

A workshop was held by the Town Board of the Town of Moreau on May 17, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, regarding a proposed Planned Unit Development (PUD) by Va Va Voom at the corner of Bluebird Road and Sisson Road.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; Joe Patricke, Building Inspector/Code Enforcement Officer (entered meeting at 7:29 p.m.); Lydia Wheeler, Post Star Reporter; Michael O'Connor, Attorney representing Va Va Voom; Joe Bianchine, ABD Engineers & Surveyors; Lee Rosen, Developer of the Home of the Good Shepherd; Denise Cote, CEO of the Home of the Good Shepherd; Village Resident: Andre Delvaux; Steve VanGuilder, President & CEO of the Moreau Emergency Squad; Town Residents: Huguette & Jean Pierre Delvaux, Jeff & Terri Jo Nicholson, Bob & Louise MacAlister, Doug Dickinson, Irene Pedersen, David Bunn, James Dorsey, Walt Mykins, Adele Kurtz and Anne Kusnierz; and Pat Frederick, town property owner

Supervisor Jenkins welcomed everyone to the workshop.

Supervisor Jenkins explained the format of the meeting as follows: First, a presentation from the developers on what the current plan is. Secondly, the board will discuss the issue. Thirdly, the board would open up the workshop to the public for questions.

Supervisor Jenkins asked everyone to silence all electronic communication devices.

Attorney O'Connor explained that he represents Mike Vasiliou and Mr. Varley (Va Va Voom). The proposed development has been renamed and is now known as "The Nest". The proposal is for residential senior assisted living or senior living. They have been through a lot of different versions of it and they have tried to listen to those who attended some of the meetings and they have complied to a degree that they think they can comply. They are asking the Town Board to rezone the property to allow this type of project on the site. If approved they will go back before the Planning Board and ask for site plan approval per unit, as they end up with contracts for the units. The first contract is for the first unit on lot 1 and it is for an enhanced senior citizen assisted living facility. It will be a two story building with 64 beds. It will be owned and operated by the "Home of the Good Shepherd". They have three other facilities. One is located in the Town of Malta and a picture of it was in the Chronicle this past week. There is a provision for a second identical enhanced senior assisted living building right behind it and they hope to find someone to build it. On lot three they propose a building that would contain 94 one and two bedroom subsidized senior citizen apartments. These two buildings will have an entrance on and off of Bluebird Road. The building in the back will have an entrance off of Sisson Road. On the fourth lot they are proposing to build two, 50-unit, market driven senior citizen apartments. They won't be subsidized and they won't be assisted living.

Attorney O'Connor stated that his client has been before the Planning Board two or three times and before the Town Board a couple of times. Some of the concerns raised were over the proximity of the structures

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to the adjoining residential properties. He showed on a drawing of the project one building that is 240 feet from the nearest residence. When they first started it was about 40 feet from the property line. They also removed two retail office buildings and they removed provisions for another 50 units on lot 6. They shifted things around. The area in green on the map will be left undeveloped. The building on Sisson Road is 151 feet from one corner of the building to the adjacent residential property and 110 feet from the other property line. Three of the buildings proposed will be three stories each. He said there are some dimensional requirements and when the property is rezoned they will be told what they can build. They will be told what the maximum is they can build or the minimum they must provide. He then cited the minimum setbacks of 60' from the front, 25' from the sidelines unless it is next to residential property and then it will be 100' and 40' from the rear property lines. The minimum lot size suggested is 2.7 or 2.75 acres. They are proposing a minimum of 50 parking spaces for the enhanced senior citizen assisted living structures. The plan shows 75 spaces, but they are going to suggest a minimum of 50 spaces and then each developer can decide the number of spaces actually needed, taking into consideration their staffing requirements. People in these types of facilities don't have cars normally.

Denise Cote the CEO of the Home of the Good Shepherd spoke next. She stated that these are not nursing home facilities in the sense that there are emergency vehicles frequenting the site. They offer 24/7 care. They do have LPN's and RN's around the clock. They have similar facilities in Wilton, Malta and Saratoga. It is for people who can't live by themselves and they may need help with medication, housekeeping, meals or rides to the doctors. The enhanced license allows them to do a little more. When people become non-ambulatory they can assist them with wheelchairs, which they can't do with the assisted living. It allows people to age in place, in their own communities. They prepared a certificate of need application through the NYS Health Department and determined that there is a need for this type of facility in the Town of Moreau. There is not any enhanced assisted living in Saratoga County or Moreau. She encouraged anyone interested to tour their facilities. In response to a question, Ms. Cote stated that during the daytime there are about 40 people on staff and less during the evening hours.

Councilman Kusnierz stated that the scope of the project was significantly changed from what had been approved by the Planning Board and referred to the Town Board. He asked Attorney O'Connor if they went back to the Planning Board last evening and Attorney O'Connor replied yes.

