

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 December 20, 2010

**Planning Board Regular Meeting**

**December 20, 2010**

**Attending Board Members:** Chairman, G. Peter Jensen  
Chris Barden, John R. Arnold, Thomas Field, Ronald Zimmerman, Alternate: Dave Paska

Recording Secretary: Cherie Kory

**Absent Board Members:** Keith Osborne, Erik Bergman

**Others Present:** Building Inspector: Joseph Patricke, Town Attorney: Martin Auffredou, Town Engineer: Mr. Robinson

Chairman, G. Peter Jensen called the meeting to order at 7pm.

- 1. Motion:** To approve the November 15, 2010 Planning Board minutes as prepared, by: **Mr. Zimmerman**  
**Second to Motion:** Mr. Arnold

**Discussion/Corrections:** None

**Roll Call:** 6 Ayes: 0 Abstained

**Absent Board Members:** Keith Osborne, Erik Bergman

**Motion Carried.**

**Whipple, Fred – Subdivision  
Public Hearing – Preliminary Plat Review**

**Mr. William Rouke** on behalf of Fred Whipple proposes a 5-lot subdivision on the West end of Jackson Road in a R2 zone, meeting the minimum square footage of 22,500 ft and 125 feet of road frontage; the Town supplying the water. Three lots will face Jackson Road, the fourth lot at 1.6 acres and the fifth lot approximately 26 acres to the Hudson River.

**Chairman Jensen:** set the ground rules to maintain the decorum of the meeting opening the floor to the Public Hearing

**Don Bovair:** voiced concerns over the power lines crossing the back yard and inquired about the availability of natural gas

**Mr. Rouke:** the power lines will remain the same and it is uncertain of the status of natural gas

**Mr. Field:** questioned separate septic tanks for each individual lot

**Mr. Rouke:** confirmed there will be separate tanks

Full Environmental Assessment Form: **Part 1: A, B change 1 a. to read 31 acres, b. 5 acres & 31 acres & c. 26 acres & C** no concerns. **Part 2:** Discussion over number of lots and the involvement of DOH; Mr. Robinson stated the 5, 5, 3 rule Five lots under Five acres in less than Three years  
Discussion: The intent for Triggers on impact of land is for evaluation not necessarily lot to lot  
Discussion: The number of total acres disturbed to trigger storm water management consensus is 4 lots will disturb more than an acres and require Storm water prevention plan

**No adverse or significant impacts found**

**Chairman Jensen polled the board and the public of any environmental concerns not addressed before moving forward. Public Hearing closed at 7:34 pm**

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**1.Motion:** To declare a negative declaration on the Long Environmental Assessment Form for Fred Whipple Subdivision by: **Mr. Field**

**Second to Motion:** Mr. Arnold

**Roll Call:** Mr. Barden Y, Mr. Paska Y, Mr. Arnold Y, Mr. Field Y, Mr. Zimmerman Y & Chairman Jensen Y

**Absent:** Keith Osborne, Erik Bergman

**Motion Carried.**

**2.Motion:** To grant preliminary approval for the Fred Whipple Subdivision contingent upon the Town Engineer review and approval of storm water SWPPP (Solid Water Pollution Prevention Plan) by: **Mr. Zimmerman**

**Second to Motion:** Mr. Field

**Roll Call:** Mr. Barden Y, Mr. Paska Y, Mr. Arnold Y, Mr. Field Y, Mr. Zimmerman Y & Chairman Jensen Y

**Absent:** Keith Osborne, Erik Bergman

**Motion Carried.**

### **Winterberry Woods – Final Approval**

**Travis Mitchell**, with Environmental Design Partnership, in September received preliminary approval for the 61 lots on the Southwest corner of Bluebird Road and Fort Edward Road. The layout remains the same with the exception of two lots adjacent to the neighbor: Mr. Johnson's property on the south access to Fort Edward road swapped for two lots to the rear of the project. The revised plan reflects the same number of lots, identical layout, and storm water approved at preliminary with the exception of moving two lots to the rear. The Town Engineer, the Water & Sewer Department have reviewed the plans and the Highway Department reviewed the intersection with a few minor revisions that will be addressed at the final step.

**Mr. Patrick:** the revisions mentioned were the numbering of catch basins, hydrants administrative items

**Mr. Paska:**e questioned the distance of the driveway...Mr. Mitchell: 180'

**Mr. Auffredou:** advised the Board to make a determination on the revision to the Plat approved from Preliminary based on swapping the two lots and if the revision is or is not substantially different. If the Board deems it is NOT substantially different move forward if swapping the two lots IS substantially different the code allows for a second Public Hearing for comment.

