

A meeting of the Town of Moreau Planning Board was held on July 15, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Chairman Jensen called the meeting to order at 7:00 p.m.

Present:

|                 |                       |
|-----------------|-----------------------|
| G. Peter Jensen | Chairman              |
| Linda Riggi     | Planning Board member |
| Reed Antis      | Planning Board Member |
| John Arnold     | Planning Board Member |
| Erik Bergman    | Planning Board Member |
| Ron Zimmerman   | Planning Board Member |

Absent:

|            |                       |
|------------|-----------------------|
| Dave Paska | Planning Board Member |
|------------|-----------------------|

Also present: Joe Patricke, Code Enforcement Officer.

The minutes of the May 20, 2013 meeting were reviewed. Mr. Arnold motioned to approve the minutes of the May 20, 2013 meeting with no corrections and Mr. Antis seconded. Motion carried unanimously. Mr. Bergman abstained.

**#1 AT & T Mobility Group  
Special Permit  
Site Plan Review  
Old West Road**

Chairman Jensen asked if this was a BAM site and they are co-located. AT & T wants to upgrade for high speed data 4g LTE and wants to add 3 antennas to the tower and small boxes behind the antennas, one fiber cable and 2 others less than an inch in diameter. Fiber management equipment will do into the base. Same size as existing, will fit between them. Three new small cables in the coax and small boxes in the shelter. This is for upgrading to 4G LTE.

Joe Papa with Aerosmith Development, consultant developing AT & T and New Cingular Wireless Service.

Mr. Antis: Will your company do the work?

Mr. Papa: Pinnacle Wireless does the work and we all report back to AT & T.

Mr. Arnold: I have a plan from Pinnacle Wireless that shows a series of wires on the tower, this might not be right.

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Mr. Papa: We have two applications before the Board tonight.

Mr. Arnold: Is this showing just your antennas?

Mr. Papa: No, this shows above and below the other carriers' antennas.

Mr. Arnold: I can see the tower from my office window. I don't know that it matters to me, but the drawing's not even close to what's there now.

Mr. Papa: We have a structural analysis included, Exhibit F, and it includes everything that's on the tower now.

Mr. Arnold: I am not finding a schematic that shows me anything. I only remember seeing one that didn't show me everything. Yeah, that looks more like it. Which level are these added to?

Mr. Papa: These are on level 156, the second one up.

Chairman Jensen: Any further questions for this applicant?

Mrs. Riggi: It's an R-5 zone, and everything that's allowed in an R-2 is allowed in an R-5? Is that correct?

Chairman Jensen: they are not building a tower, they are adding on. So since it's existing they can do it, unless we say structurally they can't.

Mr. Patricke: Ordinarily, this is not a zone where this is permitted.

Mr. Arnold: It went in when it was permitted.

Mr. Patricke: Yes.

Mr. Arnold: You may not know, but as we add stuff we don't replace we just add more stuff onto this tower. Why doesn't the 3G stuff come down?

Mr. Papa: For AT & T we are adding, others coming in have plans to replace existing with new that can do both services. It depends on the carrier and the different technologies, it's based on that.

Mr. Patricke: We are going to see an application for replacement of antennas on our water tower.

Mr. Arnold: I don't mind seeing it, but I just want obsolete things taken down.

Mr. Papa: There are six antennas now and the three more will provide LTE specifically.

Chairman Jensen: The big question is whether the Town has been receiving bi-annual reports.

Mr. Patricke: Not bi-annually. I get one when they want to make an addition.

Chairman Jensen: We could invoke the fines.

Mr. Patricke: We get them when they are brought up, no one is doing the bi-annual ones.

Chairman Jensen: That gives me heartburn and makes me want to slap them.

Mr. Patricke: We also ask for a Cobb Test protocol which can't be done, so we want to be careful what we ask for.

Chairman Jensen (to applicant): Consider yourself thoroughly chastised.

Mr. Antis: Can more be added after this? Should we expect more?

Mr. Papa: We depend on the structural analysis.

Mr. Patricke: Three other companies are on the tower, he doesn't own it.

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Mr. Papa: In the analysis this tower is at 70% capacity.

Mr. Zimmerman: Where do you see that?

Mr. Papa: Page 29 at the top, which is three pages from the back.