Councilman Kusnierz said he didn't have any documentation as to what transpired at the Planning Board Meeting last night.

Attorney Auffredou had with him a summary of what transpired at the Planning Board Meeting last night and said it was prepared today. He thought Joe Patricke would have handed out copies, but perhaps copies could be made now and distributed to the Town Board. The clerk went and copied the summary sheet for the Town Board.

Attorney Auffredou stated that the Planning Board gave a favorable recommendation to the PUD plans as revised. They went through the application with the applicant very tediously and fastidiously and all of the setbacks, lot sizes and density as Attorney O'Connor articulated earlier. As he was speaking he was checking the numbers he recited relating to setbacks, etc... and they match up with what he had in his notes from the Planning Board meeting last night.

Councilman Kusnierz asked if there were any comments or concerns that went along with their favorable recommendation.

Attorney Auffredou said his partner, Stephanie Bitter, attended the Planning Board Meeting and she didn't specify any concerns that they had. It was a different vote. It was a 5 to 2 vote compared to a 6 to 1 vote the last time. As far as comments or concerns it sounded like they were all addressed.

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Attorney O'Connor stated they were. The votes that opposed it were because they eliminated the office retail aspect of it. Keith Osborne and Erik Bergman thought they were working parts of it. Ron Zimmerman who voted no before liked the changes and voted for it last night. They liked the concept and understand the need in the community.

Councilman Kusnierz asked what the reason was behind the no vote.

Attorney O'Connor stated that Keith Osborne was opposed to it, because they eliminated the office retail portion of it. He wanted the office retail to be available to all the residents on the site. He thought Erik Bergeron felt the same way.

Councilman Kusnierz asked if they don't get PUD approval then what in this project can be built and cannot be built.

Attorney O'Connor replied anything that can be built in an R-2 zone.

Councilman Kusnierz told Attorney O'Connor that he must have an idea why he wants a PUD.

Supervisor Jenkins stated Our legislation will dictate that.

Councilman Kusnierz said maybe he wasn't being clear. He told Attorney O'Connor that obviously they were here tonight, because Attorney O'Connor and his client wanted favorable approval for a PUD. He said his question is absent that how much of this project could they do.

Attorney O'Connor replied that under the R-2 zoning he didn't think they could do the enhanced senior citizen commercial facility. The density for the apartments would be less. He said they did a number of calculations, but he wasn't sure what the latest version was as to the amount of density they would have for apartments under R-2. They have 26.6 acres. They took out something for wetlands. They took out 15% for open space or common area. They took out something for roads & common facilities. He takes the position that the way this is set up now they eliminated a lot of what was roads. There is nothing in the code that says you take out a certain percentage for roads. It is supposed to be for shared facilities and they made the lots self-contained and independent so he doubted they would have the same subtraction for roads or common facilities. There is one portion of the road that is shared that is about 30' x 250' and he showed it on the map. In the R-2 zone if you do clustering there is a density bonus that is set forth. It was used with the subdivision that Al Cerrone put in off Reservoir Road. Without the PUD there would be fewer apartments and there wouldn't be the enhanced facility. What they thought justifies this is the community need and there is a provision in the PUD regulations that reads that the board has the authority and discretion to set a density that is appropriate given the balancing of the benefit as opposed to the imposition. He said these are going to be senior apartments. They won't have the same density impact that regular apartments have. There also won't be the same traffic impact as with regular apartments. With senior apartments half the people have a car and half the people drive the car. There is no impact or very little impact on the schools compared to regular apartments. The senior apartments require that at least one person who resides there must be 55 or older. They are going to be one or two bedroom apartments and won't be attractive to families. With the subsidized housing they have to make up something someplace so they asked for extra density to make the project work. They also asked that the board set the maximum density as opposed to minimum setbacks and allow the two enhanced senior citizen assisted living buildings and 94 subsidized apartments and 100 market driven apartments all for senior citizens. This restriction would be put on the map and restrictive covenants and would be enforceable now and in the future. They also asked the board to allow the minimum size of the one bedroom apartments to be 600 s.f. and the two bedroom apartments 900 s.f.

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Councilman Cumm noted that in the information from the Planning Board the two bedroom apartments would be 750 s.f. and it was noted that this was correct. They would be 750 s.f. and not 900 s.f.

Attorney O'Connor stated that the ratio of one bedroom apartments to two bedroom apartments would be 70% to 30%.

Attorney O'Connor stated that there was a question raised about whether or not they could park under the easement from Niagara Mohawk and with this configuration they won't have to do that. If there is any crossing of the easement it would be for a pedestrian walkway.

Attorney O'Connor said this is a broad brush rezoning. He said a lot of the issues that are site specific are site plan issues and at that time they will make a presentation to the Planning Board. He hoped the Town Board would see this as a good project for the Town and that they would set a date for a public hearing.

