Plan on Route 9. Mr. Bergman seconded. Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Vantassel, 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 mylars when they become available was made by Mr. Jensen and seconded by Mr. Bouchard. All in favor, motion carried.

**Gardner Condgon
Selfridge Road
Preliminary Plat Review**

The applicant/representative was not present for this site plan.

Discussion regarding SEQR Designation

At the Planning and Zoning Conference Mr. Zimmerman and other Board members had sat in a session about the flow and sequence of meetings. Public hearings are usually closed before SEQR is addressed. It was suggested at this meeting that SEQR review should be done before a public hearing. SEQR could be re-opened or re-visited if something came up in the public hearing. This was considered case law.

Chairman Zimmerman shared what they had learned with Atty. Buettner and Mr. Martin had also been part of the conversation.

Chairman Zimmerman would like to ask Atty. Buettner to draft a guidance document for the Zoning Administrator so that the Board can do things the best way. Mr. Martin added that he thought the sequence the Board had been using had been correct, and he had done it that way in other Towns as well. The primary reason for that is that a member of the public or an affected party can bring in additional knowledge about conditions or a project that impacts how the Board understands it. This case law was news to him. So he would like additional guidance and research, but said would prefer not to change the sequence. Mr. Bouchard noted that they would have to stop every time and ask whether anyone wanted to revisit SEQR before moving on from a public hearing. Chairman Zimmerman stated that the city planner he had spoken to had also agreed that it didn't feel quite right. They do sometimes poll the public unofficially. Chairman Zimmerman wanted to share the information with the Board and the Town's Attorney. Mr. Martin stated that a Town rarely loses an Article 78 challenge based on the quality of a decision, but rather on a procedural mistake, which is what this would be. That is the number one reason that it is important to get this right.

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Mr. Bouchard asked whether the point of SEQR is to enlighten the public about what you are about to do, or to get information from the public. Chairman Zimmerman stated that the intent is not that clear. Mr. Arnold shared his understanding of the lawsuit being referenced, and it seemed to him that it makes sense to gather information from the public that they use.

Mr. Martin suggested that a public hearing could be opened, SEQR done as part of it, and finish/close it after. That way public comment on SEQR is not precluded, and new notice doesn't have to be given. Mr. Martin suggested running that idea by the Attorney as well.

Chairman Jensen thought it might not be legal to take a vote on SEQR during an open public hearing. He thinks SEQR has to be completed before the public comment.

Mr. Bouchard asked if a member of the public gets everything about an application that the Board gets and they do, and if documents are provided electronically, they are also posted online. So the opportunity exists for the public to review and comment on the SEQR information.

Mr. Shaver asked how the tow truck business was able to move in North of Nolan Road without being reviewed, and Mr. Martin explained that it was a mixed use establishment and that is how they run. This moved from a materials depot to a tow truck station. The new owner has been cooperative. Mr. Shaver stated he had seen garage work being done on a vehicle there this week. He expressed concern about that business operating in the neighborhood with homes.

Mr. Arnold thought that was in the mixed professional, office, and light commercial zone.

Mr. Shaver asked why people were putting in certain businesses without permission and Mr. Martin explained that the businesses he had cited were going to be coming before the Board. He explained the compliance process and that he doesn't have police power but that he can bring them before a judge, but it is not a fast process. With regard to Mr. Bill's upcoming application, based on the Zoning, car sales are allowed there, but warehousing cars is not. Mr. Shaver disagreed with the use at the other Route 9 site that is being used by tow trucks, and Mr. Martin invited him to take the decision to the Zoning Board and ask for a determination. Mr. Shaver compared it to Absolute Auto and the concerns about crashed vehicles leaking fluids in this spot. He declined to appeal the decision.

Motion was made by Mr. Shaver and seconded by Mr. Bouchard to adjourn at 7:46 pm.

Respectfully Submitted,

Tricia S. Andrews