

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Board Members Present: Chairman G. Peter Jensen, Keith Osborne, Chris Barden, John Arnold, Erik Bergman, Ronald Zimmerman

Others present: Joseph Patricke, Building Inspector and Martin Auffredou, Attorney for the Town
Tricia Andrews, Recording Secretary

The meeting was convened at 7:00 p.m. by Chairman Peter Jensen. The minutes of the Dec 2010 meeting were reviewed. Mr. Arnold motioned to accept the minutes as written and Mr. Zimmerman seconded. The motion passed unanimously. The minutes of the January meeting were reviewed and Mr. Osborne noted that on page 1362 it should say that Mr. Alden said "to pay." Mr. Arnold motioned to approve the minutes with that revision and Mr. Osborne seconded. Motion passed unanimously.

AGENDA Items 1 & 2

Mr. Joseph Bianchine of ABD Engineers presented for Va-Va-Voom, Inc., a senior citizens housing proposal, looking for recommendation to send to Town Board for review. He was accompanied by Michael Vasiliou.

Mr. Patricke: This project is referred for site plan review- and then you can address the subdivision.

Chairman Jensen: Sketch plan first.

Mr. Patricke: They are also looking for recommendation on PUD, the Board should address them separately.

Mr. Bianchine: We appeared a few months ago, and are now dealing with subdivision as well as PUD. This is on Bluebird Road, 28.6 acres back to Sisson Road. There are 270 ft. of frontage there, neighboring residential properties and railroad tracks. Power lines have an easement. The site drains from high area towards the back of the site, sandy soil and some wetlands and drainage which will be delineated in the Spring to not disturb federal wetlands. We have a letter about the historical and archaeological, and we checked the State website for endangered species, but will get an actual review in the Spring.

We are applying for a PUD for a Senior Community, we've shown a subdivision into 7 parcels, one lot per parcel, each development we intend develop. Each parcel would have access to a road and vary from 1.3 to 7 acres. It's a PUD, so the concept is different from previous presentation. We've taken out the nursing facility and the retail facility. Now we have Lot 1, a 64-unit assisted living facility on its own lot. In back of that a 94-unit 3-story senior apartment building and further back, coming off of Sisson Road there would be 50 units in each of 3 3-story buildings. Also 2 20,000 sq. ft. buildings with retail and medical office space, a senior community center and a vacant parcel for future development. We have no present use for it, but if some of these want to expand, sees more demand, we have more room. We have set it up with three curb cuts on Bluebird Road, travel through the site and one access point on

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Sisson Road. Traffic report projections have been made. The traffic study concluded that the level of service for the traffic would be maintained at Levels A & B. One went from A to B.

Chairman Jensen: I feel the traffic report is deficient. It states that other projects considered included Leonelli's on Harrison Ave. and Winterbury Woods at 59 units which is now 60, and Bluebird Village is specifically left out. They may have considered it in the numbers but didn't enumerate it, so that has to be cleaned up.

Mr. Bianchine: Ok. We've got parking throughout, common cross easements to get through the site, water which will extend through the site with hydrants, fire trucks fit and sewer will be over here with a pump system. There are new stormwater regs in effect tomorrow for green infrastructure, we will rework that. We are using infiltration, which is what DEC wants, but we have to go through the required calculations. We are here for PUD referral and for the subdivision.

Chairman Jensen: Board, questions?

Mr. Osborne: Are you planning on updating the stormwater based on tomorrow?

Mr. Bianchine: We will. Our calculations so far have been quick to get the right size range, but we have a whole procedure now to go through which is complicated.

Mr. Osborne: As far as your Lot 7 future, as far as SEQR you are going to want a possible most intensive buildout, the Town will ask for that.

Mr. Bianchine: OK

Mr. Arnold: What is the access to the back lot, #7?

Mr. Bianchine: We might come off this, but not here where it's wetlands.

Mr. Arnold: And you have the power line right of way. Will this be a phased development?

Mr. Bianchine: Yes, each stands on its own, one at a time.

Mr. Arnold: The road from Bluebird to Sisson?