Councilman Kusnierz stated that the document they were handed this evening was an outline of the board chairman's letter. He asked if the Town Board would get a detailed letter in the future.

Attorney Auffredou said the outline was his idea since the Planning Board Meeting was just held last evening. It was his recommendation that this go back to the Planning Board and it did. This outline is more than what he expected the Town Board to have for this meeting and the outline more than meets the requirements. In addition to receiving the minutes from the Planning Board he expected the acting chairman of the Planning Board to send a letter to the Town Board reciting all of this in a formal letter for the record.

Councilman Kusnierz stated that under roman numeral IV it reads that the chairman polled the board and the concerns that were raised were the removal of commercial retail and the three story height of the building. These two items were touched upon here, but the third concern was over density and he asked Attorney Auffredou to share with the board what they are recommending to the board.

[Joe Patricke, Building Inspector/Code Enforcement Officer entered the meeting at 7:29 pm.]

Attorney Auffredou replied that the Planning Board has always had concerns over the density, but as indicated in their original recommendation, they were recommending that the Town Board find a way to accommodate an increase in density, given the need that is being met. Whatever the increase in density may be is up to the Town Board.

Attorney O'Connor stated that he didn't get a strong feeling that they had a problem with the density that is now proposed. Mr. Zimmerman the acting chairman was strongly opposed the first go around and now he is pleased with the changes.

Councilman Cumm asked Attorney O'Connor if the Planning Board gave any indication of what percentage of the total acreage would be given for streets and other public facilities. He said it was 5.2 acres on the original plan, which was 20%.

Attorney O'Connor said it wasn't discussed. The only common facility is the road that goes from the building on lot 1 to the building on lot 2 which measures about 30' x 250'.

Councilman Cumm stated that 20% on the original plan was not only common roads, but it was all the other public facilities proposed and many of them are still remaining in this plan now.

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Attorney O'Connor stated that was discussed at one time, but he didn't raise it again because he it wasn't a mathematical exercise in his mind.

Councilman Cumm said it was to him. He was looking at 26.2 acres and they were taking out 20% or 5.2 acres for streets and public facilities, one acre for the wetlands, 15% for common open space which is 3.92 and they were subtracting this from the 26.2. He was trying to figure out the density figure.

Attorney O'Connor stated the shared facilities, by ownership, is going to be less than one acre. He said they weren't looking at the parking spaces for the staff as being a public facility. It is for their particular use and ownership. He said there isn't a definition of public facility in the code.

Councilman Cumm stated that even though they are private driveways they are still considered public facilities and streets. He was taking this from information provided by the applicant.

Attorney O'Connor said he took that information from what Joe Patricke and Attorney Auffredou had worked on with the resolution from the Planning Board, but there is no basis for that in the ordinance. He said if they were going to subtract anything it should be the one acre wetlands and the 3.92 acres making the total 21 acres that would probably be available.

Joe Patricke stated that the way the code reads is that they should subtract the 5.21 acres from the top. It reads from the gross development area. You subtract 20% of the number. That is the formula in the code. You subtract 20% for public facilities, which would include the water lines that run through the development, subtract the wetlands and subtract 15%. That is the calculation.

Joe Patricke noted that the water lines that run through the project would be dedicated to the Town.

Attorney O'Connor asked if they would take over the water lines if they are on private property and Joe Patricke replied yes, if they have fire hydrants attached to them.

Attorney O'Connor stated that throughout the PUD regulations the Town Board has the right to set the density based upon their understanding of the benefit to the town, based upon impacts.

Joe Patricke stated that he understood that. The Town Board can determine whatever they want. If you take the gross acreage and use our code to come down to what that number should then the Town Board can choose any number above that.

Attorney Auffredou read from the code. "In computing the total net acreage of a PUD, we are to deduct all acreage considered unable to be developed due to a steep slope, wetlands and water courses. Further deduct all acreage to be deducted as common or open space or recreational lands and 20% of the total site for provision of streets and other public facilities. Innovative approaches may receive special consideration." He then read from another part of the code as follows: "Streets and parking areas shall not be included when computing the amount of common property."

Joe Patricke said he missed the 15%.

Attorney Auffredou stated that the code also reads: "Common property shall comprise of a minimum of 15% of any PUD." He told Joe Patricke that was included. He was just pointing out that streets and parking areas are not to be included when computing that 15%.

Councilman Cumm asked how they would get to 20% then if they couldn't include streets.

Attorney Auffredou read again: "All acreage to be deducted as common or public open space or recreational lands and 20% of the total site for provision of streets and other public facilities. Innovative

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approaches may receive special consideration.” He said it talks about 20% of the total site for provisions of streets and other public facilities, but later on it reads that streets and parking areas shall not be included when computing the common property.

Attorney O’Connor said he took that as being internal lot roadways. Shared roadways wouldn’t be included. It would be like a driveway to a single family house.

