

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 March 21, 2011.

**Board Members Present:** Chairman G. Peter Jensen, Keith Osborne, Chris Barden, Erik Bergman, Dave Paska, 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 February 21, 2011 meeting were reviewed and Mr. Osborne motioned to accept as written. Mr. Zimmerman seconded. Motion passed unanimously.

Chairman Jensen: I need to correct an oversight at our last meeting which was neglecting to welcome two new alternate members, Ms. Riggi and Mr. Reed Antes, who will sit in if other board members are absent.

### **Agenda Item #1 and #2: Va-Va-Voom**

First item on the agenda is a public hearing, which is to gather input so that the Planning Board can make a recommendation for the creation of a PUD. The Planning Board does not and cannot approve or disapprove a PUD, that is a right reserved solely for the Town Board. We are gathering input so that we can make an intelligent input to the town board. We ask the applicant to briefly describe the project so that folks know what we are asking them to comment on.

Joe Bianchine: I represent Mike Vasiliou, who is present, and Va-Va-Voom. We have 26.6 acres of land, 851ft. of frontage on Bluebird Road and abuts 3 residences, 254 ft. of frontage on Sisson Road with lands of Moreau Industrial park on the south. On the west are unused railroad tracks. The site slopes, and is wooded toward Bluebird Road, water exits towards industrial park, wetlands will be delineated in about a month. We have checked with DEC and US Fish and Wildlife and neither reported anything specific to this site, although all of Saratoga has the potential for bald eagles, certain bats and karner blue butterflies and blue lupine as well as hooker orchids, generally in swamps. We doubt we'll find anything but we'll look in the spring. We would like to set it up for Senior Community Development as a PUD. There are 6 parcels, looking to subdivide and develop. On Bluebird Road the front lot is a 64-unit assisted and enhanced living, 2 stories, 2.4 acres with parking and stormwater management. In back of that lot 2, 94-unit subsidized senior housing project with 2 stories, parking, stormwater on site. In back of that coming off of Sisson Road, 2 50-unit senior apartment buildings, at market rate, whatever price is appropriate for the area and type of construction, on-site parking and stormwater. There would be a connecting roadway to Bluebird Road. Lot 4 we have set up as 20,000 sq. ft. office building for medical and professional, possibly some retail. It's intended for people specializing in senior care. Another on Lot 5 of the same 20,000 sq. ft. professional/medical. In back of that we now have 6 lots total instead of 7, set up Lot 6 for some use in the future, possibly a community center, nursing facility or additional apartments, more likely ten years or more down the road when more baby boomers need such facilities, maybe at that time it might be needed or money might become avail for a Community Center. Those are the six we are proposing. Roadway to access, three curb cuts on Bluebird and one on Sisson. Creighton-Manning traffic report was updated recently with other projects in the Town, results of first analysis stayed the same, additional traffic on Bluebird, but level of service remains the same, in the future it drops from B to C after build-out. Water and sewer along Bluebird, we would bring water line and fire hydrants on the site, laid out so that fire trucks can get in and out. Sewer is forced main on Bluebird and we would have to set up a pumping station, with the exception of Lot 1 which would be on its own pumping system initially. We have submitted info regarding PUD as to how we fit into your zoning, there are density calculations in there and we are over your allowances net density of 8. This is seniors and we are over 8, but it depends on how you calculate it, if you take in the assisted & enhanced, 10-12 units per acre. Along with our

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proposed setbacks on sidelines and frontages, and we are proposing a buffer alongside the residential properties which will come later on with landscaping.

Chairman Jensen: In keeping with all public hearings we have some ground rules, if you have a question or a comment you are encouraged or invited, for record keeping purposes, please state your name for the record, and maintain some sense of decorum throughout the proceedings.

Jacqueline Bashant, bordering property owner: Are you affiliated with a medical or assisted living program and are you purchasing the bordering Cockerel property?