Mr. Bianchine: That will be sooner, and the pump station would be first phase.

Chairman Jensen: So you are contemplating approx 258 apartments plus?

Mr. Vasiliou: There are 250 beds, these are not apartments they are single rooms, no kitchens.

Mr. Bianchine: Assisted living.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Mr. Vasiliou: Alzheimer's patients, rents below market, assisted living. Subsidized. The remainder are market priced.

Mr. Arnold: The one near the road, that's bed and central kitchen. The other apartments-are they assisted living?

Mr. Vasiliou: No, the other two.

Mr. Patricke: Start at the front.

Mr. Bianchine: 64 enhanced, 94 subsidized senior apartments, 100 market-rate senior apartments,

Mr. Osborne: What age?

Mr. Bianchine: 55 and over.

Chairman Jensen: Board, concerns about density on 26 acres less wetlands?

Mr. Patricke: Less roads and open space by our calculations. We use 15% for roads and 15% for open space to establish density.

Mr. Osborne: Slope is not an issue?

Mr. Patricke: No, there's very little.

Mr. Osborne: So we're comfortable right now?

Mr. Patricke: Depends- Lot 7 may be apartments?

Mr. Vasiliou: Yes.

Mr. Patricke: So it's twice what code allows, not counting the enhanced.

Mr. Arnold: The location of the community area- it seems odd to have the community center so far distant for assisted living- will they be transported, or are they not expected use it?

Mr. Vasiliou: In the planning stages, it was mentioned that the Town would like to build a Community Center, and we don't have a contract or plan, but we thought we'd provide a space for it. It would be a Community Center, not a Senior Center, if they so choose. The powers that run that facility- we wanted to make that available.

Mr. Patricke: That picture has been defined further since this got started, and I don't think they are going to be able to do anything like that.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Mr. Osborne: Are there community rooms or workout room facilities in the project you are proposing?

Mr. Bianchine: There's an open area, a gathering room or library in each building.

Mr. Osborne: Walking paths, quality of life issues?

Mr. Bianchine: Adjacent to the roadways we would have paths.

Chairman Jensen: There would not be town roads.

Mr. Bianchine: Private roads.

Chairman Jensen: No subdivision on public roads?

Mr. Bianchine: There's frontage, but there would be cross-easements to the effect that the roads would be private.

Mr. Patricke: They know they have issues with the National Grid easements.

Mr. Bianchine: They have an easement for their power lines but it's not excluding that we can't use the lands.

Mr. Patricke: Where's the frontage for Lot 7?

Mr. Bianchine: Right up the easement.

Mr. Osborne: We've got to flesh out the Community Center. That's not a reality at this point, what would you propose instead?

Mr. Vasiliou: Additional apartments, depending on the demands.

Mr. Patricke: Can you give us PUD?

Mr. Bianchine: I don't have that yet, we are higher than what the PUD ordinance allows, but this is seniors and totally different.

Mr. Patricke: It's a Town Board decision.

Mr. Vasiliou: I don't know if it's a factor, but the size and number of buildings have to make it work economically, if it gets downsized it's not a viable structure economically for staffing the building, overhead, economical factors come into play and that drove why we designed the spaces where we did.

Mr. Patricke: Isn't that just for the 64? The rest are regular apartments. The 64-unit is unique and not in our code.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Michael O'Connor : What they need now is for the recommendation to Town Board to go through the process and get the PUD, and then they come back to do site plan, traffic, etc. But the Town Board sets the density.

Mr. Arnold: Two buildings are three stories, the one by the road is 2 stories, is the max. height on 3 stories more than 38 feet?

Mr. Bianchine: Yes.

Mr. O'Connor: Town Board will set that too, height, setbacks, etc. That's a separate zone with separate setbacks in the legislation that approves the PUD.

Chairman Jensen: Board, any questions, comments, concerns? Martin, for PUD the Town Board would be lead agency on SEQR, and when we get to a subdivision, will be do SEQR again with us as lead agency?