Mr. Antis: Capacity table?

Mr. Papa: Yes. So for an older tower, that is excellent they are usually 100% and they can go to 105%, most of the time it comes to reinforcement after that. That is for another day.

Mr. Zimmerman: Do we want to send it to Public Hearing in August?

Mr. Patricke: That's what I would do.

Mr. Zimmerman motioned for a public hearing on the AT&T Mobility Group Special Permit for 160 Old West Road for August 19<sup>th</sup> at 7:00. Mrs. Riggi seconded. Chairman Jensen asked whether there were any further discussion.

Mr. Arnold: The down equipment goes into existing shelter?

Mr. Papa: Yes.

Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried 6-0.

Chairman Jensen asked that Mr. Patricke please forward the information to consultants.

**#2 AT&T Mobility Group  
Special Permit  
Site Plan Review  
Nolan Road**

Mr. Papa: Same project, same equipment different locations and this is a water tank instead of a tower, Six existing and want to put three more on top of the water tower. Site was originally built with the mounts and pipes in place, so it is ready for bolting the new equipment on. There is also a small box which is a surge suppressor which would be mounted behind the antennas with a remote radio unit behind the antenna. And they existing cables to existing building and fiber management equipment which is inside the building.

Chairman Jensen: Your application lists this as 160 Old West Road. We are talking about Nolan Road?

Mr. Papa: Yes.

Chairman Jensen: We'll amend that. Board, any questions?

Mr. Patricke: I want to make a statement which is that they need resolution with the Town before they can proceed with this project. We don't have an agreement with them for the change with the Town.

Mr. Papa: We are working on that with the Town and I had hoped we could do both simultaneously so they don't delay each other. I was hoping you could grant a conditional approval.

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Chairman Jensen: The Board can schedule a public hearing if they desire and then they might table this if the agreement is not in place. It's a legitimate reason to table, or you can delay coming back until he has it in place.

Mr. Patricke: I recommend that you proceed and that the applicant get into the process.

Mr. Antis: Will you be on the next agenda for the Town Board?

Mr. Papa: I don't know.

Mr. Antis: We have another Town Board meeting this month and one in August before Planning Board meets.

Mr. Arnold: Is the Town named as co-insured?

Mr. Papa: We can make sure that they are.

Chairman Jensen: This needs to go to consultants and to the County as it is within 500 ft. of navigable waters.

Mr. Patricke: We will measure it. The other one, too. I will double check both.

Mr. Antis: Are you taking anything down and putting something new up?

Mr. Papa: No existing equipment is being removed.

Mr. Bergman motioned for public hearing Aug. 19 AT&T Mobility Group Special Permit site plan review for Nolan Road. Mr. Antis seconded. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried 6-0.

**#3 NRP Group**  
**Sisson Reserve- Phase II**  
**Site Plan Review**

Scott Lansing from Lansing Engineering and Christopher Dirr from NRP Group appeared.

Mr. Lansing: The Board is familiar with Phase 1 on the left, originally 21.25 acres, subdivision of two lots, existing Lot 1 of 80 units is 13.64 acres. We are here for Lot 2; 13 buildings with 64 units. Zoned UR Urban Residential and surrounding area is mixed UR, Manufacturing and R-2 parcels. Soils are sand/sandy loam throughout. Proposed we have Sisson Road on the East side with a main access road and we are branching off. Twelve 5-unit and one 4-unit building on the Central West portion 1, 2, and 4 bed units. 1,200 ft. roadway extending from the existing. Parking is garages on every unit. There is also room for one car behind the garage and scattered throughout the site, so we meet 1.5 without

counting driveway spaces. Other amenities, dumpster pads, enclosures, gates, maintenance garage annexed to building nine in NW corner with roadway access to store lawn mowers and other equipment. Water main extended from project, stubs we are ready in as part of 1, hydrants, services, sanitary sewer has stubs for phase 2 to extend in, gravity fed. Storm water will be mitigated on site, ponds, etc. in accordance with green infrastructure. This was anticipated, and is already part of the plans. We have

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submitted all the reports. We are here for questions and comments want to advance as quickly as possible.

Chairman Jensen: Where are you going to put snow?

