

Meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York
was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on April 21, 2025.

Planning Board Members Present

- John Arnold Planning Board Chairman
- Adam Seybolt Planning Board Member
- Carl Hourihan Planning Board Member
- Matt Abrams Planning Board Member
- Mike Shaver Planning Board Member
- Ann Purdue Planning Board Member
- Maureen Jackson Alternate Planning Board Member
- Josh Westfall Town of Moreau Building Planning & Development Coordinator
- Glen Bruening Town Counsel
- Diana Corlew-Harrison Secretary

Planning Board Members Absent

- Bradley Nelson Planning Board Member

The meeting was called to order at 7:01 pm by Chairperson Arnold

Minutes to approve - bypassing this due to tight schedule, will revisit in May 2025 per Mr. Arnold.

Public Hearing – Foxhead Trail Campground – Site Plan

Applicant seeks site plan review in accordance with a condition related to the issuance of a Special Use Permit by the Town of Moreau Zoning Board of Appeals to establish a campground use. Phase 1 will contain (5) campsites; Phase II will contain an additional five (5) campsites to total of (10) sites between two phases. Individual sites will consist of portable cabin structures and parking areas. The campsites will be supported by an on-site access drive, well, and on-site septic systems as well as a laundry facility and other supporting accessory structures. **Applicant:** Michael Music. **Property Location:** 195 Mott Road. **Tax Map ID:** 91.-1-29.1. **Zoning District(s):** Agricultural and 1-Family (r5). **SEQR Type:** Unlisted.

Applicant reviewed the site plan and noted the changes requested in prior meetings. He noted the phases are now combined, the septic and well locations added, marked trail, and posted signs, gate or mafia blocks at entrance, laundry building with notation of water treatment location and no retail spaces.

Mr. Shaver asked if working with Dept of Health on water and wells. Applicant is complying.

Mr. Arnold asked if residence will be subdivided from campground before starting construction. Applicant states that he has an LLC with campground that does not include residence.

Mr. Arnold asked if the hemlocks and boundary by septic could be moved to stage 1 of construction to avoid neighbors' complaints, applicant agreed. Mr. Arnold states that Saratoga County and Zoning Board recommended a gate at entrance rather than mafia blocks to gain easier access if any fire hazard within winter months. Applicant agreed to add.

Mr. Arnold asked if the one-way driveway could change direction to avoid neighbors' concerns of headlights into their properties, applicant agreed.

Mr. Arnold opened the public hearing.

Mr. Westfall read email from applicant neighbor, Mr. Lindstrandt. He would like to see applicant come before board before starting phase 2, he feels a gate is more appropriate in case of emergency.

Mr. Westfall read an email from applicant neighbors, Jeff and Debra Shaw. They would like to see hemlocks planted immediately and along the property line where the power lines cross their driveway and continue past their home. They

would also like to ask that all camps and infrastructure be moved at least 100' away from property lines to avoid property value reduction.

Ms. Purdue would like to see an established timeline on project. Applicant says he is ready to start and knows he has one year to get the water, sewer and electric, driveway infrastructure done. Ms. Purdue would like to see the one year start as soon as Planning Board approves. Mr. Arnold states that this would have to be an approved change since applicant still needs approved permits and mylars signed before he can start, and the one-year period would start. Mr. Bruening, town counsel, states that the Zoning Board governs the time period once the mylars have been signed. Mr. Arnold does not have a concern with this applicant complying with the year time period. Mr. Abrams asked applicant what he thought his timeline looked like. Mr. Music states he would like to have infrastructure done this year with hopes of having first camp ready to open next spring.

Board reviewed the SEQR sections with environmental assessment form with applicant.

Motion made by Mr. Shaver to recommend a negative declaration on the determination of SEQR. Seconded by Mr. Hourihan. Roll call – all approved.

Motion made by Mr. Shaver to close public hearing, seconded by Ms. Jackson, no discussion, all approved.

