

A meeting of the Town of Moreau Planning Board was held on February 22, 2021 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York and via Zoom.

Peter Jensen	Chairperson
John Arnold	Planning Board Member
Jerry Bouchard	Planning Board Member
Mike Shaver	Planning Board Member
Ann Purdue, Esq.	Planning Board Member
Meredithe Mathias	Planning Board Member
Erik Bergman	Planning Board Member
Adam Seybolt	Alternate Planning Board Member

Also present: Jim Martin, Zoning Administrator in person; Karla Buettner, Attorney for the Town; Tricia Andrews, recording Secretary

Absent: None

The meeting was called to order 7:00pm by Chairperson Jensen. Chairman Jensen announced that Mr. Arnold had agreed to serve another seven-year term. The Chairman also stated that there are eight applications on the agenda and asked for a motion to schedule a Special Meeting on March 8th and Mr. Shaver motioned. Mr. Arnold seconded. Motion carried with no roll call. The Board reviewed the minutes of the January 25, 2020 meeting.

On p. 2324, the date July 24 20201 was changed to 2021. Comments at the beginning of the William Smith hearing were attributed to Mrs. Mathias when they should be Ms. Purdue. On p. 2327 Ms. Purdue stated ‘they are not where they are shown...’ was changed to “the vehicles are clearly closer to the road than shown on the Site plan, but apologized if she had mistakenly exaggerated their location.”

Mr. Arnold motioned to approve the minutes as amended and Ms. Purdue seconded. All in favor, motion carried.

#1 Lee Horning
1496 Route 9
Site Plan Review/ Public Hearing

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Mr. Horning was present via phone. From last month he has submitted a revised plan with more parking shown and demonstrating space for potential expansion. It has gone to the County.

Ms. Purdue asked whether the future expansion location and outbuilding had been removed from the plan because she did not get a revised site plan in her packet, and Mr. Horning stated he had removed that. Mr. Arnold stated he didn't get a revised plan either.

Mr. Martin stated that this is a Type 2 action under SEQR. Chairman Jensen asked for a motion to that effect and it was made by Mr. Bouchard. Second was Mr. Bergman. All in favor, motion carried with no roll call.

Motion was made by Mrs. Mathias to approve the Site Plan for Lee Horning on Route 9 and Mr. Bouchard seconded. Roll call vote proceeded as follows: Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Bouchard, Yes; Mrs. Mathias, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Chairman, Yes.

Mr. Bouchard motioned that the Chair and one other member sign the final plans, which would likely not be mylars, when they are presented, and Mr. Bergman seconded. All in favor motion carried, no roll call.

#2 Arrowhead Meadows

Bluebird Road

Preliminary Review

Travis Mitchell was accompanied by Attorney MaryBeth Slevin and the builder. This project is 22 acres with frontage on Bluebird Road. Zoning is R-1 and R-2, primarily R-1. Layout was presented. The only change to that is including a provision for the HOA to have a trail through the lands in the future. They moved lots 25 & 26 apart to make some HOA land there that touches the right of way in front and behind. This is to allow for a potential pedestrian pathway to the recreation park as requested by the Board.

The combined traffic study for the group of developments nearby found negligible changes. They had some comments related to Jacobie Farms, but not on this one.

The cross-easements in place allow this to be constructed with a looping water line independently from the other development, and allow it to share stormwater facilities with that one. This is not new. There was a point raised about mail distribution facilities, so there is a spot shown with some parking but they are still in discussion with the local postmaster about whether they prefer that or individual mailboxes at each house.

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This is their third meeting with the Preliminary Plat. They have replied to comments from Laberge. The County took it up, he has not heard their comments but he believes they will defer to the Town. SEQR was begun. He would like to schedule a public hearing.

Mr. Martin commented that for coordinated review they had only heard from the DEC which consented to the Planning Board as Lead Agency.

Chairman Jensen asked about connecting with the sewer system. Mr. Mitchell stated that his position has not changed, if it is affordable they will consider it. He received information a month or so ago on the original map plan report and it was done three years ago. He hasn't seen what the costs are going to be so without that information he can't make a decision. The Town needs to give him clear and concise information and he doesn't want to slow this project down while waiting for that.