Lee Rosen: Home of Good Shepherd, I am the developer of 3 facilities currently in Malta, Wilton and Saratoga, this will be similar to those three. Assisted living is a facility that is licensed by the Dept. of Health for people who need assistance with daily living activities, they are private rooms, meals are provided in a central dining room and they are taken care of, but it is a level below skilled nursing, but licensed.

Barbara LeBeouf: What is the state grant for assisted living?

Mr. Rosen: Financing available through the Dept. of Health to defray capital costs to make it more feasible.

Barbara LeBeouf: Is it subsidized assisted living?

Mr. Rosen: Capital costs are reduced so it's easier to do.

Mr. Vasiliou: We are not interested in the Cockerel property, we are on the other side of the tracks and it's not part of what we are doing.

Jeff Nicholson: The water on the North side that runs down the north side of Bluebird Road crosses under my property and comes out on my neighbors. It's a natural flow of water that I couldn't stop when I built, and it needs to continue to run. It's on the NE Corner between my property and flows onto his property in the corner.

Mr. Bianchine: You're right, it's there. We won't stop it. We will probably direct it into retention with an overflow. We're in conceptual stages and haven't really designed it at this point.

Terri Jo Nicholson: What's this going to do to the property values, because I really don't want this in my side or back yard and I don't think anybody will want to buy my home there.

Mike O'Connor: I wouldn't predict increase, decrease etc., but it is a permitted use that we asked for, can be requested anywhere in the Town, and serves a community need. I offer up a copy of Gordon Woodward newspaper article about community need with a comment from the Supervisor. We can't say what it will do to property values.

Mrs. Bashant: I have a question about transportation availability for Senior citizens? The bus lines stop by the cemetery.

Mr. Rosen: Assisted living would have their own van to take them to doctors and things. As it develops, if a core group who need transportation develops, transportation would be provided because there's demand. Assisted would have their own van.

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Tom Frederick: Your traffic analysis said it drops from B to C at Sisson and Fort Edward Roads, at Sisson and Bluebird Road would there be no possibility for a light, considering that awkward turn.

Mr. Bianchine: No indication of need for light? Speed limit change? Town Board would have to do that, maybe do a speed study.

Ray Devit: SGF Fire, we compare to Midtown and that's easily been a thorn in our side the last few years, entrance and egress, fire lanes. We can't get trucks in there, and we cannot set up our aerial device anywhere in the parking lot, so we need to have it straight before you make a plan.

Mr. Bianchine: We would have sprinklers and hydrants and will work with you on where you want hydrants, and we have laid it out so that you can get in and out.

Mr. Devit: We can't reset alarms there so we would like a high-tech alarm system that can be safely reset.

Mr. O'Connor: We would be happy to meet with fire and EMS and work out a plan with them.

Chairman Jensen: That would be required.

Mr. O'Connor: OK, this is conceptual just a recommendation back to the Town Board, they would hold a public hearing, approve this as a new zone with density limitations and send it back here to review the engineering including public health and safety.

Pat Frederick: What is the target date for starting and is it one at a time or all at once?

Mr. Vasiliou: We have a target for this summer for the first building because we have funding and time is important to achieve that, after that, no deliberate schedule.

Pat Frederick: My concern is the woodlands, I like the woods and are you going to be cutting everything down?

Mr. Vasiliou: We won't cut down one tree more than we have to. It's never been my policy to clear-cut, we will try to maintain separation and as much privacy between the buildings and adjacent property as we can, although we have to do some grading for drainage and clear for parking, etc.

Pat Frederick: Wouldn't there be a lot of fill brought in, for the high water table?

Mr. Vasiliou: Up to the engineer. May be brought in or just moved.

Mr. O'Connor: I believe in general this Board would set clearing limits when we get to engineering, we just don't have those at this time.

Mrs. Bashant: Is there an application for Pilot reduction in taxes.

Lee Rosen: Home of the Good Shepherd is a 501 c3 tax-exempt, the other housing, senior housing, would have a PILOT agreement, the independent living wouldn't have a right to any kind of arrangement.

