

A special meeting of the Town Board of the Town of Moreau was held on October 10, 2019 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York, Town Board for the purpose of discussing possible zoning changes.

The Supervisor called the workshop to order at 6:35 p.m.

Town Board Members Present

John Hogan	Councilman
Gina LeClair	Councilwoman
Kyle Noonan	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

Alan VanTassel	Councilman
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Also present: Jill Bennett, Deputy Town Clerk; Jim Martin, Zoning Administrator

Planning Board Members: Ron Zimmerman, Reed Antis, Gerald Bouchard, Ann Purdue, Merediththe Smith Mathias

Zoning Board Members: Gary Endal and Matt Manning

Other members of the public: Elinor Stein and Margaret Purka

Jim Martin started off by thanking everyone for coming. There were representatives from the Town Board, Zoning Board of Appeals, Planning Board and a few town residents at tonight's workshop. Jim thanked the Zoning Board and Planning Board members for suggesting the general workshop to review the Town Code. The idea behind the workshop is to get everyone's general thoughts and impressions about the current code. The discussion tonight will focus on what is liked about the current code and what needs improvement. The revision process will begin after tonight's workshop. Anyone wanting to share comments or suggestions during the revision process are welcome to call or meet with Jim Martin. He's at the Town Office Complex on Tuesday mornings from 9:00 a.m. to 1:00 p.m. or Thursday afternoons from 1:00 p.m. to 4:00 p.m. Suggestions are also welcome through email at zoningadministrator@townofmoreau.org.

Jim Martin: Encouraged everyone to read the Final Comprehensive Land Use Plan on the Town of Moreau website. He believes the comprehensive plan is a good reference aid and he would like everyone to think about the code revisions while reading the document. The projected timeframe for the completing the revised code is 12 to 15 months. He doesn't feel the revision process should be rushed and the 12 to 15 month timeline can be extended depending on how things go.

Jim Martin: Handed out copies of the zoning process and the current Town Code. He explained that highlighted areas on the Town Code contain too many gray areas and should be reviewed for clarity. There are also items on the current Town Code that aren't covered under the Zoning Ordinance and that creates a difficult process. If there are only a few changes made it should be to the fence, sign, mobile home and mobile home park sections. Jim suggested the group think about a Unified Development Code, which would create unification of regulations.

Jim Martin: Thinks the current Town Code needs help, it's old but it has served the community well. He thinks the land pattern in town is established and it's what people are used to. The focus of the meeting turned to the current Zoning Map and the encompassing the districts we have now. It's a typical land use pattern containing a mixture of residential, commercial, industrial, institutional, and agriculture districts. The residential area of town includes a mixture of single family, duplexes and multi-family dwellings that have evolved over time. Agriculture is a very important land use pattern particularly in the south central portions of town. The Ag District should be reinforced, encouraged, protected and preserved. The Commercial District along Route 9 is a classic example of a land use pattern that has evolved over time. Exit 17 of the Adirondack Northway was built as a clover leaf, which to a transportation planner, means high capacity. There's is also preservation land along the river.

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A couple of hot button issues right now are solar arrays and multi-family dwellings. Jim Martin believes solar has a place in the community because its sustainable, affordable energy, however, it shouldn't interfere with our land use pattern. Multi-family housing is a large concentration of our residential use. He feels we have enough multi-family dwellings in our Residential District.

Questions and Comments

Ann Purdue: A whole sale revision would take a lot of time and is a big investment. Wouldn't it better to handle it piece meal, taking on one important piece at a time. Wouldn't it have a better success rate and make the process easier?

Jim Martin: Has handled this type of revision as piece meal before and it gets complicated. The fear is that pieces will fall through the cracks. The current code is functioning pretty well, it has problems but I don't think it's crisis time. There are a couple topics that need to be handled quicker than others, like solar and multi-family dwellings, but other than that he thinks it needs to be a whole sale or one document one change.

Ron Zimmerman: Do you envision the process playing out where you're the overall expert, writer and creator of 100% of the subject matter or will you have other subject matter experts supporting you.