Mr. Martin stated that Atty. Buettner should be joining the call soon and might have more information. Part of the reason the Town can't answer the question about costs is that it changes when more people join and there are constant changes. They are waiting to see what happens when new users come into the system.

Atty. Slevin stated that the issue is that they need the current cost, in addition to projected information. They need to be able to compare that to the costs of building a septic system, so in the short term they need the current analysis of the cost.

Atty. Buettner explained that the Town had a map plan and report from 2017 which a specific number of users, and fees based on assessed value. As of today those fees are different. A number of Commercial businesses on Route 9 have joined in and other residential and commercial have indicated that they intend to. If they include all three of the subdivisions going in in this area, the value of the included properties doubles and the cost is cut in half. While Mr. Mitchell has requested specific information she is not sure there is any more information they can give. New users are added each day so the moving target is moving downward.

Mr. Mitchell stated that he did hear from people but the information is all potential scenarios, and since he himself is not involved he doesn't have enough information about the cost.

Atty. Buettner stated she doesn't know how they can do that.

Mr. Mitchell stated he just wants it to be reasonably affordable and now he is seeing \$2,500-\$3,000 a year for an average home and even half of that would not be affordable. So he needs to see that it is much nearer to reasonable, since the soil there is very ready to handle regular septics. Atty. Buettner stated that the number he cited was definitely not the current amount and that she would see what she could get for a current cost. Mr. Mitchell said he was still open to it but just didn't want to slow the project down.

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Atty. Slevin indicated the project review should go forward with that possibility kept open.

Atty. Buettner stated that the project is going out to bid next month, which will give them more accurate costs as well. Mr. Mitchell said he would continue to consider it.

Ms. Purdue said that some agencies hadn't responded to SEQR and they will need to go ahead with SEQR. The use of septic vs. sewer might change it from Type 1 to Type 2 for SEQR. At the start of coordinated review the Board had called it an unlisted action. Mr. Mitchell thought it might be a Type 1 because of proximity to the park, private sewer, number of homes.

Mr. Martin didn't think this crossed any of the thresholds for Type 1 and Ms. Purdue said that a development of over 50 would. Atty. Buettner stated that the other projects are identified but not included. Ms. Purdue asked if proximity to the park would change it and Atty. Buettner stated that she didn't have that in front of her at the moment. Ms. Purdue asked how they would proceed and Atty. Buettner stated they can do both SEQR and public hearing on the same night as long as they close one before they start the other.

Mr. Shaver asked whether he would add sewer connects and Mr. Mitchell said he'd have to know it was affordable. Mr. Shaver said he would like to see the infrastructure there because sewer is the thing of the future and better for the land.

Mr. Mitchell stated that the Town is lucky that the soils are so good for septic and they don't have to think about that for single family homes. He would like to join sewer if it is cheap enough. Mr. Shaver encouraged him to protect soils by preparing to join in. Mr. Mitchell stated again that he would like to.

Atty. Slevin added that if they are compliant with regulations, unless the threshold of affordability can be met they can't force them to join the sewer without a practical reason.

Chairman Jensen stated that the Board is obligated to review what is before them but doesn't have the authority to require this.

Mr. Bouchard stated he agreed with Mr. Shaver but he wondered whether the Town would run sewer line through an existing neighborhood if it was requested. He stated he feels they can join on sometime later when it is more affordable.

Atty. Buettner stated that at this time the Board cannot require them although the Town Board is looking at requiring it in the future.

Mr. Bouchard asked where the S-1 R-2 line was. Mr. Mitchell showed that map again and demonstrated.

Mr. Bouchard stated that on Sheet 15, are lots 25-28 on that area and Mr. Mitchell agreed and stated he would put it on the next plan. Mr. Bouchard asked whether they meet the minimum

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lot size in that district and Mr. Mitchell said that this is a cluster. They have 18.5 and 3.5 acres which allows a density of 51.5, they are proposing 44.

Chairman Jensen asked whether there were any further questions.

Ms. Purdue said she didn't see a determination on SEQR in the minutes from the last meeting, so the Board can wait until the March 8 meeting for more responses from involved agencies and address that then.

Mr. Mitchell asked whether they could schedule the meeting for the 15th so they would have adequate time to advertise and put up signs.