Chairman Jensen: We have a resident from Spruce Street that sent a letter. Erik would you read that? (Mr. Bergman read aloud a letter regarding an unacceptable traffic issue, at William Street at Main Street/Ft. Edward Road where there is a 6-9 minute wait.)

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Chairman Jensen: One concern there for anything at that intersection would be for the Town Board to request from Saratoga County as Fort Edward Road is a County Road. Nothing this Board can do about that. Other comments? Your 3-story roofs, are those flat top or gable?

Mr. Rosen: It is gabled, bldg #2.

Mr. Vasiliou: Back ones are gabled as well.

Chairman Jensen: Board, are you comfortable with 3 stories plus a gabled roof? Is that going to appreciably alter the character of the adjoining? Are you comfortable with the density?

Mr. Osborne: I would like to see some of the space banked if needed for a later date, and permeability is the name of the game with the high water table there.

Mr. O'Connor: We have no problem with that. This is more parking than generally used. The board may want to alter that in the PUD. The maximum might be used in the opening or at Christmas.

Mr. Osborne: Seriously consider quality of life issues, and I would like to see more taken into account. And this proposed Lot 6 use to be determined when needed. I am assuming that footprint on the plan is your largest build-out?

Mr. Zimmerman: Mr. Rosen, regarding the height of structure, is that similar to the others?

Mr. Rosen: Only recently can you do three-story wood frame, shorter travel distance in the building and in the design it can be very appealing. It doesn't look as big as it sounds, and that building is not right up on the road, it can be screened so that direct view can be obstructed.

Mr. Zimmerman: I think we would have that concern during design, as well as access issues with the Fire Dept.

Mr. Devit: What is the full height?

Mr. Rosen: About 38ft, fully sprinklered.

Mr. Devit: Sure, but wood frame?

Atty. Auffredou: Comments from Mr. Robinson before you close the public hearing. I understand he has been presented with everything.

Chairman Jensen: Have you looked at it?

Mr. Robinson: I looked, briefly, so see that it is in tune to regulations.

Chairman Jensen: Porous pavement?

Mr. Robinson: I don't know but they have adequate paperwork, but not all the calculations to meet the new regs. Talking about what the uses might be, some are listed, restaurant was on there, some things are listed that I am not sure if you are interested in restrictions on that. In the densities, they were saying earlier it's a bit more than what PUD regs suggest, looking at the base to calculate that, there's a section about roads reducing the density and that wasn't done. I don't know if that's something you have looked at or are interested in.

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Chairman Jensen: is there reduction for wetlands?

Mr. Robinson: They guessed 1 acre reduction, but it's a guess until snow melts. I could give a written report eventually.

Chairman Jensen: We definitely would like that.

Osborne: Would you want that at site plan?

Chairman Jensen: Are you going to make a recommendation about density? If your set-asides have not been accounted for, how can you determine density? PUD can do anything they want. The decision is not ours.

Atty. Auffredou: Whatever your decision, open or close the public hearing, but you are obligated to report within 60 days of the hearing to the Town Board, if you don't the application proceeds as though findings were unfavorable. For that purpose, consider what you ask your engineer to supply.

Mr. O'Connor: I understood what we submitted and I think it's a little confusing because we start off with 64 units and count them as 64 units but in reality I don't think they are what would normally be considered a dwelling, there is someplace around 300 sq.ft., like a bedroom with a sitting area, and they don't- they used a common area for meeting exercise, meals, etc. What I am looking at is that it's a commercial building, and in PUD there's a definition of density of 1 acre per 10,000 sq. feet and consider that as part of the request. That use is commercial. Add two 50-unit apartment buildings, add 94 apartments, and worst case for density, another 50 in Lot 6. The rest is office/retail. That's our request for density, even if they approve it with that density, we have to come back and prove to you with actual engineering that the site will support it. The other issue is that we didn't take set aside for roads, because this is going to be a private drive and not a town road that goes through the property. Where they talk about density in PUD regs, the Town Board can make adjustments if the circumstances justify it. It's up to the Town Board, again the Supervisor said it was a welcome project in the Town, there's a need, so it will come down to what the site can support.