Attorney O’Connor stated that he thinks the site accommodates their proposal. They have accomplished the setbacks and separations requested. They have separated themselves from the Niagara Mohawk easement. The site as laid out can be fairly well screened during the site plan process to the extent necessary.

Supervisor Jenkins opened up the workshop to public comment.

Anne Kusnierz asked if they addressed the density issue.

Supervisor Jenkins replied that there was a major change.

Attorney O’Connor stated that they eliminated 50 units on lot 6 and two commercial buildings at 40,000 s.f. each. They added a second enhanced living facility, but they did reduce the density.

Anne Kusnierz asked if at least one resident has to be 55 years of age in the senior housing portion. She asked this question, because what would happen if grandparents took over the duty of raising their grandchildren. Would they be restricted from living in those apartments?

Attorney O’Connor said the only other place in the town like this is the Cerrone Subdivision off Reservoir Road. At least one owner has to be 55 years of age or older. If that owner passes away or has to live someplace else the other members of the family can stay there as long as they don’t change ownership. He thought the same scenario would apply with this development except there would be leases not deeds. At least one of the parties on the lease would have to be 55 years of age or older. If that party had to leave and go to a nursing home or died they hoped the town wouldn’t disrupt the remainder of the family living there. It is terminology that would have to be worked out with the town.

Anne Kusnierz asked if there was going to be any clause about the children.

Attorney O’Connor said no. They were talking about one and two bedroom apartments. He said if a grandparent has one or two children living with them the regulations, as written for the other development, don’t read that all members of the household have to be 55 years or older. Only one member has to be 55 years of age or older.

Anne Kusnierz said that was why she was raising the issue. We live in a society now where grandparents frequently raise their grandchildren. There is a strong possibility that there may be children in this development.

Attorney O’Connor said it would apply to two buildings only.

Councilman Kusnierz asked who would be in charge of enforcement.

Attorney O’Connor replied Joe Patricke.

Councilman Kusnierz asked if they would have to provide proof.

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Attorney O'Connor replied yes. He said in grant programs there are agencies to monitor it and audit the books.

Supervisor Jenkins asked what the square footage would be on the market driven apartments.

Attorney O'Connor replied that it would be the same as the other enhanced facility apartments.

Councilman Kusnierz asked what size 2/3 of the apartments would be.

Attorney O'Connor replied that 70% would be one bedroom apartments with a minimum of 600 s.f. and 30% would be two bedroom apartments with a minimum of 750 to 900 s.f.

A resident present stated that the first building was going to be 240 feet from his property line. He asked what the distance from the road was going to be. The answer was 129 feet.

Pat Frederick asked what the timeline was for this.

Attorney O'Connor stated that they have to break ground in July and the rest of the project is market driven.

Lydia Wheeler asked how much the grant was for. The answer was \$3.8 million.

Steve VanGuilder asked if there would be elevator access in the three story buildings and if the elevator could accommodate a stretcher. He was told that all the buildings would have an elevator and yes they could accommodate a stretcher.

A resident asked who the builder would be. The answer was Lee Rosen. Lee Rosen built two other facilities for the Home of the Good Shepherd.

Adele Kurtz asked if the two buildings in the back by the railroad tracks were 50 unit market driven buildings and the answer was yes.

She then asked what the other two buildings were again and Attorney O'Connor replied they are enhanced senior citizen assisted living community structures.

Anne Kusnierz stated that there was some talk at one time about reactivating the railroad tracks to supply rail service to the industrial park. She asked if this was still a possibility and if so would it affect the quality of the proposed development.

Supervisor Jenkins replied that the tracks are owned by the Saratoga County Industrial Development Agency and at one time they looked into the cost to reactivate the railroad tracks and the cost at that time was around \$5.2 million. At this point it wasn't likely. If they were to be reactivated the tracks would be used by freight trains.

Councilwoman LeClair stated that her house is about 80 feet from where the tracks were. Chase Bag was operating at the time and trains went by twice a week and they were slow moving and no whistles. There wasn't the disturbance that the trains make using the tracks off Route 197. She can hear those trains at certain times of the year when the leaves are off the trees.

Pat Frederick said that she took a walk with her son along the old railroad track bed a couple of weeks ago and at one point on the track bed the ground has opened up and a stream has developed in an area where there never was a stream before. She said the same has happened on the old railroad track bed along the Niagara Mohawk area on the other side of Bluebird Road that goes from Sisson Road down towards the

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Schermerhorn property. The ground has opened up about four to six feet deep there also and a stream is running through the area where there wasn't a stream before. She stated that the earth is continually changing and these things need to be taken into consideration.

Adele Kurtz stated that two sections of the property border roads and she assumes that they will have to have to front setbacks.

Attorney O'Connor stated that the building off Sisson Road is going to be set back about 125 feet from the closest point. The canopy on the other building off Bluebird Road will be set back about 60 feet from the property line.