Jim Martin: I'm all for bringing in outside help. I think our first and best resource is New York State, public agencies and Saratoga County. They have a lot of expertise. Ag and Markets has a ton of information on Ag protection, they are the experts. He would resist using a private expert and incur a cost when there good resources available.

Ron Zimmerman: Have you participated in or worked on a code revision for a town that you would use as an example for this project?

Jim Martin: Said he's worked with the Village of Saranac Lake putting together a Unified Development. He wrote that code. They have 1 board with 5 people that handle zoning and planning. They did it out of necessity because of problems getting board members.

Meredithe Smith Mathias: What do you see for the route 9 corridor? Do you feel we've missed out, do you just see calling it commercial?

Jim Martin: That is a very good topic that I want everyone to discuss here tonight. I was the Zoning Administrator in Queensbury for example when the mall expanded, the Super Kmart was built and the Walmart was expanded. Box retail big or small was the trend. Those additions changed that area permanently. We need to create a code for what we want our commercial area to look like. His feeling is that multi-family dwellings should be built along the Route 9 corridor and kept out of the residential area. The current trend is for combined multi-family dwellings which includes retail and entertainment space.

Ann Purdue: Regarding the corridor site development plan done in 2014 seemed to have a lot of sound ideas for what we could do to make Route 9 work better, yet the zoning law has not changed. The current traffic situation on Route 9 is getting worse. So as you consider the land use development along that Route 9 you have to consider what kind of advancements this roadway can handle. We want it to be an attractive place to visit. Right now you might as well skip that part of Route 9 all together and go straight to the next exit.

Jim Martin: I'm glad you mentioned that site development plan. I also want to mention the town has a Farmland Protection Plan that will factor into the development plan. I want to use those plans as a resource for the code revision.

Reed Antis: Traffic starts to bottle neck along Route 9 at certain times of the day because of the density of traffic running through the Village of South Glens Falls. For that reason people bypass Exit 17 all together and go straight to Exit 18 to avoid the congestion along Route 9.

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Jim Martin: Kevin Elms, a Zoning Board member, couldn't be here tonight but he wanted to enter some comments into the record. He had some thoughts about Route 197 having designated areas for Manufactured Homes via overlay. He thinks we should be welcoming manufactured homes as part of the overall housing stock available to the community, within certain areas. He wanted to consider a cottage industry accommodation with potential home occupations, with potential tiering. He's also interested in creating a moderate commercial use district along Route 9, Route 197, and Route 32 in order to expand the taxable base. He feels there are too many gray areas and minimal use schedules.

Jim Martin: We should start listing uses from the ones listed here. There are certain things that are fundamental that we really haven't addressed.

Matt Manning: Reflecting back as the Zoning Administrator in Queensbury how do you feel about their code?

Jim Martin: I think its ok. I don't think the commercial zone was handled well in terms of density and intensity of use. The town traffic pattern suffers because of that. I think the point that was made about keeping the commercial zoning in check is a good thing to consider. Do we want to consider setting a limit for the size of a commercial building? Possibly 50,000 sq. ft. or 30,000 sq. ft. or more of an incremental commercial development pattern? If that's the case we wouldn't have big box retail stores. We want to make sure the parcel physically fits as a technical consideration. We want to consider parcel size particularly in the commercial district. A Plan Use Development (PUD) is a clause in the regulations that allows for an establishment of parameters allowing a new district to be brought in that is specifically built for the uses proposed. Only the Town Board can develop a new district. If someone came in proposing a big project they could come in under a PUD. That specific project is not generically treated in the code.

Kyle Noonan: Regarding restricting size limitations, or someone seeking an area variance for dimensional relief, I am in favor of a more controlled plan. The development should go in front of the Board of Appeals. I also think there should be two Zoning Board meetings each month.

Jim Martin: Design guidelines are not a hard and fast rule, but it conveys a message to developers and architects of what to expect. My experience is today's commercial developers want to do the right thing. They want to follow rules and they want to come in as a community based business.