Mr. Lansing: We have places scattered about, we can provide another map with them labeled, it is similar to Phase 1.

Chairman Jensen: I didn't see any test pit information. Did you design based on Phase 1?

Mr. Lansing: No, we did them and they were verified by Mr. McNamara and they are all good.

Mr. Arnold: When was this?

Mr. Lansing: Past two weeks.

Mr. Patricke: Last week they did the plans, test pits were older.

Mr. Arnold: So with all the rain, they worked out?

Mr. Patricke: Same thing happened with Phase 1.

Mr. McNamara: We did see water, but the plan calls for the whole thing to be raised.

Mr. Antis: Phase 1 play area is underwater, the grass is dead.

Mr. Lansing: It is going to be raised up.

Chairman Jensen: Board, you can slap this guy too. You can condition approval on correcting Phase 1.

Mr. Antis: I made some observations in June, and this month and there is water in that low spot. So there is not going to be a low spot in Phase 2?

Mr. Lansing: We do have low spots for bio-retention and a catch basin.

Mr. Antis: But not in the play areas?

Mr. Patricke: But excess is going to flood that every time.

Mr. Lansing: No, the grades are not correct in that spot.

Mr. Patricke: It overflowed the pond and the outflow. It had nowhere else to go, so how's that going to work?

Mr. Lansing: It was probably close to a 100-year event this year.

Mr. Arnold: It was maybe a 50-year. We had 2.5 inches in half an hour one day.

Mr. Lansing: We did have a clogged orifice, but our guys are on site looking at it.

Mr. Patricke: Please find out before next time.

Chairman Jensen: Was there concern about dumpsters?

Mr. Patricke: Originally they wanted all the units to have their own tote, so they are readdressing them which they have three temp sites now with dumpsters because 8- totes was too much.

Mr. Dirr: That middle area is also unacceptable to us whether it is design or implementation it is going to be corrected.

Mrs. Riggi: It says 7.61 acres on your on cover letter and the SEQR says another number.

Mr. Lansing: We'll look into that.

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Mr. Arnold: That snow storage on the acute angles, you have to keep snow back for visibility reasons. I think this dotted line is a storm water drain line?

Mr. Lansing: It may be a grading limit line. It goes around the structures, we need to add it to the legend.

Mr. Arnold: Describe this wet pond. What depth, what percentage?

Mr. Lansing: It's a permanent pond, about 4 ft. water standing level. There will be a fence with a gate for maintenance.

Mr. Arnold: It's a natural feature then, not landscaped.

Mr. Lansing: Permitted landscaping and scenic fencing.

Mr. Arnold: This bold print here, are the finished floors 8 inches above ground?

Mr. Lansing: Yes 8 inches of drop.

Mr. Patricke: That's a building code issue and on Phase 1 we had to rework the drawings because there was no separation between wood and plate.

Chairman Jensen: Is at least one ramped for handicapped?

Mr. Lansing: Yes, several.

Mr. Patricke: They hired a consultant to design and to come back and verify to be sure they comply with the various slopes and joins.

Mr. Arnold: Is that 8 inches also in garages?

Mr. Lansing: Garages are step down, there is a sill or a ramp.

Mr. Arnold: Two retention pools are ground filtered. Is there a drain in them?

Mr. Lansing: There is an overflow drain that goes into a storm water pipe to the pond.

Mr. Arnold: Good. I would recommend moving the dumpster on the main drive in and that would be a good place to put snow. Just a suggestion.

Mr. Lansing: The positioning was for a truck to pull in, grab and go. There is some extra room.

Mr. Patricke: They are scrambling for places to put dumpsters.

Mr. Arnold: Do people just scramble for places?

Mr. Dirr: People go to the closest place. We are trying to find places close to three or four buildings so that people do walk. Maintenance has been helping handicapped people with that.

Mr. Antis: Did Phase 1 have the same percentage of handicapped?

Mr. Dirr: About 15%, but on Phase 2 we had seniors express interest, so on Phase 2 we upped the number of one-bedroom units over Phase 1.

Mrs. Riggi: Sanitary sewer report- it's not on the legend to indicate what is the sanitary sewer. Not clear but I can pick it out.