Adele Kurtz asked if there is a portion of the property that would be considered the rear.

They showed her on the map what parts of the property would be considered the front and rear.

Attorney O'Connor stated that they would like the board to authorize the height requirement from the elevation of the finished first floor of the structures and they will stay under the 38'.

Huguette Delvaux asked if consideration has been given to the traffic and lowering of the speed limit on Bluebird Road from the intersection of Fort Edward Road to the Hudson Falls Road.

Supervisor Jenkins stated that the town would have to request a speed limit reduction from the Saratoga County Department of Public Works and in turn the county has to obtain permission from the NYS DOT. He made a request a year ago for a speed limit reduction in that area and received a response that said NYS DOT didn't see any significant difference. He thought that with this project and all the other projects happening in that area the town should be able to get the speed limit lowered.

Councilman Kusnierz stated that the Town Board is supposed to receive a report from the Planning Board. He said it is a critical component of the PUD regulations. He asked if the board was going to get an amended report. He said this is a vastly different project than the original one the Planning Board made their initial recommendation on.

Attorney Auffredou stated that his recommendation was for the acting chairman of the Planning Board to send to the Town Board a letter that recites what they did last night and reconfirms a positive recommendation. The letter will contain the same information the board has before them tonight. This project will not go back to the Planning Board unless the Town Board approves it and the applicant chooses to go back before the Planning Board for a site plan review.

Councilman Kusnierz asked which vote stands. In the information the board has before them tonight it indicates that a straw poll was taken. He asked if that was an official vote.

Attorney Auffredou stated that he is taking the position that it was an official matter that was referred back before the Planning Board. They took official action last time and gave an official report. It was his understanding that their position was to continue with a favorable report, even though the applicant Modified their plan at the request of the Town Board and that formed the basis of their modified recommendation. Whether it was a straw poll or not all he wanted was for it to go back before the Planning Board for another review and that in fact happened.

A resident asked what exactly was the board approving.

Supervisor Jenkins said the board wasn't approving anything tonight.

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Attorney Auffredou said the Town Board was being asked to approve certain uses in this modified R-2 zone, which has a certain density allowance and bulk area requirements. They are being asked within the 26.6 acres to authorize certain uses for intensity of use, which otherwise wouldn't be allowed under the R-2 zoning, but for the PUD zoning. They are also being asked to set certain bulk type setback requirements. The Planning Board will then be asked to approve the particulars of the layout and the lots.

Councilman Kusnierz asked if under the current R-2 zoning for this area they can do senior apartments.

Attorney Auffredou said they can do senior family houses and they can do apartments. He asked Joe Patricke if this was correct.

Joe Patricke replied that in an R-2 zone one and two family houses are allowed.

Attorney Auffredou then stated that regular apartments would not be allowed.

A resident said that the Town Board has to be very particular then in terms of what is allowed for setbacks to maintain the changes proposed here. He asked how much of this can vary once the Town Board sets in place rules.

Attorney Auffredou stated that it couldn't vary too much. The Planning Board and the applicant will have to work within the confines of the legislation approved.

The resident said he preferred that the setbacks as proposed tonight be maintained.

Attorney O'Connor stated that in his past experience with the Town Board they will hold his client to what was presented at this meeting. He also said they wouldn't be able to violate the minimum setbacks without an area variance, but the Planning Board can say what they feel is reasonable during the site plan process.

Attorney O'Connor stated that one thing that wasn't addressed at the Planning Board Meeting last night and that should be addressed is found on page four of the original recommendation from the Planning Board. Permitted uses: senior living facilities, as defined in the zoning law of the Town of Moreau, multiple family dwelling units for seniors, professional office space, and retail space including personal services, community center and clubhouse for seniors residing on the property. He suggested they remove the community center and the retail space for personal services. He said it wasn't likely that these facilities would be allowed. He then asked the board if they could set a public hearing date.

A resident asked if they ran into too much groundwater would they move it back towards his property.

The answer was that if this happened they would more than likely move it farther away from his property.

Joe Patricke stated the true answer to the question is that if the Town Board approves a setback then they can move it to that setback.

A comment was made that if it was built right on the project's property boundary line the worst it would be is 129 feet from the residential property.

A short debate ensued on this question.

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The resident stated that there is a lot of water in that area, and he realizes that the storm water management plan for the site should take care of a lot of it, but he wanted everyone to be aware that there is a lot of water there.

Councilman Prendergast asked Joe Patricke to give them an idea of what transpired at the Planning Board Meeting last night and what the feeling of the Planning Board was on this project. He noted that one member of the Planning Board was originally for it and was now against it, because the retail space was removed and another vote was changed from no to yes.