Mr. Arnold asked what the agenda for March 15th was looking like thus far and Mr. Martin stated he thought it might be any of the current subdivisions, as well as another large PUD.

Mr. Arnold wondered whether the next meeting would have to be split as well. Mr. Martin thought that it might be fine but there was a chance they would need another additional meeting.

Atty. Buettner asked why the Board was reluctant to declare type.

Ms. Purdue stated that it might exceed 25% and is contiguous to park land.

Mr. Mitchell stated that there is no common border with the park. It comes to a point.

Atty. Buettner stated that the guideline says 'substantially contiguous' but it is not.

Mr. Bouchard motioned to declare this an unlisted action for SEQR and Ms. Purdue seconded.

All in favor, motion carried with no roll call.

Mr. Bouchard had Mr. Mitchell repeat his density calculations because his line had dropped out.

Mr. Martin pointed out that when a final decision is made it should be referenced that this is a cluster subdivision.

Mr. Bouchard motioned to set a public hearing for March 15th at 7:01pm. Mr. Arnold seconded.

All in favor motion carries with no roll call.

Mr. Mitchell asked for clarification on posting the sign and notifying neighbors. He has to post the sign and the Town will do the notices to the neighbors.

#3 BKM Properties
740 Old Saratoga Rd
Site Plan Review

Peter Loyola, Nick Myran spoke on behalf of Brian Mackenzie for an 8,000 sq ft professional building on the professional campus.

2016 there was a subdivision and site plan. They are looking to develop Lot 1. C-1 district and is fully compliant. They are proposing a multi-tenant steel frame building. Water is a drilled well,

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sewer is a septic tank, they will do test pits in the spring. Common sign for the three sites has not been designed yet. Lighting plan is 6 pole-mounted and 4 building-mounted LED lights for a low level of light. Floor plan and elevations provided. They show storefronts and overhead doors. They are not providing a landscaping plan yet. Snow storage areas are denoted as well as dumpster enclosures. They plan two infiltration basins and grassy areas. SEQR was submitted. Short Form was resubmitted but has already been evaluated with a negative declaration.

Chairman Jensen asked what the usage of the building would be and the intention now is BKM's construction company in one and an auto-detailer in the other.

Chairman Jensen said that the SEQR would be different and is based on what is going into the building so it would need to be re-evaluated.

Mr. Martin stated he would recommend that be re-reviewed.

Mr. Loyola stated that Mr. Mackenzie could speak on the planned use.

Mr. Mackenzie stated that the auto detailer is something they would like to propose and is already working at the strip mall at Diamond 9 Plaza. He is already in the Town he just wants more room. There are catch basins for oil.

Mr. Bouchard asked whether the building would be similar in appearance to his previous building next to Diamond 9 plaza and Mr. Mackenzie stated it would be about the same with different trim. They would like to do that on all three lots. It is not going to have a warehouse look. There is no mechanical work done in the detailer so the drains are just for wash water.

Mr. Bouchard asked what they envision for landscaping in Route 9 and Mr. Mackenzie said that he doesn't border Route 9 just Old Route 9. He does plan green grass and likes to keep it manicured.

Mr. Bouchard emphasized that there is a residence across the street so they should be aware of that and Mr. Mackenzie said that he had lowered the poles because of that, but was willing to move or remove the one closest to that neighbor if needed.

Mr. Martin stated that if a monument sign is planned it should be shown, and that a landscaping plan should be included in the application.

Mr. Myran said that they plan one sign for three lots but they don't know how this is going to go so they can't design the sign yet.

Mr. Martin said he didn't want to hold it up but they could decide what it would look like and where it could be placed and might need an easement or right of sharing written up.

Mr. Loyola said that there is only one entrance so there are only a couple of potential locations, but that is why the shared entrance is there. They thought that for Site Plan approval since they don't know what the other two lots will be they would rather just show a potential future sign.

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They would come back at a later date when they know what the other two will be, but they are proposing a monument sign.

Ms. Purdue asked if the access road is at the crest of a hill and whether a traffic impact assessment has been done.

Mr. Myran said it was put there on purpose to maximize sight distances.

Ms. Purdue asked what amount of traffic they will generate, and Mr. Myran said that they have about 30 parking spaces.