Ron Zimmerman: The Town of Halfmoon developers are required to make payments into a fund the town set up for road improvements. The amount the developer has to contribute depends on the density of their project. The fund is created for situations when traffic patterns must be adjusted for increased traffic demands. The Planning Board asks for a traffic report and review study each time a new development is proposed. Would we want to look into something like that with a Unified Development Code either by area or by district?

Jim Martin: What you're talking about is a Traffic Mitigation Fee. It's not necessarily a code revision but it comes out of the code revision as a Generic Environmental Impact Statement. The town has a study done of various thresholds and they assign a dollar amount to those impacts based on the study. The Generic Environmental Impact Statement also generates a Statement of Findings and that is the basis of the fee schedule going forward. It works like our town's recreation fund. The money is held and builds over time. The money is used if traffic improvements are needed. The greater concern to me right now is getting the code right. I do believe this may be a future consideration.

Gary Endal: Feels that traffic isn't only a problem on Route 9 but also on the feeder streets from developments within the town. Streets like Nolan Road, William Street, Bluebird Road, Feeder Dam Road and Reservoir Road that have housing developments that increase traffic on side roads leading to Route 9. The new code should take into consideration traffic impact on side roads when developments are proposed.

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Meredith Smith Mathias: We had an application come into the Planning Board for a Cell Tower in the Ag district. I think that part of the code is outdated. I think we change the rights and make it a special permit town wide.

Todd Kusnierz: I think one of the things we should be very sensitive about is the fact that we are a bedroom community. The reason people relocate to our town is because it's a bedroom community. This community offers recreation at Moreau State Park and at the Town owned facilities on the river. We have to be careful when we're talking about expanding the commercially zoned areas especially if they're going to be adjacent to the Ag District. The way to chip away at an Ag District is to put a Commercial Zone against it. I think we should focus on filling the areas already designated as commercial. With the new sewer going in our focus should be from the I-87 interchange up both sides of the road to Butler Road. There will be opportunities to extend the Sewer District farther north along Route 9 in the future so that can be a selling point. Once there's no more room for development in the current commercial corridor future Town Boards can look at expanding into other areas of the town for commercial development.

Jim Martin: Our community should expand commercially but not encroach into Residential or Ag zones. There's a lot of potential in the current Commercial District, but we need to refine the regulatory plan.

Todd Kusnierz: As far as doing the zoning revision piece meal, time is of the essence. I believe a professional building is going to be built by the State D.O.T building. The land has already been sold. I think it's going to be a multi-story professional building. Construction will start as soon as the sewer is up and running. The Sewer Project should be done by fall 2021. Also the owner of the property on the corner of Route 9 and Spier Falls Road has decided to sell the land and he wants to know what the town would accept in that area. It's critically important that we have the updated code, framework and everything in place before those proposals come before the Planning Board.

Ron Zimmerman: Are we in a situation where we are on the cusp of seeing a lot of activity? Would certain types of development or certain areas be candidate for a moratorium until we get the new code in place? The last thing we want is to have an opportunity to establish new regulations and have a project come up that complies with the current code.

Jim Martin: A moratorium is a possibility and I think it's an effective tool. I think that's a policy decision that the Town Board would need to see. The current moratorium on solar resulted from interest in developing solar arrays in the Ag District. We don't have any up-to-date regulatory program to manage that. A moratorium doesn't need to be town wide it can be targeted to an area where we want regulation.

Kyle Noonan: Regarding the issue we had with Blue Flame Propane, we don't want things like that happening again. I can see projects like that popping up now because there are so many parcels for sale. I agree that time is of the essence.

Todd Kusnierz: Regarding what is permissible along the commercial corridor. You may want to set up the code in a way that you incentivize commercial/retail businesses up near the road edge and then allow manufacturing built deeper into the lot. I think there's a way for dual purposes to work in the commercial zone that meets the needs of our community.

Jim Martin: Asked Todd Kusnierz how he feels about additional multi-family developments in the town.

Todd Kusnierz: I don't support it. The reason I don't is that if you take the temperature of the community there's a belief out there that the town has done more than its share to accommodate multi-family development. I think the time has come to reach out and have all the tools in place for true commercial development down the corridor.

