

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 **March 18, 2024**.

### **Planning Board Members Present**

- John Arnold                      Acting Planning Board Chairman
- Ann Purdue                        Planning Board Member
- Mike Shaver                       Planning Board Member
- Bradley Nelson                    Planning Board Member
- Matt Abrams                       Planning Board Member
- Adam Seybolt                     Planning Board Member
- Bradley Toohill                    Planning Board Member

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

### **Old Business**

**Project Name:** Interstate Northeast Towing  
**Application Name:** Dan Rubin  
**Application #:** SPR-1-2024  
**Application Type:** Site Plan review – Preliminary Phase  
**Public Hearing Held:** Yes Monday, March 18, 2024, 7:00 PM  
**Location:** 1663 Route 9, South Glens Falls, NY  
**Tax Map No.:** TMP # 49.75-1-16  
**SEQR Type:** Type II  
**Zoning Districts:** General Commercial (C-1)

*Project Description: The proposed project involves site plan review of a currently operating commercial towing business from an existing building and parcel at 1663 Route 9. The Parcel is 1.16+- acres in area and is inclusive of an existing building of approximately 2,858 sq. ft. from which the business is operating. Regarding onsite parking/vehicle storage, there are three parking spaces towards the front of the site (one is handicapped); and the site plan calls for storage of up to 40 vehicles in a fenced area to the rear of the parcel. Vehicles stored are typically disabled and storage is short term (several days) until they are moved to another location off site. There are no plans for any interior/exterior modifications to the building or site. Operations for the towing business began during the onset of a pandemic in Feb/March 2020. As a result of code enforcement, the applicant is submitting the site plan review application to bring the towing business into compliance as operation of the business is subject to site plan review and approval from the Planning Board.*

Mr. Arnold called meeting to order at 7:01pm

Mr. Arnold asked who was present for the Interstate Northeast Towing project. Mr. Scott Greene spoke to board to go over updated site plan mentioning where parking, snow and lights will be located.

Mr. Arnold opened public hearing.

Mr. Garfield Raymond spoke and agreed to grant access to rear of property in case of fire.

Ms. Purdue wants to keep public hearing open since site plan was not posted previously and some of the neighbors may have not had a chance to review or comment on the project prior to this meeting. Mr. Greene said there are minimal changes from one previously given to board and one posted on website. Mr. Arnold states that all plans were at Town Hall if people wanted to review.

**Motion to close public hearing by Mr. Shaver, Second motion by Brad Toohill at 7:12pm.**

**Mr. Seybolt made a motion to approve this site plan with these conditions:**

- 1. Clean up plan to make legible including notes from email dated 2/27/24 from Jim Martin.**
- 2. No Hazardous Materials on site. (See 2/27/24 email #12)**
- 3. Add Noise Ordinance completion. (See 2/27/24 email #11)**
- 4. No Storage on site (see 2/27/24 #5)**

**Mr. Abrams seconded the motion. Board approved 6/1. Ms. Purdue did not approve.**

Old Business #2

Project Name:	Planned Unit Development (PUD) – Jacobie Park Side Farms at Moreau Rec Road
Application Name:	Cerrone Builders
Application #:	PUD
Application Type:	Town Board PUD Referral for Report- Sketch Plan
Public Hearing Scheduled:	No
Location:	11-29 Moreau Rec Road, Moreau, NY
Tax Map No.:	Two parcels are proposed for the PUD: 50.3-28.2; and 64.-1-54
SEQR Type:	Type I

***Project Description:** Applicant is proposing to construct 191 dwelling units split between apartments (multi-family), duplexes (two-families), and single-family dwellings on two parcels located along either side of Moreau Rec Road. The overall project area is 27.19+- acres. Also included in the proposed project is a 5,000 sq. ft. commercial building for a restaurant, ice cream shop, etc. to serve the development and surrounding neighborhoods. Stormwater will be managed on site; and municipal water and sewer will service the project needs for the water and wastewater treatment.*

Mr. Arnold stated that this is a hearing to give the Town Board a recommendation on the PUD for this project.

Mr. Joe Dannible, Environmental Design Partnership, spoke on the project. Cerrone Builders is coming to the Board to have a report of recommendation to rezone this property and application completed with the list of tasks that were presented previously.

