

A Public Hearing was held by the Town Board of the Town of Moreau on January 30, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of considering the adoption of Local Law No. 1 of 2014, which if adopted would amend Chapter 149 "Zoning" of the Code of the Town of Moreau and the official zoning map of the Town of Moreau to change the existing zoning of three pieces of land located on the corner of Harrison Avenue and Bluebird Road from M-1 zoning to a Planned Unit Development (PUD) to be known as Bluebird Trace and Harrison Quarry PUD.

Supervisor Jenkins opened the Public Hearing at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

Robert J. Vittengl, Jr.	Councilman
Todd Kusnierz	Councilman
Gina LeClair	Councilwoman (Arrived at 7:05 p.m.)
Preston L. Jenkins, Jr.	Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Amanda Metzger, Post Star Reporter; Travis Mitchell, Engineer Representing Rich Schermerhorn; Town Residents, Property Owners in the Town and Members of the South Glens Falls Fire Company: George & Louise Terpening, Tim Pease, Neil Hodgson, Don & Earla Woodworth, Pat & Tom Frederick, Ricky Meyers, Tom Tracy, Jay Farrell, Andy Belair, Mary Jenkins, Bobbi Spaulding, Tressa Jackson, Keith Dickinson, Sean Dunbar, Tim Dalaba

Supervisor Jenkins welcomed everyone to the Public Hearing and asked everyone to turn off or silence all electronic communication devices.

The following Notice of Public Hearing appeared in the Legal Ad Section of the Post Star on January 18, 2014:

TOWN OF MOREAU
NOTICE OF PUBLIC HEARING TO CONSIDER
ADOPTION OF LOCAL LAW NO. 1 OF 2014
BLUEBIRD TRACE AND HARRISON QUARRY PUD

NOTICE IS HEREBY GIVEN pursuant to section 20 of the Municipal Home Rule Law of the State of New York and Section 264 of the Town Law of the State of New York, that a public hearing will be held by the Town Board of the Town of Moreau on January 30, 2014 at 7:00 p.m. at the Moreau Municipal Complex located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 1 of 2014. If adopted, Local Law No. 1 of 2014 will amend Chapter 149 "Zoning" of the Code of the Town of Moreau and the official zoning map of the Town of Moreau to change the existing zoning of approximately 25.4 acre tract known as tax map parcel numbers 37-1-10.121, 37-1-10.13 and 37-1-10.14, located on the corner of Harrison Avenue and Bluebird Road in the Town of Moreau ("Property"), currently zoned M-1, to a Planned Unit Development ("PUD") to be known as Bluebird Trace and Harrison Quarry PUD. As proposed, the PUD will be comprised of three (3) lots with the following uses:

1. Twenty-Nine (29) Four (4) Unit townhouse style apartment buildings ("Harrison Quarry") to be located and developed on the westerly side of the Property
2. One (1) three-story 70 unit senior apartment building ("Bluebird Trace") to be located and developed on the easterly side of the Property

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The proposed local law sets forth bulk, area and parking requirements for the structures within the PUD. Written comments on proposed Local Law No. 1 of 2014 may be submitted to the office of the Town Clerk. All persons wishing to be heard on the proposed Local Law No. 1 of 2014 shall have the opportunity to be heard at the public hearing. A copy of proposed Local Law No. 1 of 2014 together with the site layout for the proposed PUD can be reviewed at the office of the Town Clerk located in the Moreau Town Complex.

Jeanne M. Fleury
Town Clerk

Travis Mitchell the Engineer representing Rich Schermerhorn on this project apologized for Rich Schermerhorn not being in attendance at this Public Hearing. He has worked for Rich Schermerhorn for six or seven years and this is only the second time he has not been able to attend a meeting.