Atty. Auffredou: I believe that's the best way to proceed. I understand your code to say that at some point you decide whether you have all you need, and I think you are supposed to schedule a public hearing and get public input for that recommendation that you give to the Town Board. Yes, they are going to set forth green space, etc. in legislative detail, but they will be looking to you for specific recommendations for building height, open space, and the future use of Lot 7. You have your work cut out for you. Procedurally, do you have the information you need for an informal public hearing? If not, tell them what they need to provide to get you there.

Chairman Jensen: 1st thing to my mind is that before we could ever make a recommendation, stormwater needs to be investigated for wetlands, runoff, where and how it's controlled, a traffic report updated, that's easy, nits and grits that would get us into trouble.

O'Connor: Stormwater would be compliant with new stuff tomorrow. I don't know that it's appropriate to make them go through the engineering until they know if they have the PUD designation, just for a recommendation.

Chairman Jensen: Martin?

Atty. Auffredou: It may be that the details of a plan or report are not necessary, but if there is something preliminary they can provide, they may have enough information to generate something. You have, I might add, a stormwater engineer here this evening who may throw in his 2 cents.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Mr. Gary Robinson, as consultant for the Town: If those buildings are what is to come to be, there are some things they would have to do. The new parts are water quality volume, a little familiar, soil, groundwater a little high.

Mr. Bianchine: Preliminary calculations are done to be sure we're in the ballpark.

Mr. Osborne: I think they plan could be approved with what Chapter 5 is giving you, more flexibility.

Mr. Bianchine: There's plenty we can do, but we are at a conceptual stage.

Chairman Jensen: No idea of the wetland area?

Mr. Bianchine: About an acre is shown here, but these are the outside limits roughed in and we think it will shrink. We just wanted to stay away from it to avoid going to Army Corps for a permit.

Chairman Jensen: 1 acre wet brings you to 25 acres, a percentage for infrastructure, knocks you down more to what they will use at Town Board consideration.

Mr. Osborne: Joe, does this need to go to conservation committee?

Mr. Patricke: The Committee is not prepared for that.

Mr. Osborne: Is the Town Board handling that?

Mr. Patricke: I believe so.

Mr. Arnold: Regarding National Grid easement- you have no problem with them as far as access? They have it for poles and maintenance.

Mr. Bianchine: We are crossing it and parking underneath it. It's an access agreement.

Mr. Arnold: I am uncomfortable that the only access Lot 7 has to a public road is that easement.

Mr. O'Connor: It's different because they own the property, usually National Grid owns and the builder is crossing it. There are no restrictions on it.

Mr. Arnold: No structure on the easement? The easement is just for the National Grid access.

Mr. Zimmerman: There are no future plans for additional access across the easement?

Mr. Bianchine: If we change the community center, we may have another back in here, yet to be worked out.

Chairman Jensen: If the Community Center does not come to fruition, that's going to more apartments and you've no idea how many?

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Br. Bianchine: Yes, it would and No, we don't.

Mr. Arnold: Do you figure each lot's density separately?

Mr. Bergman: Probably.

Mr. Arnold: That might limit what could go in there.

Mr. Bergman: Once you create the PUD you can't separate it.

Mr. Arnold: I like the idea of the project.

Mr. Bianchine: It's complicated.

Mr. Arnold: It's a three story building, very different from the surrounding community, so you may have difficulty there.

Mr. Osborne: Do you think when you come back, we can get the driveways on the opposite side of Bluebird Road placed on the plan, if there are any?

Mr. Bianchine: Yes.

Mr. Osborne: IS that an active railway?

Mr. Zimmerman: No.

Atty. Auffredou: If the community center is an uncertainty, shouldn't they be looking at a more viable use per your recommendation?

Chairman Jensen: It wouldn't look to good to 'say do whatever you want.'

Mr. Bergman: The stormwater has to be looked at when the snow melts, because the water table is 6 feet about ground and you have impervious surface near the road.

Arnold: So how do you do green with that?

Chairman Jensen: Board, do you have enough info to consider a public hearing?

Mr. Zimmerman: You started a grocery list before: We need stormwater review, an updated traffic report, more information about what the community center and Lot 7 could become, and additional cross-connections through the easement so that we can make a good recommendation back to the Town Board. To Martin's point, we have a lot to say to the Town Board.