Motion made by Mr. Shaver to grant final approval on Foxhead Trail Campground, seconded by Ms. Jackson.

Mr. Arnold asked if any further discussion or comment.

Mr. Abrams asked to amend the motion to add the screening of vegetation and hemlocks moved to the beginning of construction rather than Phase 2, add update of a gate system to the entrance with a closed sign, reflective tape and lockbox, add one way road to avoid headlights in neighbors' houses, include a complete layout of all areas which would include the buildings, laundry areas, water systems, wells, septic and trails with signage. Mr. Shaver seconded, roll call – all approved.

Motion to have mylars signed when submitted by Mr. Shaver, Mr. Abrams seconded. All approved.

Old Business:

Site Plan Review – SPR-3 Hudson Heights Mobile Home Park Expansion – In accordance with Chapter 149 of the Town of Moreau Town Code, the applicant seeks a Site Plan Review for the addition of (8) manufactured housing units at Hudson Heights Manufactured Home Park. Use Permitted by Special Use Permit to allow up to a 50% expansion of a preexisting, non-conforming use. **Applicant:** Hudson Heights LLC. **Owner of Record:** same. **Agent:** Ethan Hall. **Property Location:** 1613-1617 Route 9. **Tax Map ID:** 63.-1-12. **Zoning District:** C1. **SEQR:** Unlisted.

Applicant is asking for a public hearing to be set, and he explained his project of adding 8 new sites to the existing mobile home park. Mr. Shaver asked if they had adequate pipe size to accommodate public water system and if another fire hydrant would be needed. Applicant unsure but would see clarification from water and fire departments. Ms. Purdue and other members noticed there was a wire fence on his property that was the neighbors. Applicant has spoken with neighbors and will have to have fence relocated. Applicant also noted he would be adding a buffer in that area and along his property line to avoid any issues. Mr. Arnold asked if Saratoga County, Dept of Health, or Fire Dept had any comment, Mr. Westfall has had no responses.

Motion made by Mr. Abrams to proceed and schedule a public hearing on May 19, 2025, seconded by Ms. Purdue, roll call – all approved.

SUBD3-2024 – Hooper Subdivision – Applicant is seeking Preliminary Plat Review in accordance with Article IV of Chapter 124 Subdivision of Land of the Town of Moreau Town Code. Specifically, the proposal is for a Cluster Subdivision in accordance with Article IX of Chapter 124. The proposed subdivision will result in four (4) additional (new) lots. **Applicant:** James and Suzanne Hooper **Owner of Record:** James Hooper. **Tax Map ID:** 64.-2-106.1. **Zoning District:** R5. **SEQR:** Unlisted.

Board member Mr. Abrams excluded himself from this discussion baring any conflicts of interest.

Applicant states that he is requesting to set up a public hearing. He had surveyor update and consolidated maps.

Mr. Arnold asked why second residence is not on this map presented, when it was on first. Those lands are not part of this project and were sold years ago. The 'other' residence is listed as a barn and not a home. Applicant will have changed to a home. Mr. Arnold asked about the 'town road' near lot #4 clarification. Applicant states that town does not maintain. Mr. Arnold states you must ask to have state to abandon the road where lots #4 and #5. Applicant states state does not own that road. Driveway was a better location as stated with DOT and Highway superintendent. Need clarification on the right of way that follows 197 and the property lines.

Mr. Arnold asked for town counsel to review if the 22 acres in Lot #5 fits into a sliding scale conservation development plan. Applicant states we are not doing conservation easement; they are doing a deed restriction. Mr. Arnold states that this could come up in public hearing and is asking for clarification from counsel in R5 district. Applicant states that a cluster subdivision does not require 5 acre lots, but Mr. Arnold says that you aren't restricted to 5 acre lots, but you do have to set aside that acreage in the remaining parcels to avoid the density requirement. Applicant states that Lot #5 (20 acres) is part of this subdivision, but they have no intention of changing it from preserved farmland. Mr. Arnold states the maps need topographical lines on the site plan. Applicant will have surveyor to add them on all parcels. Mr. Purdue wants to see the deed restriction lines on the maps also.