Travis Mitchell gave a power point presentation of the site layout of the proposed PUD to be known as Harrison Quarry and Bluebird Trace. The proposal is to build 116 townhouse style apartment units similar to Bluebird Village and a 70 unit senior apartment building on three pieces of land totaling 25 +/- acres located at the corner of Bluebird Road and Harrison Avenue. Mr. Schermerhorn will extend the Town's sewer force main from Sisson Road down Harrison Avenue to the site and install two pump stations. He will also extend the Town's water line down Bluebird Road to the site as a "public benefit". The three pieces of land are located in an M1 zone and the request is to change the zoning of those three pieces of land to a Planned Unit Development (PUD) modeled after the UR zoning density, which is one unit per 5,000 square feet of land. There is 3.9 acres of wetlands on the site. A Phase 1 archaeological study has been completed per the requirements of the Office of Parks and Historic Preservation and no concerns were identified. The wetlands have been delineated and the Army Corp of Engineers and NYS DEC agrees with the delineation. A permit from the Army Corp of Engineers will be required. Travis Mitchell explained how they came before the Town Board already with their initial application and the Town Board referred the project to the Town Planning Board and the Town Planning Board agreed with the initial concept. The Planning Board held a Public Hearing and sent back favorable recommendations to the Town Board and now the Town Board is holding this Public Hearing. Travis Mitchell stated the Planning Board found that the proposed PUD met the objectives of specific sections of the code. They found that the proposed use was consistent with existing surrounding land uses and that it was an efficient use of the property and it will provide more independent living opportunities to the aging citizens of the Town of Moreau. The proposed PUD meets all the general requirements of Section 149-27 Subsection C of the Zoning Law. The Planning Board did address the density. The density proposed is one unit per 5,000 square feet, which puts them at 8.65 units per acre. The code reads that a density of more than 8 units per acre will require exceptional justification. Travis Mitchell said he and his client think the exceptional justification is the senior housing component of the project and the extension of the water line down Bluebird Road. He said this type of project will have minimal impact on Town services. The Planning Board concluded that while the density proposed exceeds the Zoning Law requirements it will fulfill the need for affordable housing and senior housing in the Town and the Town Board should consider accommodating the increase in density, because the impact from the increase in density is minimal. Travis Mitchell stated that it is up to the Town Board to decide on density, but the Town Code provides the Town Board with guidance on making that decision. He went through the objectives outlined in the Zoning Law as follows:

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- (1) Need for the proposed land use in the proposed location.

Travis said that he didn’t think anyone would argue that there is a need for senior housing in the Town.

- (2) The availability and adequacy of water service.
- (3) The availability and adequacy of sewer service.
- (4) The availability and adequacy of transportation systems, including the impact on the road network.

Travis replied to objectives 2, 3 and 4 as follows: The impact from this project is relatively low compared to other impacts so it won’t be an issue.

- (5) The pedestrian circulation and open space in relation to structures.

Travis replied that the circulation and open space in relation to the structures is a subjective criteria. They laid the project out similar to the Bluebird Village project, which they know works.

- (6) The character of the neighborhood in which the PUD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.

Travis replied that the character of the neighborhood surrounding the proposed development is self storage units, an industrial park to the southwest and it is in an M1 zoning (heavy industrial) and the impact would be less than if it were developed under the M1 zoning.

- (7) The height and bulk of buildings and their relation to other structures in the vicinity.

Travis replied that as for the height of the buildings, buildings in an M1 zone are allowed to be 60 feet in height and they are proposing 38 feet in height. There would be a lot more objectionable buildings allowed under the M1 zoning than what they are proposing.

- (8) Potential impacts on local government services.

Travis stated that the impacts from this type of project would be relatively low.

- (9) Potential impacts on environmental resources, including wetlands, surface water, floodplains and plant and wildlife communities.

Travis stated that there would be no significant impacts.

- (10) The general ability of the land to support the development, including such factors as slope, depth to bedrock, depth to water table and soil type.

Travis stated that they conducted soil test pits last fall and there was no issue with the testing on the site and they are sure they can accommodate this project on this site.

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Travis Mitchell stated that they think the proposed increase in density from 8 to 8.65 is minimal and they think they have shown reasonable justification for the Town to support it and the Planning Board obviously feels that way also.

Travis stated that at the previous Town Board Meeting when this project was presented the question came up about the rents. The townhouse style apartments would be rented out at \$1,175.00 per month and the senior apartments would rent out at \$795.00 to \$825.00 per month.

