

A meeting of the Town of Moreau Planning Board was held on July 21, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Present:

G. Peter Jensen	Chairman
Linda Riggi	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Charlene Endal	Alternate Planning Board Member
Ron Zimmerman	Planning Board Member

Absent:

David Paska	Planning Board Member
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Also present: Joe Patricke, Code Enforcement Officer; Garry Robinson, Consulting Engineer; Karla Williams Buettner, Attorney for the Town; Tricia Andrews, Recording Secretary.

Chairman Jensen called the meeting to order at 7:00p.m.

The minutes of the June 16, 2014 meeting were reviewed. Mr. Bergman motioned to approve the minutes of the June 16, 2014 meeting, Mr. Zimmerman seconded, and the motion carried unanimously.

#1 Rourke, William
Cobble Creek Subdivision
Public Hearing
Site Plan Review

Mr. Scott Reese appeared with Mr. Rourke and described his proposal. Mr. Rourke wants to subdivide a 70-acre parcel south of 197 on Gansevoort Road, into 4 lots each above 5 acres in size. It will have a shared drive access, water & sewer on site. There are wetlands and a stream which will require a DEC permit.

Chairman Jensen opened the public hearing at 7:01pm. John McAllister of 363 Gansevoort Road, which is right across Gansevoort Road from the property, asked about the permits. Mr. Reese explained that they had submitted a notice for soil disturbance, permits for the stream crossings are requested but not

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granted yet. Mr. McAllister wants to know what they will do about the wildlife that is all over his property now. He has woodchucks, snakes, moles etc. that have never been a problem before.

Mr. Rourke said that DEC had come by his office because of this neighbor's complaint and told him that he was in compliance.

Mr. McAllister asked why they were digging without having received the permits back.

Mr. Reese said that they are not disturbing the streams until that permit is granted, but they have permits to dig.

Mr. Rourke explained that the outstanding permit is for the culvert that will cross the stream. He said he hasn't seen snakes, etc. over there.

Mr. McAllister is trying to sell his house, and there are 40-50 snakes in his front yard, and this makes it hard to sell. He doesn't understand how they can do that without permission from the DEC. Mr. Rourke said that they had not disturbed the stream which requires the permit, but Mr. McAllister thought DEC had said they had.

Mr. Rourke told him that there is silt fence on both sides of the stream and a temporary log bridge was built across the stream to get the bulldozer over there, but they are waiting for the permits to do the culvert, and this is allowed by DEC.

Mr. McAllister asked what could be done about the wildlife and whether he could shoot them. Chairman Jensen said that that depends on where it is, what it is, and how close he would be to houses, etc. The Board can't answer that question.

Mr. Rourke has never seen a snake on the property, but Mr. McAllister said he has 3 woodchucks living under his garage now.

The Board reviewed the EAF. Part I, C2: Response should be Yes. Saratoga County should be included.

The Board is reviewing an updated form. Mr. Arnold asked about D1b. Total acres disturbed that road and four house lots is only 4 acres? Mr. Reese said it is 4.5+- on the ESR including the area at the front, and 15 ft on either side of the residences, and 25-30 at back, septic fields, etc, turnarounds, is less than 5 acres. Mr. Zimmerman asked about D2biii, about disturbance, whether the culvert should have been listed there. They will bury the bottom third of the pipe which will disturb some sediments. D2a should say yes and list the culvert and the basements there. Septic systems will be raised. Materials will be reused on site. 40 x 30 will be excavated on each site, 1 acre at a time. 6 ft. depth for basement. Liquid waste should be 1000 gal./day sanitary waste water. Three would be checked no.

For clarification Mr. Reese said this was done prior to the change in the subdivision and none of this requiring in site stormwater management question needed to be answered.

Mr. McAllister asked who verifies that it's under 5 acres, and Mr. Reese explained how he does it on his computer.

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Mr. Patricke said that the Town Engineer would be the one who confirms the calculations.

Mr. Antis asked how far it was from 197 and it is 3400 ft., and there is public transportation there.

Item K shouldn't have been answered.

Hours of operation will be Monday-Friday 8-5, Saturday 9-4, no operations on Sundays or holidays.

Regarding Item N: Mr. Zimmerman asked whether they will have outdoor lighting on the residences.

Chairman Jensen explained that this form is for the action of creating a subdivision, not for the residences that will be built.

Mr. Arnold questioned the Residential /Suburban classification, (section A) as there are farms in that area.

Mr. Reese indicated that areas of groundwater around 4 ft. were found on additional test pits in the flatter parts of the site.

E3a Should be Yes, it is within the Ag District according to Mr. Arnold.