Joe Patricke stated that there were two alternates on the Planning Board last night. One voted no when they previously voted yes, because the retail was removed. The feeling on density was the same. They feel it is over our limit. They want the Town Board to come up with a number for the density that the board feels is reasonable.

Councilman Prendergast asked about the height of the building.

Joe Patricke stated it was the three story aspect, but zoning in that area allows a building height of 38 feet. The Planning Board felt that a three story building would be an imposing building. Joe Patricke agreed, but said that a house could be built there with a height of 38 feet.

Joe Patricke added that the vote taken last night makes it kind of confusing. The one who voted no wasn't against the project. He just didn't want to remove the commercial. Joe said the Planning Board liked this presentation better than the previous one.

Supervisor Jenkins asked the other members of the Town Board where they stood on setting a public hearing.

Councilman Kusnierz stated that he has concerns about this project. The process is one concern. He said it is of no fault of the applicant. At the last meeting of the Town Board the board was asked to schedule a public hearing on a project that had gone before the Planning Board and this board didn't receive a detailed report from the Planning Board as required on the PUD law. It was the town counsel's advice that since the project had dramatically changed it should go back before the Planning Board, which it did last evening. At the beginning of this meeting he asked for the input that was given at the Planning Board meeting and he was handed an outline. He said this is a very big project for the town and it is critically important for this board to have all the information before them before they took action. He said it is premature to move forward, because the board doesn't have the information they need. He also said this at the last meeting. He also stated that having an outline without an amended detailed report is a little premature in his opinion. He stated that the applicant has the right to know where each Town Board Member stands on this project and he was more than happy to tell them where he stands this evening.

Councilman Kusnierz stated that he is a huge proponent of senior housing in Moreau. He was instrumental, with the help of his colleague, Councilman Prendergast, in getting the code changed where we allow senior housing in developments with a higher density. He said Attorney O'Connor was involved in that project and one of his client's ended up putting in that development off Reservoir Road. Under the PUD law the Town Board has to determine the needs of the community and whether or not the community is in dyer need of this in our community. The board also has to balance what kind of imposition it has on our community. One of his greatest concerns is that the area is zoned R-2. He said they could still do senior housing in an R-2 zone. He takes the position that individuals in this community have moved into our community and have lived here all their lives and it continues to be zoned R-2. They remain here, because it is zoned R-2 and it has a certain level of protection. He said now they are being asked, and he doesn't want to say circumvent our zoning law, because it is provided for and we can do PUD's in our community, but there has to be a really significant reason for a PUD. He heard here tonight that there is no other project like this in Saratoga County. He then said "assisted enhanced living".

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Denise Cote stated that “enhanced” is a license. She said there are plenty of assisted living centers in the county. She stated that the Home of the Good Shepherd has three of them. She stated that “enhanced” is a license that allows people to age in place.

Councilman Kusnierz asked her if there are any other “enhanced” living centers in the county and Denise Cote replied no.

Denise Cote stated again that “enhanced” is not a building. It is a license. The building is “assisted living”.

Councilman Kusnierz said he misspoke then, because he didn’t understand what was presented to them.

Denise Cote said that the Home of the Good Shepherd is trying to put one of these facilities in every community, because people should be able to age in place without having to leave their community.

Councilman Kusnierz said he absolutely agreed with this.

Denise Cote stated that the building is something they want to put in every community, but the licensing is different. It allows people to age in place.

Councilman Kusnierz stated that it is not a good fit for that part of the town.

Denise Cote asked Councilman Kusnierz if he meant the “enhanced” and Councilman Kusnierz replied no, the project. He stated the density is excessive.

Councilman Kusnierz said he hasn’t heard from the residents in that area, which would be most impacted by this project, as to whether or not this is something they would like to see happen in their area. He has heard from older people in our community who have voiced their concerns about senior housing and that is why the previous board voted, by split vote, to move forward to modify our ordinance to allow for it. It is something that can be done on the property, but it doesn’t have to be done at the density proposed here tonight.

Councilwoman LeClair asked the residents present who own property adjacent to the project how they feel about it.

Pat Frederick stated she is a property owner in town and grew up on the corner of Bluebird Road and Sisson Road. She lives in Queensbury. In her heart, her home is on Sisson Road. She has a lot of reservations about it in that spot. She understands the need for senior housing. She is a senior and at the stage in life where she has to start to consider where she wants to go when she can no longer take care of herself. She is not sure this spot is the right spot, for one reason the high water table. Secondly, she is not against development, but there is so much building going on in that area and she worries about the wildlife and nature.

A resident stated that there is a lack of identity in that area. There is an industrial park, single family homes, a mobile home park, and the Schermerhorn apartments. If the commercial aspect of the project was allowed then that would be yet another thing and then the senior housing. He said he wasn’t necessarily tickled about this project, but in general there should be some planning as to what the board was trying to do in that area. His concerns over the project, being a property owner right next door, are the water table, and the density.