Mr. Paska: Are each of these units identical? Can couples go into a unit?

Mr. Rosen: We do have some units with couples in Wilton, and the exact interior is not designed yet, but it might happen in 5-6 units.

Mr. Jensen: Additional questions? Are you comfortable with what you heard or do you want comments from Mr. Robinson?

Mr. Osborne: I would like Gary to comment, especially on the impervious that they are proposing.

Atty. Auffredou: I agree this is not easy and you don't deal with it every month. Would it be helpful for the board if Mr. Patricke, Mr. Robinson and I gave you a draft of a recommendation summary synopsis, they have given us most of the information, so there is something for you to look at in advance of a meeting to deliberate upon, mark up and change around. Something from our staff.

Chairman Jensen: That's quite attractive and we should do our due diligence and not make snap decisions, but the caveat is, can this be accomplished relatively soon and not drag out for months?

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Atty. Auffredou: Our intention would be to give you something comprehensive that you can act upon at your next meeting, having gotten together with Gary, and given to you in time to digest and given to the applicant to comment upon. It would form an opinion. The applicant may say we don't have time, they don't have to like it and you can disregard the idea, but it allows you to do a comprehensive and thorough review.

Mr. O'Connor: We do like Martin, we just don't like Martin's idea. Procedurally, I think that's a step ahead of where we are. We are going to have to abide by Mr. Robinson's analysis. In Section 149-27e of the code, there are 4 bullets for tonight. A favorable report based on the following: meets intent and objectives of PUD, you have a detailed report on whether it does that. Second, that it meets the general requirements of C, and third, that it meets a need in the Town. We are committed to it being senior housing. We will not change the use or intent. Fourth, that there are adequate facilities available- water and sewer basically, municipal services. It doesn't say that you get to talk at this stage about density. You are beyond what the Code says we are here to do, respectfully you would be in a position to make a report to the Town Board so they can send it to the County before they can do anything which is going to add another month to our process. We may be back here May, maybe June, and it's really going to push us. We understand that we have to reimburse the Town for consulting fees, we would like to see a dual path and get back to the Town with favorable or unfavorable recommendations. We have committed to a specific plan and from a SEQR point of view the whole acreage is on the table before you. I spent all day at a seminar about whether this is one lot or 6 lots. We have told you all that we can at this point. I think you have enough to say yes or no. Which of those four bullets are you uncomfortable with?

Chairman Jensen: We need to do our due diligence, in the best interest of town as well as applicant and for us to shoot from the hip without assistance from counsel and consultants would be not doing our best, which is what we strive for.

Mr. O'Connor: I just want you to look at those four bullets and make a decision on what's before you.

Mr. Osborne: I want Gary to look at impervious issues. We already fast-tracked this. It had to do with new Chapter 5 regulations coming in. Gary hasn't had a chance to look at it. I would feel a lot more comfortable looking that this. Speaking for myself, it's a laudable project that's needed.

Atty. Auffredou: Joe and I have to amplify what we're saying. We know the Town Board is going to be looking to you heavily for recommendations, and the more that's in your recommendation, the better. The easier it becomes for the Town Board to accomplish their process. Our intervention is to give a thorough, comprehensive document for you to work from to make recommendation to the Town Board. If they are not sure what the Planning Board meant, it would have to come back, and I expect the applicant would not want that to happen. We might miss something, but it will be as comprehensive as possible. If that's not what you want to do, that's fine.

Chairman Jensen: Board, having heard from counsel, what is your opinion? Do you wish to wait for draft from counsel, or swing as it is?

Mr. Bergman: I think the additional information being offered on this, looking at the high water table, the build-out on Bluebird Road, we should take counsel up on the offer.