E3h Mr. Antis asked whether they are within 5 miles of the Hudson as the crow flies? Mr. Reese said that he hadn't looked. Mr. Antis thought this was an aesthetic resource, but Mr. Patricke said he didn't think it was officially designated as such.

E3b Asks about highly productive agricultural soils. Mr. Arnold pointed out that the property stopped being farmed decades ago and is successional forest, even though the soils on it are great for farming. It is not laid out well for farming because of all the wetlands. So for the form to be correct it should acknowledge this, according to Mr. Arnold. Mr. McAllister said he had been interested in a turkey farm on it, to range feed turkeys. So they would have to mark an acreage minus wetlands, anything sloped, etc. This form won't be changed because the land is forested.

Mr. Reese stated that the site was walked by an environmentalist and is a possible habitat for northern long-eared bats, none of which were found and which are not listed as endangered yet.

Chairman Jensen said that the DEC has submitted a letter stating that they do not object to the Planning Board taking Lead Agency and that there are wetlands on the project and that a permit is required to disturb them within 100 ft. They are to leave it undisturbed unless there are no alternatives.

Mr. Arnold asked about ingress & egress visibility. Sight lines have been cleared but he wonders if it should be deeded that it be kept clear. Mr. Rourke agreed that it could be done, but noted that the sight lines were good even before the clearing. Mr. Arnold noted that those sight lines were done at 45 mph when it is 55 mph. Mr. Rourke said it would go on the deed restrictions for Lot 1.

The Board reviewed Part 2 of the SEQR Form.

Public hearing was closed at 7:45. Mrs. Riggi motioned to make a negative declaration in the Cobble Creek Subdivision, and Mr. Bergman seconded. Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr.

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Bergman, Yes; Mrs. Endal, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries 7-0. Mrs. Riggi motioned to preliminary approval to Cobble Creek Subdivision. Mr. Arnold seconded. Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mrs. Endal, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries 7-0.

Mr. Zimmerman motioned to waive the requirement that the final subdivision approval be granted at a separate meeting as this subdivision is 4 lots or less. Mr. McAllister asked what would happen if they didn't get approval from Army Corp. or DEC, and the Board assured him that lack of that permit would supersede this approval. Mrs. Riggi seconded. Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mrs. Endal, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries 7-0.

The question was raised as to whether the Board had heard from Saratoga County and they had not. Mr. Rourke said they had received a phone call and sent in more information. The Board met on Thursday. Issues of concern were the culvert crossing and the perc testing for the septic systems. Lot 3 was too fast and Mr. Reese knows it will require a modified conventional system.

Chairman Jensen asked whether an approval contingent on Saratoga County would be acceptable. Counsel agreed that this was acceptable.

Mrs. Riggi motioned to grant conditional final approval for the Cobble Creek Subdivision pending Saratoga County finding of no County-wide impact. Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mrs. Endal, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. Motion carries 7-0. Supermajority tonight would also override objections from Saratoga County.

Mr. Zimmerman motioned that the Chairman and one other member sign the mylars when presented, contingent on the Town Engineer signing off as well. Mrs. Riggi seconded. All in favor, motion carried unanimously with no roll call.

#2 Bluebird Quarry/Harrison Trace Planned Unit Development

Travis Mitchell appeared and presented the most recent site plan. They have added a connector path between the two loop roads to promote walking community. Municipal water will loop through the site and sanitary sewer goes to a pump station shared. Site entrance opposite the Lacy home has been moved east to a new location on Bluebird Road. Traffic study is presented. Includes Rt 9 & Harrison, Main St. & Harrison, Sisson & Harrison, Bluebird & Sisson, Bluebird and Fort Edward Roads, showing reasonable level of service will continue. Sight distances are all acceptable at locations shown. They would like to schedule their public hearing for next month with traffic and engineering complete by then.

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Mr. Patricke asked about the line on the map, and Mr. Mitchell said it probably indicated grading and mild disturbance, not the access drive visible now. They are all three-bedroom units. The senior building has 2 bed units.

Mr. Antis asked about the traffic report, where on pages 5 & 6 the Bluebird Rd., Harrison Ave. intersection south bound by 2016 will be rated E, 35-50 sec delay. He wondered how much worse that would get when everything is built. Mr. Mitchell explained that all approved projects and background growth are all factored in already when the study is done. It was noted that the speed limit on Bluebird Road is 55mph, not 45mph, between Fort Edward Road and Hudson Falls.

Mr. Arnold noted that on Page 1 the traffic report lists a number of intersections and asked whether and why those are the only ones studied. Mr. Mitchell said yes the traffic engineer and the Town's consultant agreed that those were the ones that should be studied. Mr. Antis asked why the intersection heading to Hudson Falls wasn't studied. Mr. Mitchell said it could be, if the Board wanted to request it. Mr. Patricke said that the intersections studied would have accounted for those trips. This was an increase in intersections studied to the east and west over recent studies done in this area.