A resident of Sisson Road said his house sits on 1.4 acres of land and he also owns 5.5 acres of land across the road from his house. He stated that he would like it to remain a residential neighborhood. As a

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parent of two, he would like to see his kids when they grow up, build on his property across the road and if this project goes forward that will not happen.

Another resident stated that he has been to every meeting on this project and has raised every concern he can possibly think of. He said he would love to see it green forever and forever. He doesn't want to see all of this kind of stuff up against his property. He added that this proposal is a little better, but it doesn't fit in this area.

Pat Frederick stated that what she sees happening to the area of Sisson Road and Bluebird Road is what has happened on Meadowbrook Road in Queensbury. She lives in Regency Apartments and when she moved into Regency if you drove up towards Hiland Golf Club there was nothing there, but fields. Then Schermerhorn and other developers came in and what you see at the corner of Bluebird Road and Fort Edward Road is what you see the entire length of Meadowbrook Road. It looks awful. She sees where they tried to build with the contour of the land, but they lost the beauty of the land that was there. All you see is pointed roofs and all the buildings look exactly alike. Waverly Place is duplex housing and it looks a little better. Then as you near the Hiland Golf Club there are single family houses \$300,000.00 and up. It is crazy and that is what she sees happening in Moreau in the area of the proposed Va Va Voom project.

Supervisor Jenkins stated that the property across the road on the west side of Bluebird Road all the way to Sisson Road is zoned for apartments. There has already been approval of developments on what land is available there. There is no other property in Moreau without a PUD being in effect where senior housing could be built. He asked Joe Patricke if this was correct and Joe Patricke replied yes.

Supervisor Jenkins stated that he is in favor of the project. He believes there is an opportunity to get enhanced living and in particular assisted living, which we don't have. We have an extreme need for it. He visits people up where Pat Frederick talked about who used to live in Moreau and no longer could, because there weren't many options here in Moreau. This project presents that option.

Supervisor Jenkins stated that he would put on the agenda for the meeting on Tuesday night to set a public hearing on this project and they would see if the votes were there to do this or not. In the meantime, he wants information from the Planning Board and some preview on what their rules would be so the board could actually make a decision on whether to move ahead or not.

Councilman Prendergast stated that zoning is important to everyone in this town. He has owned three houses in Moreau and each time before he moved he checked to see what the zoning was and what could potentially be built around him. He is very aware of zoning. One question they have to answer about this project is the aspect of the need of the community. If it is going to go against zoning is the need of the community greater than that. Another aspect of the project that was mentioned that he feels is very important is that a good portion of the project will only take place if the market drives it and the market is the need of the community. If the people don't want it then a portion of this won't be built. He thinks that plays into the part of the need of the community. He knows that a lot of listening has taken place on the part of the applicant and that is appreciated always. He knows this board has listened and the Planning Board has listened and there will be more listening before the project is finalized. People have talked to him about the issue of aging in place. We went through a master plan and it was brought up there. It is been brought up in his neighborhood and door to door when he goes out every four years looking for votes. It is a real issue and people care about it and would like to see some movement on it in town. He is in favor of the project.

Councilman Cumm stated that he appreciates everyone coming here tonight and speaking their mind. It gives him a better idea of how people in that area feel about this project. He had the opportunity to serve on the Moreau Community Center Board for ten years and one of the issues that always arose with the seniors was the lack of affordable housing when they couldn't afford to keep their house anymore after a

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spouse died. They would end up leaving the community, because there wasn't any affordable housing. He doesn't consider it senior housing when a senior to have to sell their house and move into another house at a cost of \$200,000.00 to \$300,000.00. He considers a senior complex like the one being presented here to be an ideal situation for aging in place. He visited two of the Home of the Good Shepherd facilities. The one in Malta is rather secluded. There is a lot of shrubbery and trees and it doesn't look intrusive in the neighborhood and he thought that was what they were planning on here in Moreau. We need senior housing and our senior citizens are leaving the area. As Councilman Prendergast pointed out, if there is no need for the other part of the development it is not going to happen. He referred to Pat Frederick's comment and said that Schermerhorn is building everywhere and there needs to be a limit somewhere. On the market driven portion he doesn't see it happening anytime in the near future. He had a grandmother up in Plattsburgh and she was the happiest when she was in her home with all her friends. The facility she was in had a common area and they played cards and ate lunch together and it kept her alive for another 10 to 15 years beyond the time his grandfather died. When he decided to run for the board seat one of his objectives was to try and get affordable senior housing where people could age in place. He thinks this is a good project and he is for it. He didn't like the fact that the commercial portion was removed, but he will live with the proposal before them tonight.

Councilman Kusnierz asked Councilman Cumm if the two other projects he visited required a PUD.

Councilman Cumm said he didn't know.

The answer given to this question was that the Malta one did, but the Wilton one was by special use permit. However, the one in Wilton was only an assisted living facility.