**1.Motion:** To not find a substantial change in the Plat for the Winterberry Woods Subdivision by: **Mr. Field**

**Second to Motion:** Mr. Arnold

**Roll Call:** Mr. Barden Y, Mr. Paska Y, Mr. Arnold Y, Mr. Field Y, Mr. Zimmerman Y & Chairman Jensen Y

**Absent:** Keith Osborne, Erik Bergman

**Motion Carried.**

**2.Motion:** To grant final approval pending the Towns Engineers approval of revisions and reviewed approval of the HOA (Homeowners Association) language for Winterberry Woods Subdivision by: **Mr. Field**

**Second to Motion:** Mr. Arnold

**Roll Call:** Mr. Barden Y, Mr. Paska Y, Mr. Arnold Y, Mr. Field Y, Mr. Zimmerman Y & Chairman Jensen Y

**Absent:** Keith Osborne, Erik Bergman

**Motion Carried.**

**3.Motion:** To have the Chairman and one other member of the Planning Board sign the Mylar when presented for the Winterberry Woods Subdivision by: **Mr. Zimmerman**

**Second to Motion:** Mr. Barden

**Roll Call:** 6 Ayes: 0 Abstained

**Absent Board Members:** Keith Osborne, Erik Bergman

**Motion Carried.**

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**Mr. Auffredou agreed to draft an approval letter for Mr. Johnson to satisfy his bank based on the above motions executed this evening.**

### **Burt, Frank – Site Plan Review**

**Mr. William Rouke** representing Frank Burt's site located on Route 9. Zoning Board of Approval granted approval for an addition built within the 50' setbacks. Proposed are a 14.5 x 62.2 office addition and a Pole barn within the setbacks 50'. Shown on the map is a new entrance per New York State DOT specifications and radius. In the front of the building is the septic system, the parking is shown on the side and along the back. Pole Barn is mainly for vehicle storage.

**Mr. Field:** questioned the type of business

**Mr. Rouke:** tree removal services and snow plowing

**Chairman Jensen:** any maintenance performed in the pole barn on the stored vehicles

**Mr. Rouke:** none

**Mr. Paska:** is the pole barn enclosed

**Mr. Burt:** the barn will not be enclosed and one wall in lieu of fencing. The building will be closed along the route 9 side and open otherwise. The intent is to redo the fencing in the front to match

**Mr. Patricke:** no reason Mr. Burt could not enclose the building it would be an option

**Chairman Jensen:** questioned if the one parcel was all one business

**Mr. Burt:** yes

**Mr. Zimmerman:** questioned six parking plus one handicapped considering the office space... reasonable given the code

**Mr. Burt:** intent is to clean up the front

**Mr. Patricke:** questioned the entranceway that will change to DOT specs

**Mr. Burt:** the entrance already meets the DOT specifications the same entrance does not require new curb cuts

**Mr. Arnold:** questioned the proposed height on the Pole barn

**Mr. Burt:** 14' sidewall height the existing building is the same

**1.Motion:** To schedule a Public Hearing for Frank Burt Site Plan on Monday January 24, 2011 at 7:00pm by: **Mr. Zimmerman**

**Second to Motion:** Mr. Paska

**Roll Call:** 6 Ayes: 0 Abstained

**Absent Board Members:** Keith Osborne, Erik Bergman

**Motion Carried.**

**2.Motion:** To change the Regular Planning Board from the 3<sup>rd</sup> Monday in January to the 4<sup>th</sup> Monday January 24, 2011 by: **Mr. Zimmerman**

**Second to Motion:** Mr. Barden

**Roll Call:** 6 Ayes: 0 Abstained

**Absent Board Members:** Keith Osborne, Erik Bergman

**Motion Carried.**

**Mr. Burt:** existing security lights only no new lighting planned

**3.Motion:** To have the Planning Board act as lead agent for EAF on Frank Burt Site Plan by: **Mr. Field**

**Second to Motion:** Mr. Zimmerman

**Roll Call:** 6 Ayes: 0 Abstained

**Absent Board Members:** Keith Osborne, Erik Bergman

**Motion Carried.**

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- 4.Motion:** To accept the Short Environmental Assessment Form on the unlisted action for the Frank Burt Site Plan by: **Mr. Zimmerman**  
**Second to Motion:** Mr. Barden  
**Roll Call:** 6 Ayes: 0 Abstained  
**Absent Board Members:** Keith Osborne, Erik Bergman  
**Motion Carried.**  
**Mr. Field:** requested existing lighting shown on the map and any vegetation not being disturbed

#### **Alden, Ben – Site Plan Review**

**Mr. Patricke:** Mr. Alden is currently seeking a special use permit for Truck/Automobile use before the Zoning Board of Appeals he will return to ZBA Wednesday January 26, 2011 for completion of the use permit. All indications are in favor of Mr. Alden's use in the effort to run concurrent between the Boards.