Motion made by Mr. Seybolt to schedule public hearing on May 19, 2025, seconded by Ms. Jackson.

Mr. Shaver asked if we need legal clarification. Mr. Arnold states that he would like legal interpenetration of the cluster subdivision requirements because he was wrong. Mr. Shaver would like to wait until legal responds. Ms. Purdue would also like to wait because if this site plan doesn't work then applicant will have to change plans and resubmit to board. Applicant is asking why we need legal to clarify on this because it is not in the code that way, it may have been with Mr. Arnolds' prior experience but does not state that in code and he says we have 34 acres, and we are only asking for four 5 acres lots, when we could be allowed to have up to 6. Mr. Arnold states that he is asking for legal clarification as to have acreage put to lot 5 , a portion of the other lots are in control of lot 5. Applicant asks where it states that in code. Mr. Arnold states that all conferences, Mr. Martin, and any counsel he has been involved in is where this comes from. Applicant states that Mr. Martin, former building administrator told him he could do a cluster subdivision. Mr. Arnold stated that was because you could not get the PUD approved that you had previously submitted. Applicant states that because I wanted commercial in part of the area for his ice cream stand. Mr. Arnold states that's why we are asking for legal clarification on cluster subdivision requirements. Mr. Arnold states that you have the right to file an Article 78 if you disagree with his decision, or your first requirement would be to go to Zoning Board to get approval and clarification.

Mr. Arnold asked if any other discussion.

Mr. Hourihan asked to move forward with scheduling the public hearing if legal and board can agree on the issues presented before the next meeting. Mr. Bruening said we could have a meeting about it now or can be reviewed before next meeting and schedule a separate meeting to review before the public hearing. Mr. Arnold states that we can open public hearing next month but there is other time constraints involved after a public hearing is done. Mr. Arnold states that we need to know if the lots can be undersized and if the last parcel will have control by all five parcels of the lands be with all the lots in a cluster subdivision within the code in a R5. Mr. Bruening explained what he thinks is the Issue is with the conservation easement and applicant is asking for deed restriction. Mr. Arnold feels we need to have the restriction defined as to who has control of the 20 acres regarding the other lots of ownership and future uses.

Applicant would like to have public hearing in May and would also like to review with counsel before that meeting. Ms. Purdue and Mr. Shaver still want to make sure that all plans are correct, and legal issues are resolved before public hearing is scheduled. Mr. Bruening recommends the board schedule to have public hearing being there is nothing in the plat code regarding a sliding scale of other ownership rules on set aside lands and would be beneficial to have public opinion then board and applicant can decide to put on any restrictions of subdivision open space protection. Counsel states you have a full application and should proceed with public hearing.

Mr. Arnold asked for roll call to set public hearing.

Ms. Jackson no

Mr. Shaver no

Mr. Seybolt yes

Ms. Purdue no

Mr. Hourihan yes

Motion for public hearing does not carry with a 3-2 no vote.

Applicant states that this is the first time he has seen the board disagree with counsel. Mr. Hall disagrees with decision of Board as it does not define what constitutes a complete application and what needs to be brought before the board to move ahead with public hearing. Mr. Arnold states that the board has voted and feels they are not convinced this is a complete application to proceed to a public hearing.

New Business

Town Board referral – US Light and Energy Solar – applicant seeks approvals from the Town Board in accordance with 149-28.1 and 149-50.2 for two (2) 5.0 MWac ground-mount solar power generating sites on western portions of the former Tee Bird South gold course. **Applicant:** USLE Moreau Reynolds Calhane. **Property Location:** 65 Reynolds Road. **Tax Map ID:** 64.-2-80.11 & 64.-2-80.12. **Zoning District:** R3. **SEQR:** Type I.