Gina LeClair: I agree

Ann Purdue: Is there any way to limit the commercial development to areas that will have the new sewer system rather than areas that would be on septic systems?

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Todd Kusnierz: Commercial development usually requires an established sewer system. There is a big expense in building conventional septic. It would take up a lot of acreage which would cost money in the commercial corridor.

Reed Antis: Hudson Headwaters is the perfect example of that.

Reed Antis: I would like to see more affordable housing.

Jim Martin: There is a good range of housing out there across the spectrum of cost.

Ann Purdue: What is the basis for the objection for more multi-family developments? Is it a drain on the town that impact fees might offset?

Reed Antis: I think it's the density. Where there's enough density of people living there.

Jim Martin: I mentioned mixing residential and commercial because I've seen a trend recently where people walk to work and on their way home they stop at the microbrewery and then walk to their apartment.

Reed Antis: You can see that in Saratoga.

Jim Martin: Told the group that Saratoga Springs uses Transect Zoning. They regulate the building height in zones going back from Broadway. They use vertical space where they can.

Meredith Smith Mathias: What do you foresee in the future for Route 9? Do you see it turning into a 4 lane road like upper Glen Street in Queensbury?

Todd Kusnierz: Discussed topics from a recent meeting with the New York State Department of Transportation. The bridge over the Adirondack Northway at Exit 17 needs to be replaced. It isn't structurally unsound yet but it will be soon and it doesn't meet standards so it needs to be raised 5 feet. Part of the conversation with NYS DOT is that the restructuring of the interchange and bridge work isn't going to change the traffic issue in that area. They have had conversations about possibly creating a roundabout at Spier Falls Road and Route 9 and one at Route 197 and Route 9. The NYS DOT thought the roundabouts were great ideas but they didn't have money budgeted for the expense. Down the road we should look into impact fees to help offset the cost so our residents don't have to incur the cost for road improvements. A recommendation from NYS DOT to handle the traffic backup is to create 5 lanes on Route 9. The earliest they would be doing the redesign at the interchange is 2022.

Gary Endal: Regarding the discussion about handling the revision in piecemeal. It makes sense to try and identify the most important things and handle them first.

Reed Antis: Wants to look at shared driveways, Sunset Law. Wants clearer definitions in the code revision.

Jim Martin: What you're talking about is the amortization period for things that were approved under the old code and they can't be forever. All the definitions will be looked at in the code revision. Every use listed needs a definition.

Todd Kusnierz: The issue of shared driveways was just brought up and I think there's a lot of issues that go along with that. From a zoning standpoint I actually believe that they should not permit that in the Ag District. The reason for that is there's no quicker way to gobble up acreage in a development is to allow shared driveways. Some developments have isolated some farm parcels as a result of allowing shared driveways. I think at a minimum it shouldn't be permitted in the Ag District.

Jim Martin: I'm going to start on the revisions. The code revision will be handled like the Comprehensive Plan. We will be discussing the revision monthly with the Zoning Board and Planning Board. I will give

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updates to the Town Board with our progress. Within a year or so I think we can get this done. If the consensus is to take a more targeted approach and advance certain sections to get them up to the Town Board for their consideration right away we can do that. This will be the first of a series of these types of workshops. It will be discussed at public meetings of the Town Board, Zoning Board and Planning Board meetings. We want to make sure whatever we ultimately end up with serves the needs of the residents.

Todd Kusnierz: Wanted to bring up the appearance of a commercial corridor. We should make sure there is something in the code regarding appearance. When you drive down that road it's the gateway to our community.

Jim Martin: Suggested no parking vehicles in the front of buildings. Vehicles should be parked on the sides or in back. That leaves the front for landscaping. Sidewalks would be required.

Reed Antis: Asked about minimum height requirements for buildings along the commercial corridor. Some towns have requirements for 2 and 3 story. The 2nd story and 3rd story are just a façade.

Gina LeClair: Suggested creating a road that runs behind the buildings along Route 9 with one or 2 entrances off Route 9. That would cut down cars pulling on and off Route 9.

Jim Martin: Thank you everyone

Respectfully submitted,

Jill Bennett, Deputy Town Clerk