Atty. Auffredou: Is there a chart that shows setbacks vs. the requirements.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Mr. Bianchine: There are no requirements but we could do a list.

Atty. Auffredou: Just say what's proposed and compare it.

Chairman Jensen: I think you've gotten a feel for the concerns of the Board, I don't think you heard anyone say that they don't like it, I think you are looking at tweaking your information so that we can make a reasonable recommendation to the Town Board so that they can do their thing. I think you've heard that we will be looking for some additional information before we schedule a public hearing.

Mr. Vasiliou: How soon can we do that?

Mr. Bianchine: A week?

Mr. Vasiliou: We have funding for the 64-unit that will dry up if we are not ready to go by mid-summer. Can we tighten the schedule so that we can work parallel?

Atty. Auffredou: What do you mean by ready to go?

Mr. Vasiliou: Lee (Rosen) wants to be in the ground by July.

Mr. Lee Rosen: We did High Point in Malta with 82 assisted living units and 82 independent living units. We have financing to do 64 assisted units through HEAL grant from the State of NY with the requirement that we start July 1. Starting is site work, moving some dirt. We located it at the front partly for that reason. Some members of the Town have come to Malta to see that building.

Mr. Osborne: How long has that [funding] been in place?

Mr. Rosen: Since Dec.

Chairman Jensen: If you can have your submissions ready for our next meeting deadline, a week from today, that's quick.

Mr. Vasiliou: We would like to do that to be in front of you again.

Mr. Osborne: Do you have the list of what we are looking for?

Mr. Vasiliou: Yes. Your next meeting is?

Mr. O'Connor: Would the Board schedule the public hearing in advance and they could cancel it if what's submitted isn't sufficient?

Chairman Jensen: I have to put that in the paper.

Mr. O'Connor: They would have it to Mr. Patricke by submittal date next week, and if it's not satisfactory he will say so and cancel it.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Atty. Auffredou: There's no SEQR on that.

Chairman Jensen: So there's no 30 day requirement for notice.

Mr. Osborne: Leave it to staff to make sure that the issues wanted on the next submittal are complete and if the staff feels that it is, they will go ahead with the notice for the public hearing.

Mr. Robinson: If you are trying to get to some finality, aren't you interested in what uses are allowable in the PUD? Would the Town say this use and nothing else, or a list of possible uses like in a zone? In your new PUD you would have allowed uses and this presentation limits your uses.

Mr. Vasiliou: We were looking to do specifically senior project.

Mr. O'Connor: You are limited by legislation enacted by the Town, # of beds, # feet for retail and offices, and those are dimensional requirements for that PUD, you can't exceed it.

Mr. Robinson: So the Board would like to see.

Mr. O'Connor: That's on the list.

Mr. Vasiliou: It may very well be nothing.

Mr. Osborne: Don't handcuff yourself.

Mr. Vasiliou: We are really committed to seeing this project built. If the senior citizens group wanted it, we would have been happy to have the space for it. Our goal is a complete, all-encompassing state of the art to-die-for senior project. That was the goal we are working towards.

Mr. Arnold: What happened to the nursing home?

Mr. Vasiliou: Stormwater. We thought we had a small finger of wetlands, and it might go all the way in, and that's where it [the nursing home] was going to be.

Mr. Arnold: Could you slide it onto lots 6 and 7?

Mr. Vasiliou: When the Army Corps comes out, we might be able to put it back here.

Mr. Arnold: If you combine lots 6 and 7, you might have frontage and be able to do that. If we have the possibility delineated on the map you aren't limited. It's much easier than going back later to add it in.

Mr. Vasiliou: Anything else?

Mr. Bergman: I like what John said about the nursing home on 6 & 7.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Mr. Vasiliou: I am told it's very difficult to get the state to acquiesce to a nursing home. Am I accurate in saying that?

Mr. O'Connor: It's difficult to get a certificate of need from the State because they are closing existing facilities.