Mr. Arnold: Looking at the landscaping plan, there's probably a reason, but I would like more trees. Not to screen the neighbors, but just because it's a wide open site and trees add a nice feel to a community.

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Mr. Dirr: We attempted to achieve in the meadow some open space for kids. We tried to put landscaping with trees where people walk. Mr. Patricke talked about making it 100% accessible. We have improved the layout of Phase 2 and it will provide some different areas for landscaping.

Mr. Lansing: There are other planting plans besides what you are looking at.

Mr. McNamara: Can I see elevations on the test pits we did?

Mr. Lansing: Yes.

Mr. McNamara: The sidewalks look different

Mr. Lansing: Yes.

Mr. McNamara: Point out that bio retention areas are for storms and only inches of water will be in the other.

Mr. Lansing: This area has 4 ft., these two are for 6 inches deep water in extreme events.

Chairman Jensen: Can you assure us we won't lose a kid in that water?

Mr. Lansing: We do have fencing on Phase 1 and it will be on Phase 2. The DEC doesn't require it.

Mr. McNamara: and half of it is 8 ft. stockade fence.

Mr. Lansing: And the rest is chain link, 4 ft. high.

Mr. Arnold: Why is it 8 ft.?

Mr. Lansing: Screening.

Mr. Dirr: There is 8 ft. stockade there now on the driveway as an accommodation for the neighbor, and so we plan to continue it per their request. And there is landscaping on both sides.

Mr. Arnold: My insurance called for 5 ft and electrified.

Mr. Lansing: We did check.

Chairman Jensen: This goes to consultants, and tells EDP to look at water very carefully because we have engineering telling us one thing and the neighbors telling us something different. We don't want to flood our neighbors.

Mr. McNamara: This sits lower than Phase 1, so they have to do something.

Mr. Arnold: What's the mechanism?

Mr. Lansing: Sheet flow. Front and back. Infiltration trenches. Moat that drains.

Mr. Arnold: Why don't those swales lead to retention ponds?

Mr. Lansing: They do have drains on them.

Mr. Arnold: Didn't see that.

Chairman Jensen: Do we need to go to Saratoga County?

Mr. Patricke: No, it's 2200 ft. from Bluebird. I will double check.

Mr. Arnold: One more. Naming of streets. Sand Hill Drive West and East are on the same side. Why? They both head in the same direction.

Mr. Lansing: We'll take a look at that.

Mr. Bergman: We can schedule a public hearing. Motion for 7:10 on August 19<sup>th</sup>.

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Mr. Zimmerman: We have everything we need for SEQR?

Mr. Arnold: Second. Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carried 6-0.

Chairman Jensen: You should have some deep conversations with EDP and show us the locations of the dumpsters on Phase 1. Board, do I have a notion for the Planning Board to assume to role of lead agency?

Mr. Arnold motioned for the Planning Board to assume the role of lead agency with regard to Sisson Reserve, Phase 2 and was seconded by Mr. Antis. No roll call, motion carries unanimously.

#### **#4 Hooper, James Subdivision**

##### **Preliminary Plat Review**

Jim Hooper appeared and explained that he's updated his map and had Vision Engineering come in.

They have placed the topo lines and done what you asked. Mr. Rourke is ill with Lyme disease I will try to answer your questions.

Mr. Arnold: Where is the abandoned rail bed? This only shows the active one.

Mr. Hooper (locates on map): It comes from the active, it cuts the corner doesn't go out to 197. It's behind the Allen's'.

Mr. Arnold: Before is sounded like it cut through your property.

Mr. Hooper: No the active one does. This is four lots separate with separate frontages.

As far as Bill told me, you've got everything you need or you will have by the time you get to the public hearing, so I would like to set one.

Mr. Arnold: How did the test pits go?

Mr. Hooper: It's not on the map?

Mr. Arnold: Just where, no info.

Mr. Hooper: Well, they were on the last one.

Mr. Arnold: I don't just need to see they were done, I need to see the results.

Mr. Hopper: Mr. Patricke might have them.

Mr. Arnold: We'll come back to that then. I am not worried about these, but the one.

Mr. Hooper: The soil is real good by the Morrisey's but the one closest to my existing properties is the problem. Does anyone know how far the field can be from your house?