Mr. Antis asked how many cars travel Harrison Ave. now and that is in the study. Mr. Mitchell directed him to diagrams at the back of the report. He explained that the peak hour congestion is the subject of the report, not total daily trips.

Mrs. Riggi asked about the SWPPP drawing. The legend doesn't agree with the map. Mr. Mitchell pointed out the drop inlets she was looking for.

Mr. Zimmerman asked about why there was no access on the Harrison Avenue side of the seniors building and was told that the curve towards Bluebird Road presents a challenge for that. The speed limit is 30mph, but even at that speed it doesn't work.

The applicant has requested a public hearing.

Mr. Zimmerman motioned to schedule a public hearing for Bluebird Trace/Harrison Ave. subdivision for August 18th at 7:00p.m. Second was Mr. Arnold. Motion carries unanimously with no roll call vote.

Mr. Antis asked how much further the entrance had been moved to avoid the Lacy's driveway. It's about 100 ft.

Chairman Jensen asked Counsel whether a new SEQR would be required at the public hearing even though the Town Board had already done that, and it is a different issue so a second SEQR review will take place for the site plan.

Motion was made by Mr. Zimmerman and seconded by Mr. Antis to declare the role of Lead Agency regarding the Harrison Quarry/ Bluebird Trace PUD. Motion passed unanimously. DOH, DEC, Army Corp, Saratoga County, Glens Falls Sewer are interested parties. School District, EMS.

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#3 Galusha & Sons
Feeder Dam Road Subdivision

Doug Heller, LA Group, presented. The subdivision has municipal water, on-site septic and has done additional test pits. Changes include a stormwater feature moved to the north of the property, and doing that they lost two lots at the north and added one on the south, now 34 lots. A wetland scientist said the steep ravine had a 4 ft finger of Army Corp wetlands that they will not impact. This is not the reason for the change in the stormwater management plan. This is more than a 1-acre disturbance.

Mrs. Riggi asked about the limits of clearing on the drawing and if there would be deed covenants or a homeowners association to prevent clearing, and individual homeowners will be able to do that.

Mr. Arnold asked about the tree profile on site and Mr. Heller agreed they are successional.

Mr. Antis asked whether there is landlocked property there with easements.

There is one on L2.0, which will be dedicated to the Town for future road connection. But the adjoining parcel isn't landlocked. The access road is required on the plans though not constructed, it's available to the Town, so it is there. The adjacent property is not considered landlocked. This should avoid little subdivisions where neighbors have to drive three miles to visit each other.

The language for the Homeowners Association should be submitted to counsel. The purpose of the Homeowner's Association is stormwater management on common land on the northern parcel.

Mr. Antis asked and no traffic study has been conducted. Feeder Dam is the access to the main road.

The stormwater basin is an infiltration pond, one is a forebay for primary settling, and a second to infiltrate. There will be no water standing. Mr. Zimmerman asked what they found in their test pits, it was found 6-7 ft. deep and that is why they moved the pond. Mr. Patricke said test pits were done twice and he was surprised that they didn't find the high groundwater they had suspected. Homes on Marine Dr. have had problems, but the test pits came out good.

Chairman Jensen asked whether the subdivision of 34 lots is big enough to warrant a traffic study. Mr. Zimmerman pointed out that Tanglewood School's census is expected to go up. Mrs. Endal feels traffic is already high there. This area has not been studied in recent memory. Because of the current baseline, she feels a traffic study is necessary.

Mr. Antis motioned to request a traffic study for the Feeder Dam Road subdivision seconded by Mr. Zimmerman. Mrs. Riggi, No; Mr. Antis, Yes; Mr. Arnold, No; Mr. Bergman, No; Mrs. Endal, Yes; Mr. Zimmerman, No; Chairman Jensen, No. Motion fails 2-5.

Mr. Galusha told the Board that additional drainage in the area typically has dropped the water table. It leaches to the North towards the river.

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Motion was made by Mr. Bergman to schedule a public hearing on Aug 18th at 7:05pm for the Feeder Dam Subdivision. Mrs. Riggi seconded.

Motion carried unanimously with no roll call.

Mr. Arnold asked for archeology and endangered species studies, and they are in progress now, the project was visited last week. Applicant was informed that paperwork for the August meeting is due on the 4th.

The best course of action according to the DEC is to do a Short Form instead of a Long Form EAF.

The Board was directed to go to the DEC website and look over the new Long Form which is not available on paper.

Mr. Arnold motioned to adjourn, and was seconded by Mr. Zimmerman. All in favor, the meeting was adjourned at 9:18 p.m.

Respectfully Submitted,

Tricia S. Andrews