**Mr. Alden acting as agent for Ty Hall (owner)** proposing a Line-X Bed Liner / Truck Accessory Shop as a tenant on the Southwest corner of Route 9 and Nolan Road. The site is a former Plumbing shop.

**Mr. Patricke:** revised the former site plan with Mr. Alden, the office and septic were completed however the painting was not completed; the shrubs and driveway were not completed.

**Mr. Paska:** questioned who bears the responsibility for completing the site plan

**Mr. Alden:** the owner is responsible; as the tenant, I will ensure the improvements are completed

**Mr. Patricke:** Ben as the operator is obligated to maintain the site. It is between the owner and tenant complete the site plan as approved

**Mr. Alden:** Mr. Hall has agreed to make all improvements in the spring. The inside of the building newly insulated. Proposing a new front using an insulated overhead door and removing the existing door

**Mr. Arnold:** questioned what was holding back the driveway until spring

**Mr. Alden:** negotiating with Mr. Callahan to use millings for the driveway as a cost effective method for the large driveway.

**Mr. Zimmerman:** questioned the original plans having office space

**Mr. Patricke:** Yes, the drawing displayed is of the same building

**Chairman Jensen:** was assured there were not existing floor drains

**Mr. Alden:** The proposed uses for this site are all interior: sprayed on bed liners for end consumers and dealerships as well as simple bolt on accessories. No lift involved or under coatings.

- 1.Motion:** To have the Planning Board act as lead agent for EAF on Ben Alden Site Plan by: **Mr. Zimmerman**  
**Second to Motion:** Mr. Field  
**Roll Call:** 6 Ayes: 0 Abstained  
**Absent Board Members:** Keith Osborne, Erik Bergman  
**Motion Carried.**

- 2.Motion:** To accept the Short Environmental Assessment Form on the unlisted action for the Ben Alden Site Plan Review by: **Mr. Zimmerman**  
**Second to Motion:** Mr. Barden  
**Roll Call:** 6 Ayes: 0 Abstained  
**Absent Board Members:** Keith Osborne, Erik Bergman  
**Motion Carried.**

- 3.Motion:** To schedule a Public Hearing for Ben Alden Site Plan Review on Monday January 24, 2011 at 7:10pm by: **Mr. Field**  
**Second to Motion:** Mr. Zimmerman  
**Roll Call:** 6 Ayes: 0 Abstained  
**Absent Board Members:** Keith Osborne, Erik Bergman

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**Motion Carried.**

**Discussion:** add lighting to the drawing both existing and proposed; also indicate any plantings and signage. **As a consideration of approval,** remove all outside storage including trailers, and all private car sales. Hours of operation will be 8 am to 5 pm and Saturday 8 am to Noon.

**Town Engineer Mr. Robinson** addressed the Board in regards to organizing a workshop to address new DEC regulations: the construction permits – new requirements to conform for coverage under new permits; based on unit design manuals, MS4 will enforce “green infrastructure practices” as in cluster developments, conserving wet lands, conserving buffers. Focused mainly on storm water i.e. not green, 140’ cul-de-sac: green is very little pavement: not green is 5’ wide sidewalks: green is no sidewalks. Porous pavement considered green, centralized drainage to retention is no longer green, the idea is to keep the water where it originated, and the regulations state the applicant has to do a percentage of green design. Most decisions will be at Town Board level and in order to meet the SWPP the green regulations apply. Rain gardens, rain barrels for irrigation, small wet lands, drainage ditches are the new considerations for designs. Any development started prior to March 1, 2011 is grandfathered in any new after 1<sup>st</sup> of March will be governed by the new rules.

**Chairman Jensen offered many thanks to Mr. Field for his representation of the Town over the past twenty years he was a great asset to this Board and a well respected mentor.**

**1. Motion:** To adjourn Regular Planning Board meeting at 8:45 pm by **Mr. Field**

**Second to Motion:** Mr. Arnold

**Roll Call:** 6 Ayes: 0 Abstained

**Absent Board Members:** Keith Osborne, Erik Bergman

**Motion Carried.**

Respectively Submitted, Signature on file

Cherie A Kory 12/20/2010