Mr. Zimmerman: I think there are arguments to be made on both sides, density, stormwater are going to have to be addressed. Creighton-Manning's report should not be chalked up as gospel, we need an independent review. What they are offering to do we are going to be asked for sooner or later, and it will

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give the applicant a look at things that might hang them up later. Asking me, I want the document from Martin, Joe and Gary.

Mr. Paska: I'd rather go in armed with all the knowledge.

Mr. Bergman: I think we're being offered something that we are going to have to have anyway. We are going with densities they are proposing without the full picture.

Mr. Barden: I echo concern about look at the traffic, and this may in fact create a delay at this going but speed things up in the end.

Mr. Osborne: What is the time frame for you to get together?

Atty. Auffredou: Joe and I can get together this week, but we haven't talked to Gary, within a week or week and a half.

Mr. Osborne: Would they be back 4/18?

Atty. Auffredou: Yes.

Mr. Zimmerman: Table the public hearing?

Chairman Jensen: Leave it open. Having had to go through this before.

Atty. Auffredou: Joe and I have drafted findings and decisions for this Board in the past.

Mr. Zimmerman: I remember it being helpful.

Mr. O'Connor: I understand, you have agreed to defer your action, but you may say it isn't going to go. We don't have control of the funding for assisted living, we didn't get funding until December and can't control on either end. It's going to be very tight for us to wait til next month, go to the Town Board, get a public hearing, refer to the County Board and then come back to you for site plan in June or July, and we are supposed to be under construction in July. I think at this point if you looked at those four bullets you don't put the Town at risk at all if you were to recommend. You can also make a referral to County planning staff. Last time around that happened with the PUD, the Town didn't do the referral thinking it had already been to the County because they had a letter from them. If you make a recommendation to refer to County planning staff now, it's not going to solve the problem but it might get us one step ahead.

Chairman Jensen: We can always refer to the County, if you want to send it, send it.

Mr. O'Connor: That's Section D.

Atty. Auffredou: I think that's within context of Planning Board review, not a substitute for the Town Board sending it under 239(a).

Mr. O'Connor: Town Board would have to do it again.

Atty. Auffredou: You're saying it might expedite the process because the County had already looked at it? I don't have a problem with that.

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Mr. O'Connor: The Planning Board refers it to the County Planning Board, the Town Board refers it to the Saratoga County Regional Board.

Mr. Zimmerman: So the funding that you are hung up open is for Lot 1?

Mr. Barden: You have to break ground by July? When in July?

Mr. Rosen: I believe it's July 1.

Mr. Zimmerman: Could you comply with zoning so that you can proceed?

Mr. Patricke: It can't, it's not an approved use.

Mr. Rosen: Wondering if there's away, as the Board is supportive of the concept of the assisted and supported living and the phasing, can't the Board consider a recommendation that they like the concept, and that final density has to be verified per professional review, I don't think the site wouldn't handle the 64-units that we have funding for now, although it may not handle the additional plans. Not putting a gun to the head, but if we don't make it they will move the funding someplace else. Make a finding subject to detailed report, which they would have by the time they got to the Town Board.

Mr. Osborne: SEQR would be a problem because we have to look at the whole project.

Mr. Rosen: But at least it would keep us moving to the Town Board.

Mr. O'Connor: It's the procedure that we struggle with, not the findings. Have to have public hearings, referrals to County, etc. It keeps the process moving so we don't get hung up at a doorstep because some meeting or referral has to be made. I don't know if there's compromise. When's the next Town Board meeting?

Chairman Jensen: Tomorrow.

Mr. O'Connor: Could you have another meeting before the Town's next meeting?

Mr. Osborne: A special meeting.

Chairman Jensen: We can do it if we advertise it. We would need the draft from counsel, to do our review, so that we could in a public venue make our motion as to the items in the draft, that would need to be to the Town Board prior to their meeting which is April 12<sup>th</sup>. Is that do-able?

Atty. Auffredou: I don't know that I am prepared to say, it's pretty aggressive.

Chairman Jensen: Mr. Robinson?

Mr. Robinson: I agree with Martin.