Councilwoman LeClair asked him if they could reduce the senior apartment rents to \$600.00 a month or in that range.

Travis Mitchell replied no. He thought she was thinking about The Nest that has subsidized rents and tax breaks. There is no subsidized housing or tax breaks associated with this project.

Travis Mitchell said there was a discussion about lighting adjacent to the Bluebird Village Complex and Mr. Schermerhorn said he would reduce the wattage on the lights or change the fixture heads if they have to.

Pat Frederick stated that it was changed.

Travis Mitchell stated they think it is a good project for the area and the surrounding land uses are such that it should be received favorably. He said that Mr. Schermerhorn has a proven track record in adjoining communities and with his current projects underway in the Town of Moreau he is developing a track record here as well.

Don Woodworth from 32 Merritt Road asked if they could add garages to the senior apartment complex.

Travis Mitchell said it was a good question. They haven't discussed it. He doesn't know if the code would allow it. If the Planning Board is interested in this then it would be something they would look into.

Attorney Buettner said the code reads off street parking.

Councilman Kusnierz asked if they would be willing to keep the density under what the PUD code provides for.

Travis Mitchell stated that the PUD code allows the Town Board to increase the density and they think the increase in density is minimal and they were asking the Town Board to approve it.

Councilman Kusnierz said the point he was trying to make is that, this area is zoned for manufacturing and he is committed to trying to bring commercial growth to our Town and that happens in a manufacturing zone. The project being presented, if approved, would take a manufacturing zone and make it residential through the PUD process. This would allow a significant increase in density from what is typically provided for under our zoning. He said what they were asking for from the Town Board is something significant. His concern is that not only are they asking for the Town Board to vote favorably on the PUD, but they want to take what the PUD provides for in our Town and take it a step further and ask for even more density.

Councilman Kusnierz asked Travis if they reached out to the Moreau Emergency Squad or the South Glens Falls Fire Company to see what their thoughts are on the density.

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Travis Mitchell replied no. That is something that is typically done through the site plan review process once they get the building layout more refined.

Keith Dickinson the Fire Chief for the South Glens Falls Fire Company said that when Bluebird Village went through they were never consulted.

Travis Mitchell replied that if they weren't notified then it slipped through the cracks, because as part of the Planning Board process they normally send the proposed project to emergency services for comment.

Councilman Kusnierz stated that as the code spells out there has to be exceptional justification for the Town Board to go above and beyond what the code allows and to approve the density that they are asking for. He said that since the property will never be available for manufacturing down the road and it will be residential with increased density, is the applicant willing to work with the Town Board as part of the approval process to come up with a figure to put into a fund to help offset the cost of emergency services in the Town.

Travis Mitchell said he would have to talk with Mr. Schermerhorn about this.

Rick Meyers, President of the Fire Company, said there will be a lot of added responses from emergency services as developments keep coming in. They already know this, because of the developments that are already out there. There have been C.O. calls, lifting assistant calls and medical calls.

Keith Dickinson stated that there have been calls for a dryer fire and C.O. calls in Bluebird Village. He said the buildings aren't numbered in a manner that they can read easily. He said it would help them if the buildings were numbered so the numbers were visible to emergency responders and if there were street signs in the development with the road names on them.

Rick Meyers stated that they won't be able to reach the roof from the design they have seen so far for this proposed PUD.

Jay Farrell from the Fire Company stated that the roofs are going to be 38 feet and there is a setback of 30 feet and he said there is a lot of "gray area" with these figures. He asked where the 38 feet is to on the senior apartment building. Is it to the peak?

Travis Mitchell replied yes it is to the peak and it will be a three story building.

Jay Farrell asked if the 30 foot setback is from the curb or the grass. He said they have a 75 foot aerial ladder and the maximum lateral reach of the ladder is 63 feet and to the peak of the roof is over 68 feet laterally from the setback.

Travis Mitchell stated that the height was discussed with the Planning Board and their recommendation back to the Town Board was that they would support a three story building in this project as long as it was acceptable to emergency services. Travis stated that the Fire Company will be consulted as this project goes through the review process. They are at a very conceptual planning stage right now.