The applicants proposed project will consist of 27 acres, 14 on South side of road, 13 acres on North side of road, in R2 zoning district, mostly vacant farm land, very few trees, mixed residential usage, 191 units, new street scape, new entrance, traffic calming features, front porch living, private owned access road on both sides of homes on Rec Road to access garages, sidewalks, curbing, trees, lighting to be added, hobby barn, gardens, outdoor amenity space, trail and sidewalk system, conceptual plan at this point of time which would create legislation to have property rezoned. Working with town on water/sewer connections and capabilities, stormwater at site, the applicants working with DEC and town on the preservation of the trees and will not cut down any trees on property, traffic studies were reviewed, habitat evaluation, wetlands.

Applicant to Town Board needs PUD to be approved as legislation written, Town Board made Planning Board lead agency in environmental assessment, action being reviewed is on change of zoning at this point, lead agent is to avoid segmentation, access entire impact from entire project. Mr. Martin advised the Planning Board that he thinks there is sufficient information provided to become the lead agent.

Applicants is asking for a favorable or non-favorable action to qualify for a PUD and recommend it to Town Board. Before the Town Board can vote, a SEQR needs to be approved. Code and all the objectives (8 of them) need to be met also.

Mr. Hearn, attorney for the applicant, spoke regarding SEQR and states does not need to be completed to get a recommendation to the Town Board. The 8 items are only items to consider for recommendation.

He said they could split the assessment and figure out what part of the SEQR is most important at this time to make a recommendation.

Mr. Arnold asked what items would fall under the SEQR review before they make a recommendation.

Mr. Hearn said we do not need final SEQR to review the information to do a recommendation. Then if recommended to Board, other information could be provided, and a public hearing held.

Mr. Arnold states that if we get all information regarding questions and SEQR requirements now, we could avoid wasted time going back and forth between each Board and meetings.

Mr. Arnold asked Mr. Martin what he thought would be the best procedure is to take up the criteria from the slide, if you have enough information on the slide, for SEQR, feels appropriate to split SQR at this time to review the zoning and access the SEQR later or when Town Board moves forward. The Planning Board did not require SEQR at this stage.

Mr. Arnold asked Board if they have any pertinent questions on how we proceed?

Ms. Purdue asked if applicant if the density requirements had been met. Mr. Dannible said yes. Item E proposed-mixed use allows 8 units.

Ms. Purdue asked if traffic study reviewed? Mr. Martin said letter dated 2/5/24 and was used and provided to Town with supplemental information which included Arrowhead Meadows and Jacobie Farms.

Ms. Purdue asked if applicant talked to Mike Mooney about water/wastewater? Joe has had conversations with them and will have to go through DEC and outside agencies to have reviewed but there should be no capacity issues.

Ms. Purdue asked about endangered species? Joe said habitat was reviewed with regarding to Monarchs and bats and report was given that states not in any harm.

Mr. Arnold - do we need to go through the 8 objective items for board to review?

- a. Mr. Shaver asked if PUD could have commercial and residential in same area?
- b. Mr. Arnold asked if there are certain portions going to designated only given to senior population? Joe states they are marketing it as one-bedroom smaller units towards seniors but not a senior only community.
- c. Mr. Shaver asked how close are buildings to the road? Joe states single family 10-15 ft from pavement and front side of buildings, townhomes are 32 ft to garage doors, apartment community 10-15 ft from pavement.
- d. Mr. Nelson what is distance apart from each house or unit? What is area of each lot? Joe -10-15 ft between houses.
- e. Private lanes inside development are HOA responsible, Town not responsible per Joe.
- f. Mr. Shaver – how much open space will there be? 10-12 acres of open space per Joe.
- g. Providing public usage and accommodations to the Town Park? Is the increase of units increase in Rec Park funds be used by developer or will Town decide what to do with the funds. Town Board decides. Joe states no public funds are being used.

Mr. Arnold asked if board had exhausted questions on #1 objective? Mr. Dannible – what is boards opinion of #1 or any other support needed? Mr. Shaver feels houses too close to road and do not meet current restrictions of 25 ft, HOA should not be responsible for the trees and Right of Way because we cannot do it in Town now. Mr. Shaver feels the HOA should not be doing Towns work.

Mr. Arnold – has the monies for public entities been appropriated to the Rec Fund and not to the development. The report should show the increase of funds to make improvements into the Rec Fund and not development for pickleball fields.