Atty. Auffredou: My intention isn't to hold this up, but to make sure the Board does it's work and has a recommendation to the Town Board. I sympathize with the applicant, I can't empathize but I sympathize, but my allegiance is to make sure you do what you are obligated to do.

Chairman Jensen: Probably not before April 12?

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Atty. Auffredou: It's a little difficult. On the one hand everybody likes the idea that we are suggesting. Certainly we are used to working from meeting to meeting. Now we are being asked to expedite and we haven't had a chance to talk schedules, I had indicated at week and a half, if Joe and Gary want to agree to it I will do my best, but I'm not comfortable with the time frame.

Mr. Patricke: What if we looked at the following week for a special meeting and asked the Town Board to attend the meeting?

Atty. Auffredou: A joint meeting? Then you couldn't have a written document to hand over to them.

Mr. Patricke: No, they would get all their input, ask all their questions. The next week they would have their meeting.

Mr. O'Connor: I get hung up on your recommendations and the density recommendations to the Town Board. It's not a given until we prove it can support it. The zone right now says we can do X, this will be a new zone, I don't know where we'd go with that.

Mr. Zimmerman: I don't know where we'd go either Mr. O'Connor. All these people are asking us to say how we feel about this project relative to what 6 other projects, we have new intelligence from Creighton-Manning and on behalf of the Town Board they want our best recommendation about what we think about all the aspects and attributes. I understand and appreciate that all you want is for us to say whether we think it's a good idea or not. I think it's a great project, but I need to know more about some aspects before I can tell the Town Board, "I'm ready to move forward."

Chairman Jensen:: The T B will set the reqs for the PUD and they need all of our good info before them before they can do it.

Atty. Auffredou: They will rely heavily on your recommendation because they don't do this stuff. It would be so nice to package it and bundle it up and make the job easy for them. Reading between the lines, I think that is what the Code says.

Mr. Osborne: I am also getting from counsel/consultant that to expedite this once more would be an issue for comprehensive review. I am available if everything is dotted a crossed, but we have to rely on staff and counsel.

Mr. Barden: I am not opposed to a special meeting in the interest of the applicant if we can get all the info needed.

Chairman Jensen: Thoughts, Mr. Robinson?

Mr. Robinson: I look forward to meeting with Joe and putting together what we think the recommendation should be, but as far as timing for you to get it look at it and deliberate on it...

Mr. Osborne: Looking at dates, 11<sup>th</sup> is open, that would be taking it to the extreme, almost 3 weeks to do it and we need time to review it.

Mr. Paska: We are assuming the grant cannot be extended, and we don't know. You can still dig in August and September, maybe you could look into that.

Mr. Rosen: I can look into it.

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Chairman Jensen: Are the chances slim?

Mr. Rosen: I don't know.

Mr. Patricke: We can't be done before the end of next week.

Atty. Auffredou: We'll do our level best.

Mr. Osborne: I want to be comfortable ensuring that you have enough time to do it well.

Atty. Auffredou: Joe can't do it. He's got a full schedule with the Town Board and capital projects.

Chairman Jensen: So realistically we are looking at 3<sup>rd</sup> week of April.

Chairman Jensen: You have heard recommendations of counsel and the desires of the applicant. What do you want to do?

Mr. Osborne: I say table til 18<sup>th</sup> and get staff and consulting notes for our review.

Chairman Jensen: Motion?

Mr. Zimmerman motioned to table the public hearing pending receipt of staff and consulting notes on the project. Mr. Osborne seconded.

Chairman Jensen: This is being contemplated so that we can make an informed and intelligent recommendation to the Town Board and to do our due diligence and make an informed decision.

Roll call proceeded as follows: Mr. Osborne: Yes, Mr. Barden, Yes; Mr. Berman, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen. Motion carried.

Chairman Jensen: I would like to send this packet to Saratoga County.

Mr. Patricke: They will ask for more information, but I will send it.