Mr. Mackenzie said he goes in 3-4 times a day and has one secretary. The auto detailer has 3-4 clients a day. Ms. Purdue said that the number of parking spaces seem to be well in excess and Mr. Mackenzie said they only have that many because the Code requires it. They are using office space calculations.

Mr. Martin said that he views the auto detailer as a retail business, but they also look at the floor plan to determine how much is office space or waiting area, display space etc. to calculate different uses. The actual space where the cars are detailed is not included in the retail use.

They can't establish the correct count until they have the floor plan.

Mr. Mackenzie said that they designed it for office space because there is potential it would be used that way.

Mr. Martin stated the calculations for retail space would require more marking than office.

Mr. Myran explained what they know about the floor plan and stated they are still well in excess.

Mr. Arnold said that the spaces they have now calculate to 210 sq ft of building for each space so they seem to pretty much cover the current planned use. He wondered if it would be re-evaluated if the occupant changed. Mr. Martin said that if the nature of the use changed, they might. If it is approved as a strip mall, they might not have to come back each time a use changes.

Mr. Mackenzie asked what they fell into and Mr. Martin stated it was hard to say without the floor plan or knowing what they were going to put in there. If they wanted to declare it retail now, that would simplify things.

Mr. Arnold asked whether they needed a floor plan or could just give the Board expectations.

Mr. Martin thought that they should plan for retail because that requires the most parking, and if it ends up office, that requires less and he doesn't have to do anything. Mr. Arnold stated the other option is to plan for office and Mr. Mackenzie would just know he has to come back if he wants to do more retail. Mr. Martin also stated that whatever they had done for his other spot down the road had worked nicely.

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Mr. Loyola stated that as offices they had more than they needed and they really didn't want to build out impervious surfaces. They are generous for office right now to be flexible. They are trying to mirror Mr. Mackenzie's other development.

Mr. Mackenzie stated they expect people that want 3-4,000 sq ft, mostly sales. He used an example of somebody who makes humus. Mr. Martin stated that is all very complicated for parking calculations because some is storage, some is sales, office etc. Mr. Mackenzie stated that person would have to come back for that approval.

Mr. Bouchard said that there were complicated discussions last time about handling changes in use in his other development.

Ms. Purdue stated they still have to have a notion of what is retail vs. office for calculations because of the parking calculation as well as the traffic picture. Mr. Mackenzie stated he would like a 24 by 24 office with a bathroom, and that is all he knows for sure right now.

Mr. Loyola stated there is no intent to put 80 spaces of retail in there. Mr. Arnold stated that with 38 spaces of parking planned they could not do a full retail buildout so they would have to tell any potential tenant that.

Mr. Mackenzie stated they would build the other side for a tenant that wanted that.

Mr. Bouchard asked what drains were going under the parking lot and Mr. Myran said it is sheet flow, no underground flow.

Mr. Myran said everything drains towards the west.

Chairman Jensen asked for the area of disturbance and it is 1.3 acres per Mr. Myran.

Mr. Martin stated that the disturbance is substantial and they have done stormwater control. Silt sock is in place. Matt has reviewed the plans that have been presented and reviewed for compliance. A stormwater plan should be submitted and reviewed by Matt so that going forward they don't regress.

Mr. Myran stated that all three are currently covered under a SWPPP for the clearing and they have submitted a revised SWPPP For this lot. The existing SWPPP for lots 2 & 3 will remain in effect until they do something there.

Ms. Purdue asked whether this has to be 300 ft back from Route 9 and Mr. Myran said that is only for warehouses.

Chairman Jensen asked whether the Board had enough information to go forward and Ms. Purdue said that they needed more information about the proposed uses. Mr. Bouchard stated he would like to see a landscaping plan and Mr. Arnold said he would like to see a proposed sign location.

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The applicant requested a public hearing. The Board discussed whether they had enough information to schedule the public hearing in March given those wants.

Mr. Bouchard motioned to schedule a public hearing for March 15th at 7:05 pm for BKM Properties. Mr. Arnold seconded. Ms. Purdue expressed concern that the Board wouldn't have enough information for a SEQR determination and Atty. Buettner stated they could do them both as long as the SEQR determination was made before the public hearing. All in favor, motion carries with no roll call.

Mr. Martin reiterated that the outstanding items are the landscaping plan developed and shown, more details on use and how that use related to parking, and more information on the proposed sign.