Chairman Jensen: As far as you want to pipe, as long as it's less than 10 ft from your property line and more than 20 from your house.

Mr. Arnold: Judging by the scale, I would suggest, on Lot three do you plan to continue using that well?

Mr. Hooper: It won't be the only well.

Mr. Arnold: It just looks really close on the septic and the well. Existing trailer and well...that's a pretty good distance.

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Mr. Arnold: Just going by scale just over 100 ft. so make sure you've got that separation.

Chairman Jensen: What's happening with the existing trailer?

Mr. Hooper: You told me it has to go away and I have a worker living in there, a family who lost their home and I am bringing a modular in there, I would like a conditional approval to give me 90 days so I don't have to move them out for 90 days.

Mr. Arnold: You want to find other housing.

Mr. Hooper: People have lived there 10 years and I can't have 90 days?

Chairman Jensen: We can't approve.

Mr. Arnold: It would be nice if there was a place to house them for 90 days because a trailer is quick.

Mr. Hooper: Can we pitch a tent out back for 90 days? I want to know the Board's logic.

Mr. Zimmerman: What has Mr. Patricke said about this?

Mr. Hooper: The house has been there for 100 years.

Chairman Jensen: The second house hasn't been there, you can't have two houses on the same lot.

Mr. Hooper: As soon as I get the financing, I will pull the trailer out.

Chairman Jensen: We have to follow our Codes.

Mr. Arnold: I'd like to have Mr. Patricke back on the test pits.

Mr. Hooper: We did present all that last time. We are going to build it up.

Mr. Arnold: So it's a raised septic.

Mr. Hooper: Yes.

Mr. Arnold: Lot #5 we have reasonable slopes.

Mr. Hooper: The highest point is where the proposed residence is, because that's the one I want for myself and I want to build into the hill. It's pretty gradual and it goes a long way.

Mr. Hooper: We are putting drainage in to that low spot that runs through the property. The previous owner left that because he dug shale out.

Mr. Arnold: That's tiling a field. Otherwise you are dealing with your storm water in an unacceptable way.

Mr. Hooper: Understand.

Mr. Arnold: I like the location of these four lots, keeping the farmstead intact.

Mr. Hooper: Remember I am doing all this to put in a PUD and open an ice cream stand.

Mr. Arnold: We did say 197 was a great place for a commercial corridor, when we were on a committee planning that.

Mr. Antis: I thought the abandoned rail bed crossed 197. There was spur that went across Reservoir and into the Village.

Mr. Hooper: IDA won't sell it to me.

Mr. Antis: Shouldn't it be on the map?

Mr. Arnold: Put a note on there for Bill about the spur, the National Grid property and the house. He

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shows them as yours. Every map you have brought us has shown that looking like it's yours and you should put that in there.

Mr. Arnold: Can you refresh my memory on test pits?

Mr. Patricke: We don't have the report from Dan Ryan yet.

Mr. Hooper: I will bring the report and get it on the map.

Mr. Arnold: For five lots do we have to do endangered species, etc.?

Mr. Hooper: Vision is handling it and it will all be completed by next time.

Mr. Arnold: Historical may be more concerning than the endangered species.

Mr. Patricke: He needs them both to proceed.

Mr. Hooper: If something comes up, what happens?

Mr. Patricke: They might ask for more information.

Mr. Hooper: If something wants dotted or crossed it might go forward?

Mr. Patricke: Depends what it is.

Mr. Patricke: After the public hearing you know everything. Nothing unusual should come out.

Mr. Arnold: Neighbors are one thing and drivers-by are another.

Chairman Jensen: Anything further?

Mr. Antis: Will we see where Route 197 and West River Road connect?

Mr. Hooper: The map needs to go all the way to the corner. The location map is a little tight.

Mr. Patricke: You can't get the corner map on there.

Mr. Hooper: We'll need another page.

Chairman Jensen: Anything further you want added?

Mr. Arnold: One thing that didn't change from last time is the bypass area on the driveway for Lot 2.

Mr. Hooper: We want to split them, right there.

Mr. Arnold: Yes, but a wide point for two cars to pass. You don't want someone to have to back all the way out. Maybe on Lot 5 too, for your own sake.

Mr. Congdon: Couldn't he get a temporary from the ZBA for that if he shows hardship?