Chairman Jensen: At some point in time, not before April, I would strongly recommend that we involve our own traffic consultant, as well as Mr. Robinson's opinion on stormwater, anyone else?

Atty. Auffredou: That can be one of your recommendations.

Chairman Jensen: Again, not before the 18<sup>th</sup> but you will get together with Fire and Emergency services for review.

Mr. O'Connor: You threw me into confusion. Are you going to make a final recommendation on the 18<sup>th</sup>, or is it going to be that you can't because you need more info?

Chairman Jensen: Our intent is a final recommendation, but I am trying to foresee some issues.

Mr. O'Connor: Is the traffic concern going to make it an issue for the Town Board?

Mr. Osborne: For site plan review we will look for that.

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Mr. O'Connor: Send it out as much as you want now, on our nickel, it doesn't do any good to approve and not have funding. If on the 18<sup>th</sup> you say it's ok and the next Town Board meeting they can't do anything at the first meeting but refer it to the County Regional Board. May or June. We'd be lucky to catch that.

Mr. Patricke: It's the third Thursday.

Mr. Osborne: After the 3<sup>rd</sup> Thurs., it comes back to the Town to make a decision on the PUD in the first part of June, and then it comes to you for site plan. Can we do site plan per lot or do we need to do it speculatively for all? We could do a site plan for lot 1 with roads and not the later sites.

Atty. Auffredou: Assuming the TB gets a favorable report from you, then can refer it to the County and they can schedule the public hearing, which has to be held within 45 days of your recommendation being received. If the County doesn't respond, they can move forward. They can hold and close the public hearing and if there is a recommendation in your report they can turn it into their decision. The hearing must be held within 45 days of receipt, so there's a clock here.

Mr. Osborne: Doesn't it go to the Secretary of State, as a change in Zoning?

Atty. Auffredou: Yes, it's an amendment to zoning law and is the same thing, the public hearing within 45 days period. To be effective it has to be filed with the Secretary of State.

Mr. Osborne: Six lots. We can take it one lot at a time as we move forward, in my experience.

Atty. Auffredou: Yes, you can. That's probably the best you can do per the applicant, that's what they want to focus on anyway.

Mr. Vasiliou: I am wondering, is the timeline realistic? Would we be close?

Atty. Auffredou: Next Planning Board is April 18<sup>th</sup>, Town Board following that would be 26<sup>th</sup> of April. If the Town Board accepts the report and refers it to the County and schedules a public hearing, they could conduct it – have to- within 45 days, hear back from the County, act upon a local law, and would have an approved PUD in 45 day period. Theoretically possible. Then it comes back to this Board for Subdivision and site plan review. April 26<sup>th</sup> 45 days is early June, third Monday is June 20<sup>th</sup> to come back to us.

Mr. O'Connor: And you have to have another public hearing. Third Monday in July.

Chairman Jensen: Counsel said within 45 days.

Mr. O'Connor: They also have 60 days to make a decision. I think the limited number of meetings is going to force a scenario.

Atty. Auffredou: it will be the latter part of the 45 days because there's 10 days notice in advance of the public hearing.

Mr. O'Connor: We're not trying to belabor this, I've been through this on Old Saratoga Road and went back and forth, but this board never talked about density.

Atty. Auffredou: That was a residential PUD, a subdivision with a little difference. This is not the same thing.

Mr. O'Connor: In all honesty, we have to see if we can get an extension.

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Mr. Osborne: It's the nature of the beast with all the time frames.

Chairman Jensen: I made a recommendation to the Town Board of 2 pages in the past case, it's not something you just whip off.

### **AGENDA ITEM #3 Y-Die Survival Supplies**

Applicant Daniel Colon: I want to open a retail store selling emergency preparedness supplies, military surplus. I have been doing it at swap meets and stuff and will work as "Emergency Preparedness Outlet." I have internet business where I use the name Y-die, but that's kind of scary in a store front. Looking ahead and planning ahead food and drinking water are important. I have a 72-hour bag of supplies. In a disaster, a little bit of careful planning can save a life with food provisions. I am from up North and snow can cause power outages, woodstove cooking. I am providing an outlet where people can buy these things for camping as well. Water purification, literature, education on living off the grid, green energy.