#4 US Light Energy
65 Reynolds Road
Planned Unit Development
Sketch Plan Review

Mike Fingar and Chris Koenig were presenting from US Light Energy and CT Male.

Ms. Mathias stated that she is an employee of National Grid as Lead Scientist and she will recuse herself if this is voted on.

Mark Richardson, CT Male was also presenting from US Light Energy.

They are proposing two 5 mw Ac power that will go to National Grid's Butler Road distribution. 35,000 400w solar panels for a total capacity of 10MW AC which is more hours per kilowatt than a stable array. It will track the sun through the day and is enough to serve 1500 homes for a year. Community solar allows people to participate in solar who don't have space on their own land or are now allowed because of HOA rules, etc. They plan to give 100 acres to the Town for recreation. This is in line with the historical use of the land which was a golf course. It is difficult to use otherwise because of topography and environmental conditions.

Solar is not permitted. They will supply a decommissioning plan so that this is not a permanent alteration of the landscape.

Mr. Koenig reported that three things are needed. They need approval of PUD Zoning change from the Town Board, Site Plan Approval, and the subdivision or lot line adjustment. He demonstrated on the map that there are three different tax parcels, two bisected by a National Grid parcel, and a third appendage. They want to do this as a PUD because that bisection and the easements owned by National Grid complicate other types of development. It is preserved

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for future use because it all can come out later. It is fallow now and this will make it productive. 100 acres are being donated to the Town for recreation or another use as the Town sees fit. There are some steep slopes and a stream on the Town parcel which would be protected from development by the Town owning it.

This proposal has changed since December. They have moved Unit B to a different corner and made the layout of the solar array more efficient and consolidated it. He believes this is a dark, quiet neighbor compatible with recreational uses such as dog walking or skiing, etc. It is unobtrusive compared to other potential uses.

They are hoping for a positive referral to the Town Board tonight, they are not here for Site Plan yet, but he is willing to get as detailed as the Board would like.

Unit A would be on its own parcel which is the southeast corner and about 41 acres. The envelope is the area of the panels and the spacing, 32 acres. Unit B is in the northwest corner, 60 acres and the solar array envelope is 36 acres. Unit C is the Town parcel to be donated as part of the plan, 102 acres. Access to parcel A and Unit A will be the existing driveway by the barn and clubhouse. That is shared access for Parcel C as well. That is for construction and operations and maintenance which would be a technician in a pickup truck every so often. They envision that the access to the Town parcel might have a trail or path start at the top of the embankment, but that is up to the Town. Access to Unit B is off of Reservoir Road over an existing National Grid Easement. That is a maintained approved surface road. There is an existing Southern access point maintained by National Grid and they don't propose to do anything to that.

He demonstrated a drawing that showed the fence line, the row spacing and the orientation of the panels.

They have included an existing conditions survey. Sheet C106 shows metrics of array areas, wetland impacts, clearing area, disturbance area etc. that might be helpful for the Board. Boundaries of the parcel will be clear to users of the Town part. The barn will go to the Town as well. There are two concrete pad included that hold electrical equipment.

There are adjoining properties to Unit B and they have provided a 300 ft setback.

There is some area of construction over wetlands that are Army Corp, and they have coverage in their national permit to go over that.

Mr. Fingar pointed out that using a solar array over a wetland allows use of land that would otherwise not be useable. The installation is a ground screw which is very low impact. Power lines will be underground, seven poles are proposed where there is already National Grid poles, and the rest goes under the Town parcel to the point of interconnect.

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Town Code requires that they show slopes greater than ten percent which they do.

US Light Energy will own the property so there is no lease.

Chairman Jensen asked if they are generating electricity to go to the grid and Mr. Fingar clarified that it is but it is through NYS Community Solar Program. Chairman Jensen asked how it fits with the regulations of the Town. Mr. Koenig showed the Town guidelines for PUD and discussed how this meets many of the goals stated there, especially providing free accessible open space. Trail heads are packed locally, there is always need for more outdoor recreation. The Town has a chance to creatively decide what the Town needs on the site. They are not stripping out soil or disturbing anything. The solar use portion of the use pairs nicely with the National Grid transmission use that traverses the property. It is mixed use, as there is the solar use added to whatever the Town decides to use it for.

