

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 October 19, 2009

**Planning Board Regular Meeting**

**October 19, 2009**

**Attending Board Members:** Chairman, G. Peter Jensen  
James Edwards, Keith Osborne, John R. Arnold, Thomas Field, Erik Bergman, Ronald Zimmerman,  
Recording Secretary: Cherie Kory  
**Absent Board Members:**

**Others Present:** Building Inspector: Joseph Patricke, Town Attorney: Martin Auffredou

Chairman Jensen called the meeting to order at 7pm.

- 1. Motion:** To approve the September 21, 2009 Planning Board minutes as Amended, by: **Mr. Osborne:**  
**Second to Motion:** Mr. Arnold

**Discussion/Corrections:**

- Pg 1292 owed to "owned"
- Pg 1293 reality to "really"
- Pg 1293 carters to 'corridors'
- Pg 1293 replace Mr. Edwards with Mr. Arnold: calculated area
- Pg 1293 replace Mr. Edwards with Mr. Arnold: third access road
- Pg 1294 replace Mr. Edwards with Mr. Arnold: math calculation
- Pg 1294 replace Mr. Edwards with Mr. Arnold: difference between engineers
- Pg 1295 replace Mr. Edwards with Mr. Arnold: engineer as a professional

**Roll Call:** 4 Ayes 1 Abstained: Mr. Field

**Absent:**

**Motion Carried.**

**AGENDA**

**Schermerhorn Subdivision – Bluebird Road & Gansevoort Road  
Sketch Plan Review**

**Travis Mitchell** from Environmental Design here to review the proposed subdivision on the corner development on the corner of Bluebird and Route 32. A 45-acre site on the southeast corner of Bluebird and Route 32. The northern portion of the site is zoned R1 carries 15,000 sq. ft. minimum lot size. The southern portion is R2 carries 22,500 sq ft. minimum lot size with a decrease available for "Senior" component. Based on numerical calculations the total lots permitted underline zoning is 99 with the "Senior" component, without the "Senior" component, 83, a 16 lot difference, assuming connections to water and sewer. The conventional layout with the "Senior" component factoring in roads and storm water drainage results in 86 lots. Use the 86 lots as maximum permissible density to look at the cluster. The first cluster layout including the "Senior" component in the southeast corner and the new one both show 84 lots, two road access points one on Bluebird one on Route 32. The cluster increases the open space behind and around the property. 15 acres of land placed in the Homeowners Association (HOA). The HOA will maintain the upkeep on the land and storm water management maintenance. An option within the non-senior portion for driveway maintenance, lawn mowing and an all inclusive maintenance area within the "Senior" component. Average lot size in the non-senior, lots 1-65, 12,500 sq ft anticipating house sizes between 2,000 and 2,400 sq ft with one to two car attached garages. The "Senior" component in the southeast corner of the sit is lots 66-84. R2 zone provides a reduction in lot size from 22,500 to 15,000 sq ft if 40% is dedicated to "Seniors" defined as 55 years of age and older. With the density calculation in R2 zone maximum density is 44 units, 20%, dedicating 18 units to "Seniors". The proposed layout includes 19 units in the area dedicated to "Senior" all maintained under the HOA. The anticipated average lot size of 9,200 sq ft with 1,600 sp ft homes connected to water and sewer and roads built to Town specifications and dedicated to the Town. Because of the last review, real topography shown and revised storm water locations based on the topography. The boards concerns regarding lot frontage in the "Senior" component at 70 feet is now shown as 75 feet in the "Senior" component and all others outside the "Senior" portion at least 80 feet each ID on the maps provided. The general lot sizes in non-senior portion are 12,500 sq ft and the lot size increased from 6,500 to 9,200 sq ft in the "Senior" component. The discussion on sidewalks are now reflected in the "Senior" portion and the idea is to add sidewalks to the center common green space areas. Test pits performed last week under the supervision of Mr. Patricke. The soil is good sand and gravels

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down 12 feet no water concerns indicated. As the project moves forward will engage a traffic engineer to conduct, standard traffic studies obtain endangered species, cultural resources and wet land signoffs.

**Mr. Osborne:** questioned the new Boulevard added, preference would be to use that allotted space as "open" some where else

**Mr. Mitchell:** for aesthetics, open to response from the board

**Mr. Edwards:** agrees with boulevard out of the design

**Mr. Arnold:** currently in favor of components in the latest design presented. Referencing the first "Senior" component to a development in the Town of Moreau: on the record for clarity of reducing the lot sizes in an R2 zone dedicated to the "Senior" portion only. What portion of the law allows the reduction of the rest of the lots not within the 40% allotted for "Seniors" in R2 zone

**Mr. Mitchell:** take the "Senior" portion completely out in the R1 zone, on a conventional layout determine what the maximum density would be based on a real layout. Then look at a cluster layout and take the conventional maximum density turning it into a cluster reducing the lot sizes in order to preserve the open space behind the lot.

