

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 May 17, 2010

Planning Board Regular Meeting

May 17, 2010

Attending Board Members: Chairman, G. Peter Jensen

John R. Arnold, Mr. Bergman, Ronald Zimmerman,

Alternate: Dave Paska

Recording Secretary: Cherie Kory

Absent Board Members: Keith Osborne, Chris Barden, Mr. Field

Others Present: Building Inspector: Joseph Patricke, Town Attorney: Martin Auffredou & Town Engineer: none
Chairman Jensen called the meeting to order at 7pm.

1. Motion: To approve the April 19, 2010 Planning Board minutes as Amended, by: **Mr. Zimmerman:**

Second to Motion: Mr. Arnold

Discussion/Corrections:

Page 1322 change "DBA" to ZBA

Roll Call: 5 Ayes: 0 Abstained

Absent: Keith Osborne, Chris Barden, Mr. Field

Motion Carried.

AGENDA

1. Verizon Wireless – Special Use Permit

Tim Alderman representing Verizon Wireless proposed replacing 12 antennas, at the existing tower no change in elevation only increasing the height. Six older antennas complete replacement, three will be new 4G technology antennas and the remaining three are replacing cellular.

Chairman Jensen: questioned any intentions on increasing the equipment cabinet

Mr. Alderman: yes, more fiber to utilize 4G bandwidth that requires a 3'x5' vault within the leased compound

Chairman Jensen: the application satisfies the Structural Analysis however, the short form EAF is missing the Visual Addendum requested in the February 22, 2010 meeting.

Mr. Arnold: advised an ownership change documented on the paper work. The owner currently listed is deceased.

Mr. Alderman: The leasehold agreement is long-term (25-year) with Crown Castle. Agreed to do a search and change the named ownership. Mr. Alderman requested approval contingent on the missing Visual Addendum.

Chairman Jensen: Denied, A public hearing is next in the process

1. Motion: To schedule a Public Hearing for Verizon Wireless on June 21, 2010 at 7pm by: **Mr. Zimmerman**

Second to Motion: Mr. Bergman

Roll Call: Mr. Arnold Y, Mr. Field Y, Mr. Bergman Y, Mr. Zimmerman Y, Chairman Jensen

Absent: Keith Osborne, Chris Barden, Mr. Field

Motion Carried.

2. Mary-Jo Barody Subdivision

Sketch Plan Review

William Rourke with W.J. Rourke Associates presenting proposed R2 residential subdivision of approx. 5 acres.

The location is a private road off Route 9 connecting to Sweet road access on Reservoir road. Proposed are x3 Single Family lots and x2 Two Family duplex lots. The revised drawings show elevations and the drainage bordering Woodscape development. The drawings now show the proposed housing with connection to municipal water.

Mr. Patrick: the board will hear from Martin Auffredou this evening addressing the private roads

Mr. Rourke: requested Public meeting for next month

Mr. Patrick: indicated the application is in order with the exception of the endangered species. A letter from DEC is no longer valid. An independent consultant's review needed and the Building Dept. will refer PE's used by previous applicants as a resource.

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Mr. Rourke: No request for zoning variances required R2 one family lots meet the 22,500 sq ft and exceed the 125' road frontage (141') and the two family lots exceed the 1 acre zoning (1.2 acres) with 175' road frontage

Mr. Arnold: All setbacks meet code. Is there a deeded right of way to the properties and does the post office recognize the private road.

Mr. Rourke: Mail delivered to Route 9 mailboxes and no school buses, the stop is on Route 9 or Reservoir road

Mr. Zimmerman: questioned any conversations with the Fire and EMS departments – the answer was no

Mr. Arnold: questioned the private road the Garcia subdivision built to Town specifications

Mr. Patrick: loss of land, the developer did not want to put a cul-de-sac at the end. Town requires 160' radius to turnaround. Garcia has a hammerhead at the end of the road

Mr. Patrick: Mr. Auffredou will address the responsibility of maintaining the road and the map indicates the Sweet's own the entire road from Reservoir to Route 9.

Mr. Arnold: an ideal private road would have an HOA or language addressing liability

Mr. Zimmerman: table until Mr. Auffredou appears 7:15pm - 7:30 pm resumed

Mr. Auffredou: the general concern is to define the maintenance of the road to eliminate future complaints to the Building and Codes office. The preference in the past has been a declaration with shared use shared maintenance responsibilities divided among lots or one lot responsible for the roadway allowing egress and regress for all to road use. The document is recorded and runs with the land. Mr. Auffredou offered to open a discussion with Mrs. Barody and her council to better define.

Mr. Paska: questioned the standard of the road

Mr. Auffredou: build the road to the Town specifications approved by this board in the planning process.

Mr. Patrick: this board cannot approve, the width of the existing road is only 25' the town standard is 32' the road will have to support an 85,000-pound vehicle as required in the past, pending Fire department approval

Mr. Zimmerman: referenced private road on Old Saratoga Road with built in load capacity governed by an HOA

Mr. Paska: requested clarification if the road remained dirt/sand and the Fire Company signs off is that acceptable

Mr. Patrick: reiterated the road is not wide enough, noting the road will not allow thru traffic it is a dead end and this board will determine what it will require for the final making of the road in this applicants process. This is a shared driveway with the exception of municipal water

Mr. Arnold: are we allowing road frontage on a shared driveway without any actual public road frontage.