Mr. Bouchard asked whether the intent is to turn over the property or to help build recreational facilities. Mr. Fingar said it was just to donate it, but they would help to provide access.

Mr. Bouchard stated that he would like to see the ability to access the Town portion from Reservoir Road. Route 197 is not bicycle friendly and neither is Fort Edward Road, Reservoir Road is marginally safer and nearer to the recreation park. Mr. Fingar stated he was happy to consider it, but that third parties are involved so he can't make any commitments tonight.

Mr. Koenig stated that they thought about the benefit of the parking lot already being developed and the presence of the barn as reasons to use that for the Town access.

Mr. Arnold asked about the plan to use the access from Reservoir Road for Unit B. He asked what the nature is of that access. Mr. Fingar stated the land owner has granted an easement to National Grid and they are looking to go on top of that. If they are denied that they have other options.

Mr. Arnold asked and the useful life is 25 years minimum and up to 40 years. At the end of 40 years they might re-up, they might not.

Chairman Jensen asked counsel to comment on the mixed use and she explained that the intent of a PUD is a residential portion. Section 1 of the law encourages innovation in residential development. This applicant is indicating mixed use is their use and the Town's use, but she feels it is all supposed to be the uses of the owner. It sounds like a partnership is being proposed to the Town, but she is not sure what the Town intends to do with it or whether that meets the requirements of mixed uses. But that being said the Planning Board is just being asked to make a recommendation to the Town Board. While the applicant wanted that tonight, the Planning Board has to have a public hearing and has 60 days after that to make a recommendation. She

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clarified that there are two public hearings, one by the Planning Board and one at the Town Board.

Mr. Arnold asked Atty. Buettner what they are reviewing, and she stated it is not a Site Plan review it is a review of the PUD and whether this meets the requirements for a favorable recommendation to the Town Board. The Town Board will decide whether to move forward to it but the Planning Board looks to see if it meets the intent of the PUD law. She stated PUDs are allowed in this Zone, and a public utility is an allowed use.

Ms. Purdue asked whether they should also look at the Comprehensive Plan.

Atty. Buettner agreed that they would.

Mr. Fingar pointed out that the comp plan does point out this parcel for a potential PUD.

Mr. Martin stated he wasn't sure this did meet the use of the PUD. He expressed concerns of using the PUD tool for what is plainly a singular use. Utilities have to be accommodated in a PUD, that's why it is allowed. He didn't write this part of the law but he has grave concerns about a utility as the sole use of the PUD. This is not the concept that was intended.

Mr. Arnold asked whether one of the previous subdivisions had asked for a solar array and had set up a PUD in their housing subdivision, that would be a more appropriate use of a PUD? Mr. Martin agreed that this was on the right path as innovation in housing. PUDs are supposed to mix townhouses and other types of houses and possibly include job creation, etc. Solar generating energy isn't a PUD.

Mr. Bergman said that the Home of the Good Shepherd on Bluebird Road had been approved as PUD because it was supposed to include different levels of care as well as doctor's offices etc.

Mr. Arnold pointed out that this was another development just down the road from the Home of the Good Shepherd and wasn't built.

Mr. Arnold stated his take on it is that the solar array plan was handing off the land they didn't need and leaving the Town responsible for the mixed use. Mr. Bouchard stated that is why he asked whether the applicant planned to provide any of the recreational facilities. Mr. Arnold stated there is a lot of potential but not a lot of plan there.

Mr. Martin stated he is also concerned about the physical makeup of the Town portion the slopes are severe and the uses are actually limited. An access road would have to be cut, parking for passive recreation, would be very involved to use land on that property.

Mr. Arnold said R-3 is AG residential. The developable Ag or Residential land would all have panels on it. While historically this was recreational, he doesn't see a second use. Mr. Fingar said that they had planned it to be used recreationally because it was so undevelopable in terms of wetlands, etc. They would recommend hiking trails, not roads and parking lots. Mr. Koenig

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said that saying PUD was only for vibrant mixed use was a broad brush for this side since it's hard to use any other way. Mr. Arnold stated he understood PUDs are proposed to do something grander than what is allowed under current Zoning, and this is underwhelming for 25-40 years. PUDs are supposed to be dynamic and unique areas.