Atty. Auffredou: I would recommend that you, for formality, entertain a motion with a date and time for the hearing that the staff is to list, providing that the required information is provided by close of business on Monday, March 7, and if Mr. Patricke is satisfied a public hearing would be set for purposes of recommendation, and that the meeting be held Monday, March 21 at 7:00 p.m.

Mr. Zimmerman: So moved.

Mr. Bergman: second

Chairman Jensen: Discussion?

Mr. Osborne: To be clear, what we are asking of the applicant?

Mr. Bianchine: Add preliminary stormwater plans, clarified traffic reports, density calculations and setbacks tabulated into a summary-both dimensional, Lot 7 and 6 potential clarified. We'd rather show something than nothing. Show driveways on Bluebird Road.

Atty. Auffredou: Is there anything more on wetlands or endangered species you could show them?

Mr. Bianchine: We just have the State website until Spring.

Atty. Auffredou: Note that in your recommendations.

Chairman Jensen: To the motion.

The secretary polled the Board and the results were as follows: Mr. Osborne: Yes, Mr. Barden: Yes, Mr. Arnold: Yes, Mr. Bergman: Yes, Mr. Zimmerman: Yes, Mr. Chairman: Yes. Motion carried.

Atty. Auffredou: Sketch Plan has not been addressed.

Chairman Jensen: On recommendation of counsel, what else do you need? Do you have enough information?

Mr. Osborne: No, you need density. Lot 7 & 6 could potentially be combined and that's not on the proposal.

Chairman Jensen: So as far as a subdivision is concerned, we don't have adequate information to go forward, and they need to clear the PUD hurdle first, correct, Martin?

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Atty. Auffredou: The subdivision can take on a life if it's own, but the two do go hand in hand on this. Let's see where you are on the 21st. Clearly the priority is the PUD for the applicants to get back in front of the Town Board and if you can do it simultaneously, so be it.

Mr. Zimmerman: Any discussion about the type of construction?

Mr. Vasiliou: Other than having the Board members look at the facility in Malta, and some photos, no.

Mr. Zimmerman: Does what's in Malta look like what you want this to look like?

Rosen: Yes, very much like that.

Mr. Osborne: What's the rate of occupancy in Malta?

Mr. Rosen: Malta and Wilton are full.

Mr. Osborne: I think based on those, that you have an overabundance of parking in your plan.

Chairman Jensen: We need to be thinking about the concept of again, subdivision and access to public highways required under subdivision regulations.

Mr. Zimmerman: Lighting, emergency access.

Chairman Jensen: Do you have any questions of us?

Mr. Bianchine: See you next week.

Agenda Items 3 & 4

Harold Leonelli, Moreau Acres Subdivision-Moreau Acres subdivision Sketch Plan review and Site Plan Review represented by Gary Robinson.

Mr. Robinson: Most of you weren't here when we did Sisson Road. I'm Gary Robinson and I represent Hal Leonelli, as a consulting engineer. This project got approval for 144 apartment units with up to 3 beds each. The project is approved, on the market, and has an interested developer. Similar to the last project, in order to get financing, you need subdivisions. We have a sketch plan for our proposed subdivision, 21 acres, two parcels of 13.6 and 7.5 acres. The parcels would be subdivided to finance a two-phase project, roughly 80 units phase 1 and the remainder, phase 2. The road is pretty much in the same location as the previously approved project, divided for a few feet and then it splits into loops. We left a turnaround at the end of the road for plowing in case the second phase lags behind. That's access and maintenance for the proposed roadway. Because there is one access road in, we have proposed an access cross-easement there. We presume they go to the same person or group, but it doesn't have to, so it could be in the future that someone comes in and takes parcel two. We wanted to make sure that

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

there was access to both, and this parcel would not be landlocked. It's just an easement included in Phase 1, to give easement.

Mr. Osborne: Do you need a variance on the Setback for Road frontage?

Mr. Robinson: Maybe. We have 50 or 52 feet here, there was a subdivision approved here.

Mr. Patricke: The answer is yes, they would need a variance.

Mr. Robinson: We will look at that down the road. The other requirements for setbacks and frontage we meet. It's just the frontage on the town road.