Chairman Jensen: hold for a response from emergency services and comments from council

Mr. Arnold: directed to council: who holds the liability on the road in the case of a right of way easement

Mr. Auffredou: not the town

Endangered Species, Emergency Services and council's determination on the road are needed before this application can move forward

3. George Terpening Subdivision Sketch Plan Review

William Rourke from W.J. Rourke Associates with George and Louise Terpening, presenting proposed three-lot subdivision of 7.8 acres on Old Saratoga Rd and South Rd in R4 3 acre zoning. As per the board's request, the map now indicates 2' contours. The Zoning Board of Appeals granted lot #1 (existing home) approval the lot did not meet the depth and total area the lot did not meet the 3 acres zoning. Lot #3 now accesses off South road with good site distance to Old Saratoga road.

Mr. Patrick: The zoning board also granted lot #2 a variance for depth. Requested Mr. Rourke to return the maps shown to the original lines to coincide with the zoning final decision. Reminder: enlist PE for endangered species.

Mr. Arnold: questioned the septic in relation to the drop offs

Mr. Patrick: The engineers will measure and set the guidelines and a building permit issued accordingly.

Chairman Jensen: this application must go the county for referral and comments due to the proximity of the State Park within 500'

1. Motion: To schedule a Public Hearing for George Terpening Subdivision on June 21, 2010 at 7:10 pm **by: Mr. Zimmerman Second to Motion:** Mr. Bergman

Roll Call: 5 Ayes: 0 Abstained

Absent: Keith Osborne, Chris Barden, Mr. Field

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Motion Carried.

4. Heartland Community Church - Site Plan Review

Brad Jones is seeking a special permit from ZBA to lease the property at 195 Fort Edward Road from B&H Construction to use as a meeting hall for worship services. The ZBA required a site plan review from Heartland Community Church, currently renting the Moreau community center for Sunday services.

Mr. Patrick: V&H (Val-Brook Holding LLC) construction in the past came before this board when they moved the construction company to this location. The construction company occupies the northern most building and the remaining leased as professional offices that fell through. This is the same site plan approved a year or two ago the only difference is the parking added. As soon as the Church comes, V&H will erect the fence. The only changes are the bathrooms rearranged on the inside. No conflicts in regards to the parking the Church meets on Sundays, no working hours for the construction company on Sundays. No changes proposed to the outside other than the fence

Chairman Jensen: questioned council in regards to reviewing a previous application and the EAF associated with the previous application.

Mr. Auffredou: Discretionary approval is an action subject to SEQR as unlisted type

- 1. Motion:** To accept Short Form Environmental Assessment on the Site Plan Review for Heartland Community Church, by: **Mr. Zimmerman**

Second to Motion: Mr. Paska

Roll Call: 5 Ayes 0 Abstained,

Absent: Keith Osborne, Chris Barden, Mr. Field

Motion Carried.

Mr. Zimmerman: Now that use has changed, is a record of Public Hearing required

Mr. Auffredou: this board should not approve site plan before the special permit is issued by the ZBA for use zoning and planning each conduct their own SEQR

- 2. Motion:** To schedule a Public Hearing for Heartland Community Church on June 21, 2010 at 7:15 pm by: **Mr. Zimmerman** **Second to Motion:** Mr. Arnold

Roll Call: 5 Ayes: 0 Abstained

Absent: Keith Osborne, Chris Barden, Mr. Field

Motion Carried.

5. Peck, Michael – Site Plan Review

Michael Peck and family Pamela, Rob and Ryan proposing a new building on Route 9 adjacent to the building currently leased to Tae-Kwon-Do. Mr. Peck would like to move his offices and equipment storage from the shared space with Tae-Kwon-Do allowing them to expand. The flooring business is primarily office/showroom that installs epoxy flooring and repairs cracks. The existing businesses operating since 1998 and is ready for expansion.

Mr. Patrick: the property complies with all zoning and has municipal water

Mr. Rourke: one entrance sharing the two businesses one curb cut for the entire lot

Chairman Jensen: noted the epoxy used

Mr. Peck: the epoxy used is 100% solid products with no solvents NO floor drains proposed

- 1. Motion:** To accept Short Form Environmental Assessment on the Site Plan Review for Michael Peck, by: **Mr. Arnold**

Second to Motion: Mr. Bergman

Roll Call: 5 Ayes 0 Abstained,

Absent: Keith Osborne, Chris Barden, Mr. Field

Motion Carried.

Mr. Zimmerman: noted the application referred to the county due to Route 9 access

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Mr. Patrick: add landscaping to the drawing, new paving; also show signage, lighting, parking.

2. Motion: To schedule a Public Hearing for Michael Peck on June 21, 2010 at 7:20 pm **by: Mr. Zimmerman**

Second to Motion: Mr. Arnold

Roll Call: 5 Ayes: 0 Abstained

Absent: Keith Osborne, Chris Barden, Mr. Field

Motion Carried.

1. Motion: To adjourn Regular Planning Board meeting at 8:15pm by **Mr. Zimmerman,**

Second to Motion: Mr. Arnold

Roll Call: 5 Ayes: 0 Abstained

Absent: Keith Osborne, Chris Barden, Mr. Field

Motion Carried.

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Respectively Submitted, Signature **on file**

Cherie A Kory 5/23/2010