1. Mr. Shaver would like to see a bicycle lane in development on Rec Road to get kids off main road.
2. Mr. Abrams is in discussion with Town Board, our insurance provider states if a bike lane added then town would have to take responsibility.
3. Mr. Arnold asked if there could be access from other development being built yet. Mr. Dannible will talk to clients.
4. Mr. Dannible asking for PUD revision and not Cluster Development because Cluster cannot have hobby farms or other commercial structures.
5. Mr. Shaver - Who is responsible for tree care and maintenance? If in the right of way, town takes care of.
6. The objectives were reviewed for comments, questions.
7. Mr. Arnold asked if this project meet the comprehensive plan? Mr. Martin stated that public comments state the people do want any more apartments and are done with the UR District. The do not want standalone units. Or if they exist, they must be mixed use. Also, the main consideration of community from a preservation of the Ag District.
8. Mr. Dannible states this is a more attractive design than others before.
9. Mr. Arnold put in 50 houses, lots of open space with more conservation, but not sure if a more desirable location and thinks the Cerrone's do a fantastic job but is there any better option? He is taking a neutral decision right now and the Town Board needs to make that recommendation. Planning Board just making a report.
10. Ms. Purdue states consider lower density, recreational opportunities, make efficient use of utilities. Mr. Martin states it is a balancing act to get a more desirable development to meet all these considerations.
11. Mr. Dannible - this would outprice the homes affordability and would be in the 700K range. Townhouses and apartments are mostly rented to young couples, single parents, seniors with lower affordability. It would outprice our reasoning to build these units.
12. 1, 2 met, 3 n/a, 4-5-6-7 met, 8 neutral.
13. Ms. Purdue -Traffic needs to be reviewed with report based on increased density. Mr. Martin - client agree to create an escrow for update.
14. Mr. Arnold -could we recommend a review be done to run sewer up Route 32 instead of Arrowhead development or Bluebird Road which would extend town municipalities.
15. Mr. Arnold – Do we have all we need to decide as to what next step will be, public hearing?

**Mr. Toohill made a Motion to Town Board to set up Public Hearing on April 15 at 7:01 pm, Mr. Shaver seconded.**

**New Business:**

Applicant Name:	Town of Moreau
Application Type:	Recommendation regarding Proposed Local Law #2
Public Hearing Held:	No
Location:	Parcels Within Industrial Zoning Districts – M-1, M-1A, and M-2
Tax Map No.:	Multiple Parcels with Industrial Districts
SEQR Type:	Type II
Zoning Districts:	General Manufacturing and Industrial (M-1) District; General Manufacturing and Industrial (M-1A) District and General Manufacturing and Industrial (M-2) District

Project description: The Town of Moreau Town Board is proposing a local law to temporarily halt the issuance of permits or approvals associated with industrial and/or manufacturing uses within the M-1, M-1A, M-2 Districts as noted above. The temporary moratorium on the issuance of such permits or approvals will allow the Town Board time to evaluate and draft necessary legislation to allow for proper and authorized regulation of manufacturing and industrial uses within the Town. The Town Board is seeking a recommendation from the Planning Board concerning this local law.

Mr. Arnold read Planning Board responsibility on local law.

Mr. Martin – Planning Board would investigate potential revisions, develop new districts, map changes, review M-1, M-2, there are many outdated forms, codes, etc. Needs to be addressed in a more comprehensive manner.

Mr. Arnold – what is PB to do? Review codes, any shortcomings, community planning input, any missing, an input should go through supervisor as far as Planning Board Member and/or Moreau resident.

Ms. Purdue – Moratorium supports good objective. The area has changed over 30 years becoming more residential and needs to be consistent with our vision and objectives.

Mr. Martin thinks fence, sign, hazardous regulations should be under Zoning Laws and not in chapters that are outside of those codes and laws. Believes the codes need to be changed and/or amended to start further discussions.

Mr. Arnold – recommend we need to re-word LL2 and make easier determinations.

**Ms. Purdue makes motion to recommend adopt #2, Nelson seconded.**

Mr. Nikas, Attorney, drafted first session and spoke of language of chapter 91 and 92. Moratorium should be looked at the notes of misinterpretation of chapters or was a code inaccuracy. Review all codes and not just these in question. Mr. Nikas willing to change language and interpretation.

Mr. Arnold spoke to Mr. Nikas -can you re-write this in respect to what you just spoke of? Mr. Nikas -yes.

**Mr. Seybolt made a recommendation to amend and change the language to reflect Mr. Nikas version of the misinterpreted language, seconded by Mr. Nelson.**

**Roll call – all approved.**

Meeting adjourned at 10:19pm

Signed by Diana Corlew-Harrison July 31, 2024 (from audio and others notes)

DRAFT