Mr. Patricke: He shouldn't be able to. Do you have an EAF in there?

Chairman Jensen: We need an EAF. Environmental Assessment for SEQR.

Mr. Hooper: Dan and Bill would be familiar?

Mr. Patricke: Yes.

Chairman Jensen: Do we have enough disturbance to trigger a SWPPP?

Mr. Patricke: I don't know what his plan is.

Chairman Jensen: We have to look at this as if the whole thing is going in the day after approval is given and address storm water. There's nothing on the drawings for storm water. Send it to Garry. And it needs to go to the County because it's on 197. Is this coordinated? Does it go to DOH?

Mr. Patricke: No, OT goes to the County, and DOT. DOH won't get it.

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Chairman Jensen: If other agencies get involved.

Mr. Patricke: He will need driveway permits.

Chairman Jensen: There's one on 197. And we may give them 30 days to object if we take lead agency.

Mr. Patricke: West River Road is a County Route too.

Chairman Jensen: Motion for Planning Board to take the role of lead agency for James Hooper Subdivision?

Mr. Zimmerman made the motion and Mr. Arnold seconded, measure passed unanimously with no roll call.

Mr. Bergman: Invite him back next month.

Chairman Jensen: Should we schedule a public hearing?

Mr. Patricke: I say no. You need EAF to do coordinated review.

Chairman Jensen: Your homework is to get your ducks in order. Get everything to Mr. Patricke by...

Mr. Patricke: 5<sup>th</sup> of August, three weeks from tonight.

Mr. Hooper: Could we do August? September?

Mr. Patricke: September.

Chairman Jensen: Do not delay on the EAF.

## **#5**

### **Congdon, Gardner Subdivision (Deerfield)**

#### **Preliminary Plat Review**

Gardiner Congdon: The Phase 2 map shows these lots as Phase 3. It was expressed that you would like to see the whole picture and this was before you years ago and I thought of that as preliminary approval. I couldn't do anything then but the water has come in, so I can do lots that are half the size. We asked in January what we would have to do and you said 40-50 days. I need you to correct this. The notes on this map reference back to 1992 and there are other references further back.

Mr. Arnold: When it was approved in 1987, I wasn't on this Board. This was left attached. If it wasn't deeded off separate, it has to be included.

Mr. Congdon: It was included as remaining land, but not as a lot. Now you're calling it a lot, and making it 5 lots and asking for participation by all these other people that's not required.

Chairman Jensen: Is this now all one lot?

Mr. Congdon: It has always been on one tax parcel.

Mr. Arnold: You are taking remaining lands and dividing it into 5, even though it is remaining lands it is 5 lots.

Mr. Congdon: These will get picked up as individual lots. Is it in the regulations.

Mr. Patricke: Look at your location map at the top, it's a tax map. It shows.

Mr. Arnold: It shows as 3 separate parcels.

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Mr. Patricke: It's three parcels on the tax map.

Mr. Bergman: He's saying one is staying and another parcel is split three ways.

Mr. Patricke: It includes part of another lot.

Mr. Congdon: I've got an improved lot and I could build on it. I don't want to right now. If I come in later and it's a residential subdivision, I can't put in a law office or something.

Mrs. Riggi: Is that R-2 there?

Mr. Congdon: Yes.

Mr. Arnold: If it's approved as Lot 33, does that take away his right to develop it as commercial later?

Mrs. Riggi: In Strawberry Acres you can.

Mr. Patricke: That's commercial there, this is not.

Mr. Arnold: I need clarification on this. If we approve a 5 lot subdivision, which is what it is, the way it is written now, does anything keep that lot from changing purposes in the future?

Mr. Patricke: No.

Mr. Arnold: You're not showing a plan to develop it residentially. It's just a subdivided lot, you can do whatever with it.

Mr. Congdon: Show me a subdivision, is that in the regulations?

Chairman Jensen: You can develop any way that the Town allows.

Mr. Congdon: You can't make stuff up. I need to see it in the regs.

Mr. Zimmerman: We got here because the storm water management plan for the four lots required you to use that pond on the fifth lot (33). We have to have that pond and your working with the landowner over the drain. So I think that's how we came to realize that we had to include that lot.