Chairman Jensen: Located where?

Mr. Colon: At the Exit 17 Bobcat Property.

Chairman Jensen: Ground works?

Mr. Zimmerman: Are we reviewing change of use?

Chairman Jensen: Anything that goes into a C requires site plan. How many businesses on the site?

Mr. Colon: Just Bobcat.

Chairman Jensen: Site size?

Mr. Bergman: 2.45 acres.

Chairman Jensen: Building is already existing?

DC: Yes.

Mr. Osborne: Is that the one on the right?

DC: Yes, was Speed Shop.

CB: Signage?

Mr. Colon: Lighted, possibly on the post of Bobcat sign. You have a drawing.

Mr. Osborne: If you could land on that, it would be great.

Mr. Colon: There's a place for one beneath the Bobcat.

Mr. Osborne: Does this meet your needs for storage?

DC: The basement is amazing. I was told it will be April before I could get in, and it works for me so I gave him security and deposit but I am still looking at May 1<sup>st</sup> for the opening, so I could love to open it

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before that but I have to go to the County. I am a contractor and business is terrible, that's why I got into this.

Chairman Jensen: Any changes to the site?

DC: No.

Chairman Jensen: Chain link- is that a change or something already in place?

Mr. Colon: That's already in the back.

Mr. Barden: Would you display anything outside?

Mr. Colon: My personal vehicle and maybe a generator. I like this spot for the big window display, I do a lot of displays at the swap meets and things.

Mr. Osborne: Does your trailer have a logo on it? That's more signage.

Mr. Colon: No, it's canvas.

Chairman Jensen: Any other changes?

Mr. Colon: No, just shelves.

Mr. Paska: How about flammables, flares, fuel?

Mr. Colon: No, that's Safety Warehouse up the road.

Mr. Paska: Would you have workshops, education?

Mr. Colon: There are offices in the building, so I am considering it as there is more room than I need.

Chairman Jensen: So it is basically retail sales. Board are you comfortable for such a large project, a short EAF?

Mr. Osborne, Mr. Zimmerman: I am.

Chairman Jensen: Motion to assume role of lead agency?

Mr. Barden: So moved. Second: Mr. Paska. Motion passed unanimously.

Chairman Jensen: This is site plan review. It is your option, do you want a public hearing?

Mr. Osborne: Motion to execute public hearing April 18<sup>th</sup>. Second: Mr. Bergman. Motion passed unanimously.

Mr. Osborne: Decide what you are going to do with signage.

Mr. Colon: Wording or what?

Mr. Osborne: Particulars- where, what materials.

Chairman Jensen: In accordance with the regs.

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Mr. Colon: I have those.

Mr. Bergman: Joe will work with you on that.

Mr. Barden: For the applicant's benefit, what's the next step after the public hearing?

Chairman Jensen: If it's not controversial, it will be approved or disapproved that night.

Mr. Colon: Sign also?

Chairman Jensen: No, that just has to be in accordance with the Town, though we will ask where it's going to be.

Mr. Osborne: We prefer that it goes on the existing pole.

Mr. Colon: What exactly am I getting approved for?

Mr. Osborne: We determined that your application is complete except for the signage, now we have to notice the public, that's Town Law, on the 18<sup>th</sup> we discuss the project and you'll be done. Get your application in and front-end it in anticipation of that. The site plan is exactly the same.

Chairman Jensen: We will not comment on safety issues, that goes along with a building permit, codes, Mr. Patricke. You are here for site plan review to see if what you are doing is appropriate for where you are doing it. If there is outcry from the public, we have things in the code to go by, but code issues would be separately addressed. Welcome to Moreau.

Mr. Zimmerman motioned to adjourn the meeting at 9:00 and Mr. Paska seconded. All in favor.

Respectfully Submitted,

Tricia S.Andrews