Mr. Zimmerman: Wasn't there a pump station before?

Mr. Robinson: That's on the site plan, this is just the sketch.

Mr. Arnold. I understand phased construction but I'm stumbling on separate owners? Not a public road? There's the potential for two separately owned parcels with just over the minimum frontage on a public road.

Mr. Robinson: If there was a public road there the frontage would be different, but we don't want to make it a public road and you probably don't want us to make it a public road, so we're keeping it this way. It's a financing issue, Hal is under contract with some people who can do a Phase 1 right away.

Mr. Arnold: And they are not under contract to buy the other?

Mr. Robinson: They have an option to, but they can't finance the whole thing. It's similar to what the previous project is doing.

Mr. Arnold: But those parcels have frontage on a public highway. If it were two phases of construction that would be different than saying we have two properties fronted on the same 50 feet.

Mr. Robinson: The difference is the phases in here. If we didn't have that, it would be the same. Site plan shows all the units. For site plan stormwater and new regulations, we show the whole thing. The sewer's going to the same spot, stormwater for the whole parcel. The sewer district has been in place, water in place, we've already done long form SEQR, rare and endangered, archaeological, wetlands studies all done.

Mr. Arnold: There is a change in # of bedrooms.

Mr. Robinson: We said up to 3, now a variety of 1-4 with net reduction, but the same number of units.

Mr. Zimmerman: Party interested in Phase 1 is biting off a lot of infrastructure for parcel 2.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Mr. Robinson: It will be easier if we go into site plan now. There's two parcels, road coming in, turnaround spot, pump station on left, stormwater basin down in this area (left top corner) Site topography has everything head toward the road; Water line 8-inch loops around the road. That's the first part. If you say what's the difference, 8 inches will be around here in the future too. It's being built now as part of Phase 1, so the easements would be for the water and sewage as well as the road. Same thing, 8 inch min anyway which is plenty of capacity for both.

Mr. Osborne: Regardless of who owns it.

Mr. Robinson: So if someone different comes in and Phase 1 owner has right of first refusal, they can't do it, it's all set up. Of course we'll be doing something different for stormwater, but strangely enough, the pond that you needed, is not eliminated. To handle the 10 year storm, requires infiltration basin or a pond, so we still have those. We're treating the first flush locally. We'll have facilities for that but still need a pond, same lines come down, go up to the pond. Phase 2 would connect to the lines that will already exist.

Mr. Zimmerman: Would they have to pay for lifetime use?

Mr. Robinson: That will be in a contract that comes up if there end up being two owners.

Mr. Patricke: If it's someone different, we would own it.

Mr. Robinson: The Town can take them over for a \$1, of there's an issue with it.

Mr. Osborne: Out of district.

Mr. Robinson: It's in the district. The plan is slightly different.

Mr. Osborne: I would like to see an old plan

Mr. Robinson: There's the old plan. Same road comes up, same open space, it's just in a little rectangular space on the new plan.

Mr. Patricke: I think the zoning map is older yet and has South Park on it, it was abolished.

Mr. Robinson: This parcel is all one lot where that shows a bunch of parcels. Mr. Leonelli got those combined.

Mr. Patricke: You point is valid, I can get you copies of what was approved previously.

Mr. Osborne: yeah.

Mr. Robinson: The details are all the same, except that stormwater is going to change a little for treatment on site. You wanted nice wide roads in there but on Thursday the State will say that they

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

want them narrower. It's increased pervious area. If you compare, this one is slightly less pervious. Roads are the same size. Part of this water quality buy in you look at not having wing cuts. There are 10-12 ways to get water back into the ground.

Mr. Arnold: Where's the water table on this site? It's a squishy site?

Mr. Robinson: You're thinking of Harrison Ave.

Mr. Arnold: You're right.

Mr. Robinson: Is there anything else you want to go through? These buildings are a little different, I gave you plans for one of them, I think there are 4 different buildings on the site, a community center like before located here, called a clubhouse, on the other side of the road from before. There's a bus enclosure, mailboxes are outside of the community center, it's all on the 1st phase side so it will be done up front.