Discussion followed between Jay Farrell and Travis Mitchell on the setbacks. Jay Farrell said the concern they have is over the setback from the curb to the building and whether or not their aerial ladder will reach.

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Jay Farrell asked about fire walls in the buildings and Travis said all those details will come and they have to comply with State Code. This design is very conceptual he told Jay Farrell.

Andy Belair from 196 Ferry Blvd. asked why they had to build 29 buildings and why not 25 to meet code.

Travis Mitchell replied that the code allows flexibility with a PUD. They feel and the Planning Board felt that they met the exceptional justification.

Andy Belair said he thought it was more about money.

Supervisor Jenkins asked the Town Clerk to read the e-mail that she received today and it was read as follows:

January 30, 2014

Sue Lacy of 308 Bluebird Road is in Florida and wanted her concerns mentioned at tonight's meeting.

- (1) She doesn't want the driveway for the development across from her driveway.
- (2) She would like a traffic study done.
- (3) She would like a tree buffer along the outside perimeter.
- (4) She would like the option to hook up to water if it is brought down.

Travis Mitchell said that he and his client spoke with Mr. and Mrs. Lacy at the Planning Board level. He pointed out their property on the map. Travis said Mr. Schermerhorn is committed to doing everything he can to minimize the impact. This is a conceptual layout. At the Planning Board level they talked about a tree buffer and possibly moving the storm water management area to the other side of the property if they have to. They will work with the property owner on a water service connection.

Andy Belair said he grew up down there and Harrison Avenue Extension was all water at one time and he is sure Preston Jenkins remembers that. There is a stream running down through the property and what will happen to that. Will the stream stay open so the water can drain from the wetlands?

Travis Mitchell replied yes. The wetlands have been delineated. The agencies that govern wetlands are the Army Corp of Engineers and NYS DEC. They have both been on the site and they agree with the wetlands delineation. Test pits have been done around the site to make sure the storm water management will work. Two wetlands crossing permits will be needed. The Army Corp of Engineers during the permitting process will look at the continuity of the flow through there and minimize any disturbance of the wetlands.

Councilman Kusnierz said he read the memo from the Superintendent of Highways for the Town of Moreau. He said that what came out of the Planning Board was that the extra traffic flow would equate to 230 cars per day. He asked if this was correct.

Travis Mitchell said he would have to check on that.

Councilman Kusnierz asked Travis what that number would equate to in terms of the total number of individuals who would be living there.

Travis replied he didn't have those figures. A traffic engineer reviewed sight distance and trip generation. The Planning Board will require a full traffic study when they go through a detailed review of the project.

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If the study indicates that the intersections don't support the proposed density then either the intersections will have to be improved or the density will have to be reduced.

Councilman Kusnierz asked how many seniors live in apartment units in other projects developed by Mr. Schermerhorn.

Travis Mitchell replied that in the senior apartment units about 1/2 drive vehicles and 1/2 don't. He didn't really know the number.

Councilman Kusnierz asked how many bedrooms were in the townhouse style apartments and Travis Mitchell replied two and three bedrooms.

Councilman Kusnierz asked based on their other projects what would be the average number of occupants.

Travis Mitchell said he didn't know. He could locate the traffic study if Councilman Kusnierz wanted him to.

Councilman Kusnierz said he was trying to find out what the maximum number of the occupants was going to be on the site.

Travis Mitchell said there will be 116 townhouse units and there will be probably one vehicle at least per unit.

Councilman Kusnierz said he wasn't focusing on the number of vehicles, but rather the number of people.

Travis Mitchell said if he had to throw a number out there he would say two per unit.

Councilman Vittengl said he thought it was fair to say that the amount of people in this development would be considerably less than in Bluebird Village. He said if they watched the volume of flow through Bluebird Village then this will be less than that. He said if they go visit other senior "resorts" they will see a lot of empty parking spots.

Travis Mitchell stated that seniors generally aren't on the roadways at the critical peak hours that working people are.

Jay Farrell asked who was going to pay to extend the water and sewer extensions.

Travis Mitchell said that Mr. Schermerhorn was going to pay for it.