Applicants, CT Male representative and their legal counsel present to speak of project. They are there from the Town Board and the revised solar law in effect in the Town of Moreau. They are looking for input and a negative or positive declaration regarding Code 149.28.1A.

Mr. Arnold asked applicants if this was the same application brought before them requesting a PUD. Applicants stated no this is not. Mr. Arnold states that applicants are back before board due to the new solar law. Mr. Arnold asked Mr. Westfall to read that this proposal must meet the purposes of 149.28.1A and meets all the large-scale solar requirements of 149.50-2D which are to be conceptual sound, meet community needs, design principles, functioning road use, drainage system, scale development, with has adequate services and utilities available for construction and development.

Mr. Arnold asked why they are doing two 50 MWAC units. Applicant states its mandated by NYS and their requirements. This will send power to Butler Road substation. Access will be on current National Grid Right of Way. The gate will be moved back into site so both National Grid and applicants can access the site. There will also be a lockbox present. Mr. Shaver asked how far are units off the road ? Lot A (62 acres) is 700 feet from road and Lot B (58.4 acres) is from 1900 feet from road. The applicants are adding screening on all sides of project. Mr. Arnold asked about Reservoir Road setbacks. Applicant states from property line and closest occupant they will be doing extensive screening. Applicants have already been in contact with neighbors regarding proposal and trying to meet their needs. Mr. Abrams asked if they would consider moving location to be farther from those homes rather than the buffer of 40 feet. Mr. Arnold states its mostly moving more to the north which is not a huge 'sun' loss. Applicants will consider moving it to twice the setback of 80 feet and adding more vegetation in the radius areas recommended by any board or neighbor.

Mr. Shaver asked if property would be fenced in. Applicant states all would be fenced in, have lockboxes and man gates for the Fire Dept access. He would like to see Fire Dept approval of gates locations, lockboxes, etc. Mr. Shaver also asked if Fort Eward Reservoir had been notified. Mr. Westfall states as part of the law, they had to be notified of this project.

Ms. Purdue asked on section F of the 149.28.1A code and whether Planning Board should also consider compatibility with the comprehensive plan, goals of community or value to neighborhood. Question is if we are just going through the checklist or if we should be compatible with comprehensive plan. Mr. Westfall states they are looking for a recommendation of the code and requirements. Ms. Purdue states that it's unclear as to what the Planning Board is to do. Mr. Bruening states that the law was approved by the Town Board and these applicants are here to get a recommendation regarding the requirements of the code.

Ms. Purdue asked if Town Board members had any concerns with the application of the law being we received a zip file which is very extensive. Mr. Arnold states that the law was intentionally set up to have little insight from Planning Board. He believes they are being asked to look at the details of the project and to give a recommendation only. He would recommend that any town resident should mention their questions or concerns to the Town Board. Mr. Arnold appreciates the Town Board giving the Planning Board its input but would like to see more detailed information.

Mr. Westfall states that applicants have set up an escrow and town is reviewing this with strict consideration being this is a new law.

Applicant appreciates the questions brought forward by the Planning Board tonight and believes if this board would have been asked to review a site plan, then a lot of these same questions would have been asked.

Ms. Purdue does not feel it is appropriate for the Planning Board to provide a positive or negative recommendation without a full suite plan review.

Mr. Abrams asked how this affects property values. Mr. Abrams asked if they had any studies or reports on the radio frequencies or noise levels put out. Applicant said they have some of that information and will provide that to the board. Applicant states that the fences are put away from area so that an arch should not occur so that would be a good guide to go by for these questions. They believe they must be 20 feet from panel structures but will follow up.

Mr. Shaver asked how much electricity bill would go down. Applicant states that if you sign up for solar, they are predicting 10% reduction.

Mr. Arnold appreciates not putting this on active or prime farmland and feels it's the best quality of this land and the power line locations next to site.

Motion made by Mr. Shaver to make a favorable recommendation to the Town Board being they are taking the reins, with the advice of CT Male and MJ Engineers and having public hearings, seconded by Mr. Seybolt.

Mr. Arnold asked if any further discussion.

Mr. Abrams would like to note that the Town should consider a technical review by MJ Engineers, environmental and wetland studies, OEM plans, wetland litigation, taking lead on SEQR, transmission studies, property values findings, fire department access, adding man gates as required, having public hearings, increasing vegetation, moving setbacks to 80 feet from property lines. Mr. Arnold states all neighbors have the right to put up fencing or vegetation as well.

Mr. Abrams asked if the lower parcel of 40 acres was a separate deed and intentions. Applicant states that is separate of this plan, but they do not have any plans currently and is preserved for future development. The applicants hope to align with town's comprehensive plan. If plans move forward, Mr. Abrams would like to recommend that this property would have to meet the long term of comprehensive plan of the Town.

Roll call of positive recommendation with concerns – all approved with exception of Ms. Purdue.

Mr. Arnold asked for her reasoning on her dissent. Ms. Purdue states she would like to see more of the plan to get a better understanding of the project and feels the Planning Board should be involved with a Site Plan Review. She also questions the long-term use of the land and that solar may not be compatible with the comprehensive plan and goals of the community. She would not recommend this project.

Mr. Arnold would like to get a consensus if that should be included in our positive recommendation. All approved.

Site Plan Reviews

SPR3-2025 Mr. Bills – Applicant seeks site plan review in accordance with 149-21 for the addition of a drive thru window at place of established business. The request is in accordance with Appeal 881 approved 3/26/25. **Applicant and Owners:** Mike and Beatrice Greenough. **Property Location:** 1720 Route 9. **Zoning District:** C1. **Tax Map ID:** 49.44-1-9-1. **SEQR:** Type II.

Applicants are requesting to add a drive thru at their present business. They are trying to do this to keep open year-round. They are experiencing an increase of 60% of people doing pick up orders that are parking in the spots for drive in car hop experience.

Mr. Arnold asked why not take out the car hop spots and put those spots on the North side. They have added signage and markings on pavement and still are having issues with it.

Mr. Abrams based on the plans; they are losing nine spots on the south side. Is playground being removed, applicants state no, that's where leach field is. Applicants are putting in bollards and a fence with a gate to confine playground area. Mr. Abrams asked if enough room to turnaround with the bollards in place. Applicants said they evaluated with cars and thinks its between 7-8 feet but not positive and there is two-way traffic there now, but they are changing it to one way with the drive thru being added. They will add signs on North side to exit only / one way traffic.

Ms. Purdue asked if how the backup of traffic will be managed onto Route 9, does a study need to be done. Applicant states that a lot of the people will have to go orders and feel that it may move quicker with drive thru because cars are not pulling in and out of parking spots stopping the flow of traffic coming in and out.

Mr. Westfall asked applicants if plans had changed from Zoning Meeting where they stated they were only going to service ice cream at drive thru and applicants stated they have changed plans and will be doing to go and food orders in drive thru. Ms. Purdue feels that this will increase traffic and doesn't want it to be like Dunkin Donuts back up in the mornings. Applicants state they service 300 cars per day, but their hours are not like Dunkin Donuts. They are open from 11am to 8pm (9pm in summer). Unsure of winter months yet, may go down to 5 days a week. They do not feel those hours are as big of concern as the 7:30-8am rush. They feel this one-way traffic flow and design will be a better option than they currently have.

Mr. Abrams states that plans need to show existing canopy location, new addition location, the drive through flow, drive thru window locations, table seating locations, playground fencing, bollards.

Mr. Seybolt asked if there were enough parking spots that are required by code. Mr. Westfall states its 1 per every 5 of seating, which applicants have plenty spots.

Ms. Purdue would like to see a site-specific assessment of change of traffic on Route 9, like what was done with Moreau Animal Clinic. Mr. Westfall will get that information to applicants.