Ms. Purdue stated that she had the same concerns but also that the Comprehensive Plan doesn't designate an area for solar power, but this seems like a poor place to do so. A landfill or industrial area would make sense, not such a conspicuous area in the middle of Town. Mr. Arnold said they belong on an area not so easily accessed by good, quality roads. He also stated that Unit A is on land that is still viable farmland.

Some areas, sand traps and ponds etc would have to be reclaimed but could be. A PUD has to really be a benefit to the Town. Mr. Fingar said that they felt it would be a good use of the property because of the Grid transmission poles that are close by. While some sites seem like a good idea, there are other criteria that they look for for their production facilities. Mr. Arnold asked and it's not the high power transmission lines that they want to be near. Mr. Koenig pointed out that the property has languished for ten years and this is the best use for it now. There was a disturbance in the Town hall at this time.

Mr. Arnold stated that the idea that there is no other use is not a viable reason to do something that doesn't fit the PUD.

Mr. Arnold motioned to schedule a public hearing on March 15th at 7:20pm.

Atty. Buettner advised making sure they have everything before setting the public hearing.

Ms. Purdue thought that half a dozen different entities are involved and the Board needs more information on who they are, negative impacts on the tax base, and who might benefit from the solar power.

Mr. Martin stated that not much information was given about visual impacts such as view from the highways, and they should provide renderings from various viewpoints.

Mr. Fingar asked to screen share so he could show such renderings.

Atty. Buettner advised the Board that they could also reach out to the County. The Town Board will be Lead Agency for SEQR, but this Board can ask for a lot of information from other agencies.

Ms. Purdue asked if they could also ask for information from an organization like NYSERDA, and Atty. Buettner said that they can reach out to whomever they like.

Mr. Fingar showed the renderings. Unit A is most visible so they focused on that, Unit B has surrounding trees. They proposed a tree line of silky dogwood, dwarf blue spruce, etc. Some areas of the array are visible but mostly shielded. Black fence was chose for this reason. He

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asked whether this adequately addressed the concerns. The racks are lower than what is at the Town Hall because of the tracker.

Mr. Martin stated this was too advanced a review for this philosophical stage in the review, but that the Board might need more expertise before they were done.

Mr. Arnold stated that the question is whether they needed more information.

Ms. Purdue suggested they could ask for more input from various parties and look at the tax impact before they move forward.

Atty. Buettner stated that US Light Energy would have to enter into an agreement with the Town, the school district and the County, a PILOT Agreement. US Light Energy began this two years ago and it timed out during the solar law moratorium. The partners are Energy Impact Partners. It is a joint venture. The two other entities are USLE PV 1 and PV2 those are holding entities. Those are all the entities. US Light Energy is local in Latham and is one of the few based in NY. These projects do create jobs. They employ 15 people, they create dozens of construction jobs, engineering jobs, etc, so it has a positive economic impact if not long term jobs in the Town. The impetus for a recreational facility came from conversations from the neighbors who indicated horseback ridings, etc. They thought the Town would value the donation of the land. If not they can find something more vibrant to do with it. Only a small portion is useable for agriculture. A ravine bifurcates the National Grid road. the high voltage transmission lines are there forever. They take pride in helping the state of NY meets its climate goals, and not that many sites are buildable and close to the infrastructure they need, and in that sense this is a good suite for them. The Town can turn it into something really beneficial to the neighborhood.

There was no second to Mr. Arnold's motion.

Ms. Purdue asked for input from NYSERDA. Atty. Buettner stated that they are aware of it but she wasn't sure what information they could provide. Ms. Purdue motioned to set a public hearing for April 19th and to seek County input. Mr. Bouchard stated that he really wanted to know whether the Town actually wanted the property, and Atty. Buettner suggested that this Board ask the Town Board where they stand on this. She stated that while that is helpful to know, it doesn't help determine whether this meets the criteria of a PUD. Mr. Arnold seconded the motion.

All in favor, motion carried with no roll call.

Chairman Jensen asked Atty. Buettner to address whether this meets the requirements and she stated she would put together a memo.

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Motion to adjourn the meeting was made at 10:38pm by Mr. Bouchard and seconded by Ms. Purdue. All in favor, motion carried, no roll call.

Respectfully submitted,

Tricia S. Andrews