Mr. Osborne: Is the market bearing out the need for this?

Mr. Robinson: We haven't done a market study, but someone thinks there's a market.

Mr. Osborne: As far as SEQR, you alluded to that we've already gone through this. I need to know what it was before.

Mr. Robinson: We have the long form in the packet we gave you and summaries of all the studies that were done. We'll do that again, put it all together and give it to you when we get to prelim. There won't be much change, but we'll do it all again.

Mr. Osborne: So are you alluding to a reaffirmation or something along those lines?

Mr. Robinson: Exactly.

Chairman Jensen: Number of units stays the same so no much impact on the traffic study.

Mr. Robinson: Right.

Mr. Osborne: What's the level of service.

Mr. Robinson: Don't know.

Chairman Jensen: I might be wrong. The traffic study was done before the others (developments).

Mr. Robinson: We gave you an update.

Mr. Patricke: It's included and updated. Schermerhorn is in there.

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on February 28, 2011.

Mr. Robinson: We needed an update by the time we got the final update.

Mr. Zimmerman: We had an update of the revised one.

Mr. Patricke: How much of this do you want to see again? Is the summary ok?

Chairman Jensen: Okay.

Mr. Robinson: Okay

Atty. Auffredou: The file is available if someone wants to come look at the comprehensive reports.

Mr. Robinson: We've looking at going to ZBA for Zoning, this next month's meeting for Area Variance.

Mr. Osborne: It may be they table you for a recommendation from the Planning Board.

Mr. Robinson: We will go there and then get the descriptions on it, we would have a public hearing on it for the subdivision. Can we be at the next meeting?

Atty. Auffredou: It's two days before the ZBA meeting, so you can't.

Mr. Robinson: On site plan, we've gone so far but we can't go forward with the rest yet so we can't get it to you in a week anyway and it depends on the subdivision, so we wouldn't be back next time for the site plan.

Mr. Zimmerman: So we will see you back in April?

Mr. Robinson: That's what I am thinking.

Mr. Zimmerman: You would want to set public hearing then?

Chairman Jensen: Any questions of us?

Mr. Robinson: I think we've talked about everything. If you have anything else you 'd like us to provide next time?

Chairman Jensen: Board any questions?

Mr. Robinson: Thanks, appreciate it.

Chairman Jensen: Reminder that this is the second month of the year so we need to be sure that everyone has their ethics forms in, and on Thursday there's a workshop and we will hear from Mr. Robinson again.

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Mr. Robinson: It's part of the regs that the boards receive training. It will give you a good idea of what you're going to be seeing.

Chairman Jensen: Do we have to put signs up?

Mr. Robinson: Requirement.

AGENDA Items 5

Chairman Jensen: We were asked to provide comments on a proposed new law. Local Law #2 of 2011.

Atty. Auffredou: Town Board has been working on this for a considerable period of time. The idea is to address in both a temporary and long-term way the use of hotels and motels in the Town as permanent domiciles, which the Town Board has identified as a problem. They have worked hard on this and there is a public hearing scheduled for March 10 and I anticipate the Board taking action on that. It came back from County Planning Board with recommendation for approval. Your task is to, anytime there is an amendment, Planning Board is asked to provide a recommendation and report. This is an express provision in the code. It's a good opportunity to say you think it's a good or bad idea, it's not to nitpick it but to give constructive criticism or adjustments. They've already done a great deal.

Chairman Jensen: I wouldn't have any objections to what the board is doing but I do have a nitpick. We keep using the word "overnight." It sounds like we need to change hotels every night.

Atty. Auffredou: I think that's a fair point but it reflects the reality that Joes is going to have a tremendous amount of discretion. It is intended for the long-term tenant, and we looked at what Wilton and Queensbury do and dictionary definitions and looked for the best language to reflect the reality of the situation. Before you make any recommendations for changes I would ask that you hear from Joe about it.

Chairman Jensen: I do think they are going in the right direction.

Mr. Arnold: I'm confused, we apparently have an issue with people using motels as apartments, but is someone who stays a month different from someone who rents an apartment for a month?