Mr. Congdon: If I'd been here I would have shown you the '91 approval which required me to clean that pond and make it flatter, etc.

Chairman Jensen: But we are looking at a subdivision. We are creating lots. You can do on that lot, anything that the Code allows when you do it, not when the lot was made, but when you decide to do it. In 2020, if markets have changed and you want to put a store here, if the lot is big enough, you can. You are subdividing land to do whatever is legal.

Mr. Arnold: Sometimes we just divide land among heirs, no houses.

Mr. Congdon: This map from 1991. Do you have it?

Mr. Patricke: In the building somewhere.

Mr. Congdon: You have to look at what was done. My land got flooded in 2005 when those ponds were put in Woodscape and it took 3 years for the water table to go back. I paid taxes on flooded land for 26 houses and no one will admit it. This drainage is working,

Mr. Arnold: We didn't question whether it works for what is developed currently. I believe you need to own it or have a contract on it if you're going to use it. I can't speak to what happened to Michael's Group. But in my business, my question was this swale that the pond releases into, do you own it? It came to our

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attention because a property owner filled it. So all I asked was that you have some kind of contract that says it will be left open.

Mrs. Congdon: They are willing to trade so we own it, or give us a right of way.

Mr. Arnold: I just want you to be able to control it.

Mr. Congdon: This is historic drainage from this land. Do you know how I know? 24 inch culvert. Road built in 1960.

Mr. Arnold: But ditches aren't there to drain the land next to it. They drain the road.

Mr. Congdon: It goes under 197, under Selfridge and goes to the North branch of the brook and it always has. If these people fill it in, it will flood them, not me. Why do I have to be responsible for that?

You know that's true. Why should I be required to have anything to do with that? My subdivision is dry now.

Chairman Jensen: How do you get in there?

Mr. Congdon: I stand on Bean's property.

Chairman Jensen: And John just wants to address that.

Mr. Arnold: If they sell it and the next person doesn't want you on it, you have to have rights to it.

Mr. Congdon: Is this going to be a standard for the Planning Board going forward? You could make me own a right of way all the way to Snook Kill.

Mr. Arnold: If we don't allow this, we have to say that you can't release any more than you always have.

Mr. Congdon: It will be dry. It ran for a year steady draining out Michaels Group and now it's dry.

Mr. Arnold: I asked what we are doing about the runoff from these four lots. I don't imagine I included this lot, personally, I don't think it did. The runoff from these four is handled by this but you are adding infrastructure.

Mr. Congdon: This was part of Phase 2. I had to do it to get it.

Mr. Arnold: It's working for Phase 2, but we need it to handle the runoff from these three.

Mr. Congdon: See this elevation here to there? How much natural drainage do I have? 5 ft. of natural drainage. It's all shown on this map.

Mr. Arnold: But what you are saying is that when a subdivision comes before us we shouldn't ask for a storm water plan.

Mr. Congdon: I did one and it was approved.

Mr. Arnold: Did it involve these three lots?

CG: Yes, this is Phase 3.

Mr. Arnold: Why aren't they there?

Mr. Congdon: It wasn't approved yet. I started this because we came in to find out what we had to do. These lots all showed in 1991 when we got preliminary. So we came in for the next step. The Chair said

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we don't have an approval for Sketch Plan which is where you are but I can ask the Board for...quoting from January minutes.

Mr. Zimmerman: But Gardner, 5 lots.

Mr. Arnold: That was Sketch Plan.

Mr. Congdon: I will go along with 5 lots, that will cost me \$700 on a lot I can't sell.

Mr. Arnold: Why can't you sell it?

Mrs. Congdon: Can we move along and find out what they need?

Mr. Arnold: No one is opposed to the subdivision of these lots.

Mr. Congdon: I have done, and Joe has been there for all of it, 30 test holes on those lots and three engineering perc tests spent money trying to get these lots approved.

Mr. Arnold: We are working our way through it. Just for the record a question doesn't mean I am opposed, it means I need clarification. I asked about storm water. You said pond. My next question was whether the pond can handle four lots. You answered. I asked about an outlet. You told me about the plans to clear the outlet and keep it clear. I asked whether you own it or have something that says you can keep it open. If you're using it.

Mr. Zimmerman: And Bill said you were working it out.