Tim Pease of 31 Merritt Road asked if the senior section had to have two accesses into the parking lot.

Travis Mitchell said he didn't believe so. He said that at the time of site plan review if there is a desire by emergency services to have two accesses there is room to do it. He showed on the map where one access could be and how they could bring two accesses out onto Bluebird Road. If it is important to do this then that is what they will do.

Supervisor Jenkins said this is going to become part of the bus route and he asked if access and turning issues were going to be addressed.

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Travis Mitchell said it would be addressed during the site plan review. He thought that in Bluebird Village the buses turn around at the mail kiosk rather than driving all the way through the development. He thinks there is a bus stop there.

Andy Belair said he doesn't think they can have a bus drop out there, because with kindergarteners and first graders they can't drop them off in one spot like that.

Councilwoman LeClair said that is a long ways for a small child.

Travis Mitchell said that would be coordinated with the School District.

Keith Dickinson asked how many hydrants there would be.

Travis replied that hydrant layout would be done through the site plan review process. He said the code calls for one hydrant every 500 feet. They will work with the Fire Department on this too.

Jay Farrell asked if the senior apartment complex is going to have a fire sprinkler system and the answer was yes.

Keith Dickinson asked if the senior apartment complex was going to be laid out like the Willows whereby when you walk in the dining room is to your right and the library is on the second floor and a game room on the third floor.

Travis Mitchell replied that the architectural details haven't been worked out yet. The concept is the same as other senior buildings that Schermerhorn has built. When they get to that point they can provide that level of detail.

Tim Pease asked if the water "crossovers" are going to be bridges.

Travis Mitchell asked if he was referring to the wetlands crossings and said he assumed there would be culverts or bottomless arches. This is something they would have to work with the Army Corp of Engineers on.

Tim Pease said they will have to be big enough to handle fire apparatus and Travis replied absolutely.

Keith Dickinson asked Travis if the Fire Company could meet with him to go over the plans so the Fire Company understands the layout of the buildings.

Travis said yes and he preferred to sit down with them at the beginning of the project. Whatever the Fire Company wants as far as signage and things like that they will do.

Supervisor Jenkins stated that they are looking at a three story building with people 55 plus living in them and god forbid a fire broke out it would require a massive turnout of Fire Companies to serve that building and he thought maybe Rich Schermerhorn could talk to them about this. It is something that has to be strongly considered.

Don Woodworth asked if this will be a two stage process and which buildings would they build first.

Travis Mitchell said it would be a two stage process, but he doesn't know which one will be built first. They are still a year away from start of construction.

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Keith Dickinson asked what the total square footage of the senior apartment complex was and Travis replied he did not know off hand.

Councilman Kusnierz stated that exceptional justification requirement in order for the Town Board to allow a PUD with more density than is allowed by code is something he takes very seriously. In his mind it requires exceptional offsets and he asked what the community was going to get in return to approve this. When the zoning was established in the Town of Moreau that area was zoned manufacturing. If this project is approved we are going to lose a section of our Town that could have been used for manufacturing. In his mind it would set an unacceptable precedence, because when future projects come before the Town Board proposing greater density than what is allowed under our PUD code it will be more difficult for the Town Board to make a decision and have it stand up in court. In his opinion if they wanted support for this kind of project the Town was going to have to get a significant return. He said the Supervisor touched on this and we are going to have to get something that will benefit emergency services, because this has a direct impact on them and their resources, which the entire Town is responsible for at this point in time for funding. He hoped that they would have serious conversations on this before the project is voted on and he hoped the applicant would be willing to work with the Town Board on this.

Travis Mitchell said he wasn't in a position to agree to anything like this, but his client would be willing to consider it.

Supervisor Jenkins said if there weren't any more questions or comments he would ask for a motion and second to close the Public Hearing.

Attorney Buettner advised that they shouldn't close the Public Hearing, because we need to hear back from Saratoga County Planning. She spoke with Mike Valentine today and they are meeting on February 20th and we will hear back from them after that. She suggested they keep the Public Hearing open and put it on the agenda for the 25th as a continuation of the Public Hearing.

Respectfully submitted,

Jeanne Fleury
Town Clerk