**Mr. Arnold:** reiterating... reducing the lot size in the R2 area based on the fact it is a cluster development

**Mr. Mitchell:** it is a combination of the two; the maximum number of lots derives from the conventional layout turning the whole to a cluster taking the number of units that would be "Senior" representing that component.

**Mr. Arnold:** interpretation addressing the cluster component...a certain number of lots in a conventional layout is reduced to smaller lot sizes dedicating a portion to open space. The appearance of the cluster allows back lots that are just strips of land behind the lots, owned by a HOA. Opinion is a cluster is a great way to keep tracts of land open. The current sketch plan presented appears to create boundary strips that prevent back yards from adjoining. To move forward the preference would be to have space that is more open in the center of the development or to one side in lieu of providing a complete buffer. The drainage pools appear to be the only real open space.

**Mr. Osborne:** agrees with Mr. Arnold preference is larger contiguous areas of open space rather than strips.

Questioned Mr. Patricke...is the storm water basins part of the density calculations

**Mr. Patricke:** No, they never have been, one requirement in the law is to internalize all the roads, when that is done it forces the boundary buffers. Referenced the Michaels' Group development internalizing has worked well as you drive by you must look to see if the development is there.

**Mr. Arnold:** preference is boundary opposed to build outs adjoining.

**Mr. Patricke:** addressed Mr. Mitchell on lot sizes based on water and sewer...correction the Town's current lot size of 15,000 sq ft is base on septic, sewer in the Town. This will be the first subdivision in Moreau with sewer. No provision to reduce lot sizes based on water/sewer

**Mr. Edwards:** questioned a true stand alone cluster development within the Town

**Mr. Patricke:** the Michael's group is a two-phase development it has 110 lots, not certain it is a true cluster

**Mr. Edwards:** agrees with the buffer open space separating lots; however, the use is limited due to the width it does not lend itself to recreational use, in favor of more value.

**Mr. Mitchell:** in applying the cluster to the R1 zone you are already at 15,000 sq ft. have reduced to 12,500 sq ft the board may agree it is not practical to go any smaller. In the terms of cluster the best you can get is a limited amount of land the best use of the land is provide a buffer around those lots in the R1 zone.

**Mr. Arnold:** the common area in the "Senior" component is very favorable. In regards to sidewalks the preference would be to design a complete track around the perimeter of open common space as well as the walks adjoining the center. Opening up the lots to more than 70 feet is better.

**Mr. Zimmerman:** questioned phasing

**Mr. Mitchell:** the way the site layouts will determine... not there yet a lot of potential part will depend on the sewer construction

**Chairman Jensen:** questioned the parcel abutting Moreau Recreation

**Mr. Mitchell:** the parcel comes to a common corner with Moreau Recreation

**Chairman Jensen:** any consideration for access from the subdivision to the Recreation area with out crossing over building lots

**Mr. Mitchell:** not at this point, there is no frontage to Moreau Recreation still investigating...may push two closest lots apart accommodating access will continue to explore.

**Chairman Jensen:** intent for property adjoining lot one

**Mr. Mitchell:** two parcels referring to are not part of the larger parcel, not included in the 45 acre parcel of land they were retained.

**Mr. Patricke:** are they part of the existing 45-acre parcel

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**Mr. Mitchell:** no

**Mr. Patricke:** are they separate lot now

**Mr. Mitchell:** yes-separate lots

**Mr. Arnold:** echoed Mr. Edwards request for sidewalks leading to the Moreau elementary school

**Mr. Mitchell:** no not yet as the project move forward not in favor of building sidewalks along Bluebird Road, if access lends itself on the common corner with Moreau that may suffice access to the school

**Mr. Arnold:** when the sewer line is brought up on what side of Bluebird Road

**Mr. Mitchell:** the south side

**Mr. Patricke:** many issues arise when you talk about Bluebird road; first, it is not a Town road and the set backs are such that the sidewalks would be right in the homes

**Mr. Edwards:** would also like to keep exploring the 50' right of way along Bluebird road for side walks leading to Moreau School

**Mr. Mitchell:** the county would have to agree to own the sidewalk

**Mr. Arnold:** what size houses intended for the square footage?

**Mr. Mitchell:** the foot prints, approximately 1.600 sq ft expecting two stories in one area

**Mr. Patricke:** projected considering the proximity of the location of this project to the Park, the Town Board will have to make the decision to take land in lieu of recreation fees or the recreation fees. The Town can opt to take a tenth of an acre per lot. The planning board will need to refer to the Town Board for their choice before this project moves from conceptual to sketch plan, the choice potentially could influence the design.

**Mr. Edwards:** mathematically what ever the acreage is how does it pertain to this project. Is the acreage for right of way?

**Mr. Osborne:** If land is the Town Boards choice, the land comes out of the 45 acres even though a common corner is the only association

**Mr. Patricke:** the Town Board has the right to take land from any project in Town in lieu of recreational fees does not matter where the project is. The proximity to the parks warrants a closer look for this project. 1989 may have been the last time acreage taken

**Mr. Arnold:** what is the purpose of choosing land verses fees

**Mr. Patricke:** the Town may want to have a Park or pocket Park. An example would be the Michael's Group created their own recreational park in open space for walkways and swings.