Atty. Auffredou: Joe knows the difference, and it's in that the person has a permanent residence somewhere else, and the distinction is pretty clear in this law.

Mr. Arnold: The law is to avoid transiency in housing. I have lived in apartments month to month.

Atty. Auffredou: But it was an apartment.

Mr. Arnold: So we're drawing a line on the occupancy use of a structure.

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Atty. Auffredou: As I understand it's that we have motels that have made themselves into apartments, but this is not for people who have a domicile somewhere else.

Mr. Patricke: And they are comp paid. Motels are day to day, blocks rented out by the railroad.

Atty. Auffredou: Let's say there's a complaint that Joe inspects and investigates and asks whether the intention is to reside permanently, and the subject says they will move away when their job is over. At that point Joe makes a judgment call. He has been given a lot of discretion to determine who's transient, who has another domicile, etc.

Mr. Osborne: So when Joe retires, someone else in the position is relied upon.

Barden: Is there a time frame? What constitutes using it as a residence? People will hop hotels.

Mr. Patricke: If that's the way the motel operates. We won't have to deal with it if they'd say no. My guess is that we'll have none that do that.

Atty. Auffredou: Who knows whether this will work, but they have to do something. Hotels have a certain amount of time to come into compliance and we've beefed up the penalties.

Mr. Osborne: What does Social Services have to do with it, if they put a battered wife in there?

Atty. Auffredou: We're hoping that the code enforcement officer has a heart.

Mr. Patricke: Even though that's common practice, it's not something we as a Town look forward to, Social Service needs to help them find another place to live.

Atty. Auffredou: I see the code enforcement office giving them a reasonable period of time.

Mr. Patricke: In 14 years I've never had a Saratoga County resident get placed that way.

Mr. Arnold: Having lived in different places in Moreau, it's not unusual for people to come for 2-3 months.

Mr. Patricke: Those are dwelling units and motels are designed differently. Sanitary facilities are not the same, it's not a home to raise children in.

Atty. Auffredou: You might get into discrimination there. With hotel vs. apartments, it's just a zoning issue.

Arnold: I'm not saying we should get into that but it seems we're going after the one we can get, but not the broader problem.

Atty. Auffredou: They've got to start somewhere, and the Town Board has heard a lot of complaints.

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Mr. Zimmerman: What are hearing from motels?

Mr. Patricke: We have a relatively few number of motels.

Mr. Bergman: Plenty of signs. (names)

Mr. Patricke: There was a time when people were encouraged to convert those. We are going to have 2-3 that rent this way and the others don't, and they are going to support it.

Mr. Barden: Is there concern on RV parks?

Mr. Patricke: I don't believe so. Motel living is a concern because they are not designed as a home.

Mr. Zimmerman: I know it says to go to us for review, is the Zoning Board looking at it?

Atty. Auffredou: Since it's not required in the code, they haven't been asked to look at it.

Mr. Patricke: Their scope is more limited.

Mr. Zimmerman: Is the village doing anything similar?

Mr. Patricke: No.

Mr. Osborne: It doesn't spell out to whom the penalties are applied. The owners?

Atty. Auffredou: Yes.

Mr. Osborne: Do we fine consistent with Queensbury?

Atty. Auffredou: It's what's allowed by NYS Town Law.

Mr. Osborne: You want this as a resolution? I motion we resolve to recommend that as written the proposed zoning change is positive as far as this board is concerned.

Chairman Jensen: In concurrence with the intent of Local Law #2 of 2011. Barden seconded.

The secretary polled the Board and the results were as follows: Mr. Osborne: Yes, Mr. Barden: Yes, Mr. Arnold: Yes, Mr. Bergman: Yes, Mr. Zimmerman: Yes, Mr. Chairman: Yes. Motion carried.

Chairman Jensen: Do we communicate this per the minutes?

Atty. Auffredou: Letter from the Chairman that says that on this date the board gave a positive resolution.

Mr. Zimmerman motioned to adjourn the meeting at 8:55 and Mr. Arnold seconded. All in favor.

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Respectfully Submitted,

Tricia S.Andrews