Mr. Congdon: Storm water management wasn't just invented. We have always had to deal with it. That pipe has been in place draining that for 100 years. So you can't come to a developer and have him re-invent drainage that's been in place forever. The lots' exits, are graded up ready to go there is nothing else to do. Water, power and gas are in.

Mr. Zimmerman: We see what you're saying but we didn't review and approve these lots.

Mr. Congdon: The chair was here. For eight years I couldn't sell flooded land and I paid taxes on it.

Mr. Antis: The four lots are bases in today's rules.

Mr. Congdon: What's the date of these?

Mr. Patricke: Multiple dates, but that's the right one.

Mr. Congdon: I helped write these.

Mr. Antis: It's just because he doesn't own the right of way. He just has to show it.

Mr. Arnold: I am really not interested in the rest of the subdivision. Just these four lots.

Mr. Congdon: What do you have from Michaels Group about your 4000 ft. pipe that you put in?

Mr. Patricke: They had to show easements, right of ways, etc.

Mr. Congdon: They don't show on the tax map.

Mr. Patricke: They are not taxed.

Mr. Congdon: Were they there when they built, Phase 2?

Mr. Patricke: I can check.

Mr. Congdon: I just want to be treated the same as Michael's Group.

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Mrs. Congdon: Bill interpreted it that we had to own it.

Mr. Arnold: I just want you to have control.

Mrs. Congdon: She said no problem yesterday. We were gonna trade land.

Mr. Congdon: But I don't want to own that.

Chairman Jensen: All we want is that you can always get to it.

Mr. Arnold: It came up with my question about how we are going to handling storm water. It's not likely to be a big issue. I like your lots. It's a question of capacity.

Mr. Congdon: I know, I have perc, and I know it passed.

Mrs. Congdon: What is our next step?

Mr. Congdon: I want to set a public hearing.

Chairman Jensen: You're kidding.

Mr. Patricke: One problem you have is test pits have to be on there for subdivision regulations. You can't send to the County or DOH until it is complete.

Mr. Congdon: Just tell me what you want on it.

Mrs. Congdon: Bill has to update this map?

Chairman Jensen: Your engineer will.

Mr. Arnold: Right on the test pit.

Mr. Zimmerman: Or on the legend.

Mr. Patricke: Have Dan Call me, Dan Ryan, and I will go through the list with him. There's nothing extensive, but that test info has to go on there.

Mr. Arnold: You have water and don't have to worry about your distances.

Mrs. Congdon: and you can't set a public hearing until you have that?

Mr. Patricke: We have to have it to send it to County and DOH. And we need an EAF. Either Bill or Dan Ryan can do it. And the deadline for this is August 5<sup>th</sup>. Then we will look at it on the 19<sup>th</sup> and maybe set a public hearing.

Mrs. Congdon: We will get Dan Ryan rather than Bill to talk to Joe and get the list of what is needed including the EAF and the test info on the map.

Mr. Patricke: We can't send it to County or Health Dept until we have that.

Mr. Congdon: Then I am into Sept.! You've got a letter we can staple to this doc and it is complete. I have waited eight years. Say it's complete and get a date so we can move ahead. It's a lot of money. I need to get this property going.

Chairman Jensen: We have the information, we can handle that in a cover letter. It could but there are other things on this list.

Mr. Zimmerman: We need SEQR long form and we have to refer it to the County and it has to go to the Dept. of Health.

Mr. Patricke: It is a continuation of an existing subdivision.

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Mr. Congdon: I don't think the Health Dept. is interested.

Mr. Patricke: I called and talk to them but they stamp it right on the drawing "Any further subdivision has to go to the Health Dept." I got in trouble for doing one lot in an existing subdivision for Joe Darrow.

Mr. Congdon: He's not building on it.

Mr. Patricke: I know it.

Mr. Congdon: So if everything went smooth they would set it Aug. 19<sup>th</sup>. It ain't saying much for communication. I've had nothing from you guys.

Chairman Jensen: We work through your consultant. We didn't know he was sick.

Mr. Zimmerman motioned to adjourn, and was seconded by Mr. Arnold. All in favor, meeting was adjourned at 9:23 p.m.

Respectfully Submitted,

Tricia S. Andrews