**Mr. Osborne:** is in favor of a park not necessarily with swing...

**Mr. Field:** referring to the map, currently showing the common areas treed and landscaped...is that the intention

**Mr. Mitchell:** Yes, they are open fields now, addressed in the planting plan

**Mr. Field:** the intensions for a pathway and recreational area

**Mr. Mitchell:** the issue is do the owners really want a pathway directly behind their homes it may lead to more fencing at this point that is NO.

**Mr. Field:** referring to the map, how is the HOA maintaining this area it shows access to the roadway how is this area used

**Mr. Mitchell:** it is common land and people will have access the HOA will decide how they want to maintain it. Mowing would be up to the group as a whole.

**Mr. Arnold:** an opinion if he owned lot #61 more likely than not would consider some sort of boundary fence or planting to define the lot to ensure the open space does not approach the back porch.

**Mr. Field:** requested consideration that those common areas not simply evolve from old-field into aspen thickets.

**Mr. Mitchell:** that piece not addressed, willing to look at it and possibly write it into the HOA on how to maintain those pieces of property

**Mr. Osborne:** questioned...the point of view to be natural succession or maintained

**Mr. Field:** point of view is it is not practical to go through natural succession projecting the land use for a generation for any recreational use or as being an aesthetic improvement to the development. Requested more thought focusing on the open space on how it will be an aesthetic improvement to the community.

**Mr. Osborne:** would like to see more open space in a larger contiguous area and not in strips, promoting natural successions in a larger open space, the east currently shows natural woods . The mall is the only large space

**Mr. Field:** if the Boulevard is removed that will open more acreage for open space

**Mr. Mitchell:** agreed to revisit and remove the Boulevard, the issue of common open space in one area will push all the lots back along the boundaries, the feel will be much tighter in that area

**Mr. Osborne:** Does not view as an issue...consider the restriction or 20 feet "no" touch zones in the rear.

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**Mr. Patricke:** no...will not do that is does not work.

**Mr. Osborne:** questioned... prohibited in the code

**Mr. Field:** it is unenforceable

**Mr. Auffredou:** it is problematic

**Mr. Osborne:** understood...as you clear the lot from the offset, that is enforceable, from trees being cut down

**Mr. Arnold:** no trees currently to enforce

**Mr. Arnold:** revisiting the open spaces and back fencing, has any delineation occurred into the open space boundaries using fencing, possibly natural fencing. What stops a homeowner from mowing an extra 3 feet into the boundary space or park a mulch pile, shed or trailer? Ideally, all will respect the boundary of open verse owned.

**Mr. Patricke:** the Michael's Group is the most current in the Town, the code requires the lot be pinned on all four corners, and the HOA presently at the Michael's Group has done a great job of policing. The HOA has also been restrictive on fencing. Copies of the HOA presented for review.

**Mr. Osborne:** requested a mockups, one gather more open space into one area preferably over by the park, and

**Mr. Mitchell:** the fear is pushing lots to close together, not having a large enough open space to counter the negative of tightness

**Mr. Edwards:** if the Town chooses to take property that will lend itself to larger open space

**Mr. Osborne:** increase the size of lots and decrease number of lots

**Mr. Mitchell:** moves back to the conventional layout. Agreed to present a layout next month with more open space in one area and requested the Planning Board refer to the Town Board for Recreation fees. Also, refer to the Town Board water and sewer

**Mr. Patricke:** will talk to Mr. Preston

**Mr. Auffredou:** As a point of procedure, considering this is still in sketch and not a complete application.

Referring to another board that will make a discretionary decision on SEQR, for the record recommended that this Board declare themselves as Lead Agency under SEQR before a referral is set in place to make a discretionary decision on the project.

**1.Motion:** To declare the Planning Board as Lead Agency for this Type 1 action on the Schermerhorn Subdivision by: **Mr. Field**

**Second to Motion:** Mr. Zimmerman

**Roll Call:** James Edwards: Y, Keith Osborne; Y, John R. Arnold: Y, Thomas Field: Y, Erik Bergman: Y, Ronald Zimmerman: Y, Chairman Jensen: Y

**Motion Carried.**

**Chairman Jensen:** requested moving forward with another workshop to discuss, rezoning

**1.Motion:** To hold a workshop on November 2, 2009 at 6pm to review rezoning issues as identified as Site Plan Review by: **Mr. Osborne**

**Second to Motion:** Mr. Edwards

**Roll Call: 7 Ayes 0 Abstained**

**Motion Carried.**

**2.Motion:** To adjourn Regular Planning Board meeting at 8:00 pm by: **Mr. Edwards,**

**Second to Motion:** Mr. Arnold

**Roll Call: 7 Ayes, 0 Abstained**

**Absent:** Thomas Field

**Motion Carried.**

Respectively Submitted, Signature on file

Cherie A Kory 10/25/09