Mr. Arnold asked if any further discussion. Mr. Arnold asked applicants to get some of the information still needed and come back to board next month to review the site plan and they could possibly have a public hearing in same meeting.

SPR4-2025 – Moreau Tavern – Applicant seeks site plan approval in accordance with 14-21 for the reuse of former/commercial property on Route 9 as a tavern/restaurant use. Site will have private water and sewer and off-street parking. **Applicant:** Jason Fitch. **Owner of Record:** Jason Fitch. **Property Location:** 1000 Route 9. **Tax Map ID:** 89.-2-43.2. **Zoning District:** C-2. **SEQR:** Type II.

Applicant lives in Town but also owns Kings Tavern and City Tavern in Saratoga Springs for 20 years, on the Discover Saratoga board. They purchased the property to be involved in the Town of Moreau community. They do not plan to change too much. They plan to update things inside for the most part. Not too much outside. Mr. Arnold states that the plan provided is mostly inside changes that this board does not really need, that is building permit process.

This board needs more information on the outside area. Board had some questions with site plan.

Applicant states they just had property surveyed in prior week and not a lot of time to get things together for this meeting. There is no site plan on file for this property just a survey, so one needs to be done, and these items need to be updated on a new site plan.

1. Proposed sign location, height, lighted or not
2. Site plan lighting
3. Parking spots with handicap locations
4. Identify well, propane tank.
5. Well location in proximity of septic and restaurant, Mr. Arnold states he feels its too close to septic.
6. Proposed outdoor locations, identify horseshoe pits there now. Applicant may add a small patio area.
7. Landscaping or fencing identification.
8. Traffic illustrations and flow around building for Saratoga County and DOT
9. Run through checklist.

SPR5-2025 – Onyx Restaurant- Applicant seeks site plan review in accordance with 149-21 of Chapter 149. Applicants will reuse former restaurant space for use as a restaurant/banquet space. General layout approved by Planning Board as part of Stone Storage Application (SPR3-2022), with minor outdoor modifications proposed. To be service by public water and private sewer. Stormwater already approved as part of application SPR2-2022. **Applicant:** Steve Leary. **Owner of Record:** Tara Stone. **Agent:** Steve Leary. **Property Location:** 1451 Route 9. **Tax Map ID:** 63.4-1-77. **Zoning District:** C1. **SEQR: Type II.**

Applicant has recently purchased the old Luisa's / Craft on 9 on Route 9. He was previous owner of Uno Pizzeria in Queensbury that is closed. He states the restaurant needs a lot of repairs due to damages, some plumbing and appliances torn out of walls. He intends to upgrade plumbing, repair damages, paint, repair parking lot with better drainage solution, add a lighted sign. He would also like to hook up to municipal sewer.

Mr. Arnold asked what he was changing from previous site plan. Mr. Leary states he would like to keep the patio area out front and utilize the restaurant/banquet areas. Mr. Westfall states previous plan did not have patio, it was all blacktop before on plans.

Mr. Arnold asked if using entire facility for restaurant, applicant states yes. Mr. Arnold asked on seating. Applicant will rely on Fire District response as to how many he needs. Told applicant need 1 spot for every 5 seats in restaurant. Applicant states that part of the building has a current IT technology company, which will be staying there also.

The Board went over things that would be needed for next meeting on the site plan.

1. Site signage, lighted or not
2. Handicapped parking spots
3. Identify site lighting.
4. Directional arrows (if needed)
5. Septic system identified, applicants believe he is out of district but will refer to Mr. Westfall on hook up.
6. Update fencing, add balusters – applicant may add metal fencing.
7. Patio layout, type of flooring, chairs and tables, picnic tables, etc.
8. Drainage concerns – how repairing – drywell or further remediation? Mr. Westfall reviewed SWIPP and will have engineers review what needs to be done.

Applicant asked if he could be added on the June 2025 meeting to get information together.

Meeting adjourned at 11:00 PM.

Signed by Diana Corlew-Harrison 5/6/25.