Councilman Kusnierz stated that there is a way to accomplish this then.

Councilman Kusnierz stated for the record that he is not opposed to this type of project in the town, but he is opposed to changing the zoning through a PUD to make it come to fruition.

Councilwoman LeClair stated that she wanted to think about it. She was generally happy with the changes, because she would never have agreed to it the way it was proposed before. She wanted to emphasize that they weren't deciding on whether to keep the area treed or to build on it. They were deciding on how to use this property. She would like a little more time to think about it. She said again that she likes this proposal a lot more than the other one. She didn't like the retail and she didn't like the close proximity to the residential properties around it. She visited the other two House of the Good Shepherd facilities and they are very nice facilities. The picture on the brochure, showing people in rocking chairs on porches, isn't staged. When she visited their facilities there were people in rocking chairs sitting together and playing cards.

Councilman Kusnierz asked Councilwoman LeClair if she would be ready to vote by the next meeting, because it was going to be on the agenda for the next meeting to set a public hearing.

Councilwoman LeClair said she wasn't going to be able to attend the next meeting.

Attorney Auffredou stated that on the issue of the public hearing he wanted to make sure they understood the process. Whether or not to hold a public hearing is not discretionary with this board. The board has to conduct a public hearing whether they are in favor of it or not, as it has been articulated here this evening. The code is very specific. Once the board receives a report from the Planning Board, whether you received it tonight or not, you shall hold a public hearing. The board does not have discretion. The public hearing has to be held within 45 days. He stated that if the board is planning on coming to the meeting Tuesday night with the thought maybe they will have a public hearing or maybe they won't have a public hearing, he was advising the board that the code requires them to have a public hearing whether they are in favor of this project or not.

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Attorney O'Connor stated that 72% is open green space so they are going to preserve a lot of natural coverage that is already there. He stated that Councilman Kusnierz said they could go to single or two family senior housing. That is completely different than this. This is community senior housing, which is something the town doesn't have. There is another project that is very successful, but it is for people who want to invest a couple hundred thousand or three hundred thousand dollars in a new home that is built for seniors. One story buildings with no outside care and maintenance provided. This is different. He said they will find this in an R-2 zone more often than other zones that the town has. He said these types of units won't be built without public water and sewer and there aren't that many areas in the town where both of these are available. A developer won't do on-site septic and water for these types of facilities. He stated that the Cedars ran sewer from Walker Lane north to their site which was $\frac{3}{4}$ of mile, because they wouldn't build their facility on a permanent basis on septic. They built their first building on septic with the idea that before the second building was built they would get public sewer to the facility.

Councilman Kusnierz replied that he is well aware of the difference between senior enhanced assisted living and senior housing. The point he was making was that they could build senior housing in that area.

Attorney O'Connor replied, not in a community setting.

Councilman Kusnierz asked Joe Patricke if they could do senior housing down there in an R-2 zone and Joe Patricke replied yes.

Councilman Kusnierz said he is well aware of the difference between this type of project and what he indicated earlier as senior housing.

Councilwoman LeClair asked Councilman Kusnierz if when he was talking senior housing was he talking about \$200,000.00 to \$300,000.00 homes or was he talking homes....Councilman Kusnierz interrupted her by saying he was talking about someone over the age of 55, where that structure was dedicated to someone to live in there over the age of 55.

Councilwoman LeClair said, not a specific dollar amount?

Councilman Kusnierz asked if we have a specific dollar amount on this and the answer was no.

Councilman Kusnierz said it was a moot point then.

Attorney Auffredou said they didn't have a specific dollar amount in an R-2 and they didn't have a specific dollar amount in the Cerrone subdivision. The Cerrone subdivision was the first example of the senior family living subdivision where there were certain exceptions granted to encourage the developer to bring in senior housing.

Attorney O'Connor stated that they couldn't do apartments there and Councilman Kusnierz said he knows that.

Attorney O'Connor stated that is what gives it the community setting and Councilman Kusnierz said he was aware of that.

Councilman Kusnierz stated that he thought there was an attempt to portray that this parcel as currently zoned couldn't be used for senior housing and he was making the case that it can.

Councilman Kusnierz stated that it was indicated that nowhere else in the town we have property for senior housing and he asked Joe Patricke if that is what he said.

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Joe Patricke replied that he didn't say that.

Councilman Kusnierz told Joe Patricke that Supervisor Jenkins made that point and he agreed. He asked if it was not true.

Joe Patricke said we don't have any place where an apartment complex can be built for senior housing.

Councilman Kusnierz said that isn't how it came out.

Supervisor Jenkins said the intent was apartments.

Councilman Kusnierz said he was being challenged on nuances.

Supervisor Jenkins asked the clerk to call the roll on closing the workshop.

The clerk asked who made the motion and second.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to close the workshop at 8:55 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Workshop adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk