

A meeting of the Town of Moreau Planning Board was held on October 19, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York and via Zoom.

Peter Jensen	Chairperson
Jerry Bouchard	Planning Board Member
John Arnold	Planning Board Membe
Erik Bergman	Planning Board Member
Mike Shaver	Planning Board Member
Ann Purdue, Esq.	Planning Board Member
Meredithe Mathias	Planning Board Member

Absent: Also present: Jim Martin, Zoning Administrator in person; Tricia Andrews, Recording Secretary via Zoom, Adam Seyboldt, Alternate Planning Board Member

The meeting was called to order at 7:00pm by Chairperson Jensen. The Board reviewed the minutes of the September 21, 2020 meeting. Mr. Shaver noted that his concerns about potential leaking fluids from junk cars was regarding Affordable Auto Credit, not Carriage Traders. Motion to approve the minutes with that correction was made by Mr. Bouchard and seconded by Ms. Purdue. All in favor, motion carried with no roll call.

1. SHR-TJM
Arrowhead Meadows
Preliminary and Final Review

Travis Mitchell was on the Zoom call for this appeal. They would like instead of 84 lots two equal sized lots, and they will each come back and get approval for further plans for those lots.

Mr. Martin had commented that he just wanted to make sure there was a potential to connect the lots in the future, and the boundary lines could be adjusted in the future.

Mr. Bergman felt that since this is a downgrade from the approved plan, there was not much need for a public hearing, in spite of precedent. The applicant will need a public hearing when they decide to develop the site. Mr. Bergman motioned to waive the public hearing for Arrowhead Meadows two-lot subdivision since it has already been approved for a more intensive use, and any further development will also be subject to review. Mr. Shaver seconded.

Mr. Martin suggested that the Board re-affirm the negative declaration regarding SEQR for the Arrowhead Meadows subdivision and Mr. Bouchard made a motion to that effect. Mr. Bergman seconded. Mr. Arnold asked for clarification that one parcel is being subdivided into two. Mr. Bergman stated that this undoing a subdivision. Mr. Mitchell stated that the Town had approved the 84-lot subdivision, but it was never filed. So Mr. Arnold thought that it is a two-lot subdivision and didn't need a SEQR. Mr. Mitchell stated that he would typically submit a Short Form on a two-lot, and so that is what

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he had submitted. Mr. Arnold asked whether it was appropriate to slide the same information from the multi onto the two. Chairman Jensen stated that since there were no issues identified, it wasn't a problem. Mr. Martin pointed out that this is a different action and so it may be more appropriate to modify the previous negative declaration rather than to reaffirm it.

Ms. Purdue suggested just going through the new Short Form. The Board agreed that would be the cleanest approach. Mr. Bouchard withdrew the motion that was on the table. The Board reviewed the Short Form EAF for Arrowhead Meadows. Mr. Bouchard motioned to make a negative declaration regarding SEQR and Mr. Arnold seconded. Roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mr. Seybolt, Yes; Chairman Jensen, Yes.

Motion to waive 30 day waiting period between preliminary and final was made by Mr. Bouchard and seconded by Mr. Arnold. Roll call vote proceeded as follows: Roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mr. Seybolt, Yes; Chairman Jensen, Yes.

Mr. Bouchard motioned to grant final approval to Arrowhead Meadows subdivision and Mr. Shaver seconded. Roll call vote proceeded as follows: Mr. Bouchard, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mr. Seybolt, Yes; Chairman Jensen, Yes.

Motion was made by Mr. Arnold and seconded by Ms. Purdue that the Chair and one other member sign the mylars when they are available. Motion carried unanimously with no roll call.

2. The Lawn Care Co. TLC
Route 9/Nolan Road
Site Plan Review

Dave Whitbeck was present on the phone. He apologized for not coming for approval. This is a landscape business, they are cleaning up and will operate out of it. Chairman Jensen asked if ingress and egress are through Nolan Road. Mr. Whitbeck stated he is not going to change anything about the layout.

Mr. Shaver was concerned about trucks and trailers going in and out and he wanted them to come in on Nolan Road and out on Route 9. It is a very busy intersection. The wide swing out onto Nolan Road brings the bigger trucks into the oncoming lane.

Mr. Martin stated they would need a State permit to come out on Route 9. Mr. Arnold thought that the same situation could be remedied by widening the entrance. Mr. Shaver clarified he was also concerned about south-going trucks turning onto Nolan Road and having a blind corner, endangering joggers, etc. Mr. Whitbeck stated they do not expect to have 18 wheelers coming into their location. He hopes they can get into that part of the supply chain, but they would come back. Mr. Shaver stated that the equipment he

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saw there tonight would be a difficult swing onto Route 9, and Mr. Whitbeck agreed. Mr. Shaver wanted the Route 9 exit, not the widened entrance. Mrs. Mathias asked what they have going on at the site now and what they anticipate.

Mr. Whitbeck stated that customers do come in and out, not many because they are not that established yet. People will come into the office. They plan to have displays out there. There is room to turn their trucks around and get back out on Nolan Road. They don't have dump trucks. They might have bulk material that will be delivered on a tri-axle truck. Mr. Shaver stated again that there is not room for a tri-axle truck to make that turn out of the driveway onto Nolan Road. Chairman Jensen asked if there was enough room to do anything on the Route 9 side without crossing National Grid lands. Mr. Whitbeck stated they have about 20 feet there to put an exit.

Mr. Arnold stated that a driveway there would be very close to a major intersection. He would like to stipulate that no large trucks can leave and go south on Route 9. Mr. Shaver stated that he is also concerned about trucks trying to back in and stop traffic on Nolan Road. Mr. Arnold felt that widening the entrance would do more to shorten the angle. The Board could also put it on the plan that no one can back in. Mr. Shaver said he was concerned with a truck coming out of the property.

Mr. Martin stated that he State would be unlikely to give them a permit for a driveway there, and possibly the best they would get is a right-out only. He asked Mr. Whitbeck if they could relocate the entrance on Nolan Road further back in the property to alleviate the concerns. The entire access could be shifted to where the bulk material bins are shown. Mr. Bergman stated that several uses ago there was second entrance to this property. Someone had complained and it was taken out. Mr. Whitbeck suggested a truck entrance on the back and leaving the current access as cars and small trucks. He would remove a section of split rail and make that open for parking. Employees will park next to the building. Mr. Bouchard was not sure it would fit.

Mr. Martin explained that Mr. Whitbeck will have to draw this up and resubmit it.

Chairman Jensen explained that the Board doesn't want to give the applicant a hard time, it is a public safety concern and a difficult site.

Mr. Arnold asked about the proposed fencing. It is to keep people from driving across the lawn in the middle of the night. They are trying to make the property sell the idea that they know what they are doing, so that is already installed. It is split rail. Mr. Shaver stated it looks really nice. Mr. Martin stated he had agreed to let them install it before review. Mrs. Mathias agreed.

Mr. Shaver asked if they were going to put up privacy fence because the storage in the back is unsightly when the leaves are off the trees. Mr. Whitbeck stated he had thought about that. He would like to deter theft as well, and the bulk material bins will cover about 1/3 of the view; they might put in stockade. The materials in the bulk storage will be river stone, mulch, silica dust, rubber, topsoil, etc and a road salt bin in the winter. Mr. Shaver asked whether a permit was required for that, and Mr. Martin said they would have to check with DEC.

Mr. Shaver asked what hours they would keep as trucks loading early in the morning, and the applicant stated that they do have to start early to treat parking lots in the winter or work all night during ice

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storms. They are not able to tell the snow what time they get to work. Mr. Shaver stated this is a residential area and kids and seniors don't want to hear that early in the morning, and people would object at a public hearing. Mr. Whitbeck suggested that he can't make everybody happy and doesn't have an answer for that. Mr. Whitbeck stated that his only option would be to find an auxiliary lot. Mr. Shaver asked how many of his trucks had back up beepers and none do. His loading equipment currently doesn't either. How many nights in a winter are they running all night? Once or twice a year sleet or freezing rain goes all night.

Mr. Arnold asked if he would be willing to accept a limit on back up beepers and idling and Mr. Whitbeck said they were and could shut off their beacon lights when on site. This is a Commercial Zone. Applicant was asked how much onsite parking he was planning and he stated it's about a 50 x 65' area, two trucks and trailers in front of each other they can park 6-8 trucks with trailers in there. Now he has 4, and only two stay all night. Mr. Whitbeck stated that the move to this site was based on possible future supply chain activities. He is not sure the site is big enough for a landscape company, it is intended to become a 7am- 5:30pm retail location with material supply. Mr. Shaver stated he thinks there is a weight limit on Nolan Road in the Spring.

Ms. Purdue asked if it's safe to say this is a busier use than the previous years and Mr. Whitbeck said it would be equal or less. 5 or 6 trucks go in and out in a day now. It will cater towards landscapers. Mr. Bouchard asked where they plan to store their own snow, and Mr. Whitbeck said that the back left corner has some space for it, otherwise right off of the parking lot ends. Mr. Bouchard thought that they were using maximum space and Mr. Whitbeck stated that they do have a location to carry and dump snow that they can use.

Mr. Shaver asked if they were putting up a second portable shed and Mr. Whitbeck stated that he wanted to house the mowers for the winter. Mr. Martin stated that they are allowed but the Board can speak to where they were positioned and asked if there was any place further back. Mr. Whitbeck thought that was the best place to disguise the pallets of supplies etc that they do not want to move forward. Ms. Purdue asked how far back the bins are from the road and Mr. Whitbeck stated 25 ft from the pavement. The stockade fence will stay where it is. The bins are to be made of stained timbers. Ms. Purdue asked for some measurements to be added.

Mr. Shaver asked how many employees would be parking there and Mr. Whitbeck stated he had 9 employees this year and 3 cars parked.

Asked if he had any questions, the applicant asked for details about what he should submit for next time and Mr. Martin stated that he would prepare a list. Mr. Whitbeck asked whether he could put a sign up, as he has the impression they are going to be able to work things out and stay.

The Board members stated they thought that the issues could be satisfied and didn't have issues with the sign going up. To a poll regarding whether he should receive a sign permit, the Board answered as follows: Mr. Bouchard, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, No; Ms. Purdue, Yes; Mrs. Mathias, Yes; Chairman Jensen, Yes.

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Mr. Martin stated that he would get together with the applicant about the outstanding items and they are: A new site plan that shows reconfigured access showing a second Nolan Road entrance with a sign that it is for trucks only; site plan needs to be to scale with better detail and measurements, including existing items; operational commitment to no beepers on vehicles (or switches to turn them off on-site), and no idling; quantification of parking for customers, employees, handicapped; Jim will check on weight limit; Snow Storage areas shown; location and proper size of two portable sheds; DEC permit for sale storage, possible, Jim will check. Mr. Bouchard stated for the record that we are not asking the applicant not to use back up beepers; Chairman Jensen stated that use will be at a minimum, as necessary.

Mr. Arnold asked whether it could be ready in time to schedule a public hearing, Ms. Purdue said she would rather see the completed plan first.

3. Baker, Erik
Mott Road
Preliminary review

Bill Rourke, surveyor, was representing this applicant.

Erik Baker is acquiring ten acres from his family. There is an existing home and barn. It meets the 5 acre minimum. It's mainly he's cutting off ten acres that was owned by his father, from 70 acres total.

Chairman Jensen asked if they were creating one lot or many. Mr. Martin said they are creating four. A two-lot had occurred relatively recently, and the balance is on both sides of Route 32. Lot 1 is on the west side, and 2, 3 and 4 are on the east side, with 4 being very large.

The County has not returned any comments. They were notified on October 7th. Mr. Bergman pointed out that there are no topos, spot elevations, adjacent landowners etc. Ms. Purdue asked about wetlands and Mr. Martin said there are some on Lot 1 in the corner that are NWI (Army Corps), not DEC. If the 100 ft buffer boundary is on the property, that would need to be shown.

A Short Form EAF was received and the Chair has it but the remote Board members don't have copies because it was just received.

Mr. Rourke committed to getting the details added to the plans. There was some discussion about the size of the wetlands and Mr. Martin stated they are NWI wetlands and it's in the upper right corner of Lot 1.

There is also a pond on Lot 3, but there is no DEC wetland except the stream one property to the northwest. Mr. Martin reminded him that he needs to post signs, one on each road, before the public hearing. Mr. Bouchard asked for wells and the septic for the existing house on Lot 3 to be shown on the plan.

There was some discussion of the correct order of the SEQR review and public hearing. Motion to schedule the public hearing for Erik Baker for 7pm on November 16, 2020 was made by Mr. Bouchard and seconded by Mrs. Mathias. All in favor, motion carries with no roll call.

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4. Stewart & Bovee, LLC
Spier Falls/Old Saratoga Rd
Preliminary Review

Garry Robinson presenting. This parcel came for a 5-lot subdivision in June. It has been changed to three lots. The big one might be further subdivided in the future but for now they are doing three, 65 acres and three and three. C which is the big one, has a little access on Spier Falls Road, which is not allowed for driveway. Commercial Lot, they don't know what it could be so they did a limited SWPPP for the residential lots, which are less than 5 acres and the details are on sheets two and three. They haven't done test pits yet, but did do them across the road recently and they were good so they expect it to be good here as well.

There are DEC and Army Corps wetlands and they are all marked with boundaries. They have done everything they would do for a five lot. They would like to waive the public hearing and the 30-day. Mr. Arnold asked how far the entrance is from the intersection. Mr. Robinson stated they put it where they did because of wetlands, and it's about 300 ft away.

Chairman Jensen stated that anyone going onto the Commercial lot would have to come back for Site Plan.

Ms. Purdue asked if Lot B proposes a residential house in a commercial area. Wouldn't that require a Use Variance? Mr. Robinson stated that this may happen, they had considered it for the 5-lot, but they are keeping this the way that it is. Former Stewart & Bovee lands close by are being developed but they were sold, the applicant doesn't know what they are doing with it. Mr. Martin said that if someone came in to use Lot B he would recommend getting a Zoning adjustment so that it was all R-2. The useable lot size would be a little under an acre. So with it undetermined whether it is residential or commercial, how does the Board know what environmental control is being done. It will have to be tracked.

Mr. Bouchard asked whether this subdivision would create an undersized lot, since the minimum lot size is an acre. The triangle as it exists now is cutoff by the residence to the east. That is not changing in terms of Commercial use; they are not creating anything. Mr. Arnold stated that when the Board looked at it before, the A & B lots were going to be kept residential, per the neighbors' concerns. The less than an acre land cannot be developed. Mr. Robinson stated that the undersized C-1 portion is still there before the subdivision, it is created by the Zoning line, not by this action. Mr. Martin stated that the Lot is not undersized. Ms. Purdue asked whether it is hard to rezone to residential.

Mr. Martin stated he preferred to move the boundary, which is done by the Town Board as a legislative action. This was attempted before as an expansion of the Commercial zone and met with resistance, but doing it this way would expand the R-2 which is more likely to be approved. Mr. Robinson stated that they had planned two more lots between B& C.

Mr. Arnold asked how the lot is not undersized and Mr. Martin said that the whole lot size would be applied to the minimum not just the part that is in the C-1.

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Mr. Bouchard asked whether the Board was willing to waive the public hearing and Board members were not willing to waive. Ms. Purdue stated this is a busy road next to a State Park, there are changes planned to the interchange, and the neighbors were involved last time.

Motion to schedule a public hearing for Stewart & Bovee at 7:05pm on Nov. 16th was made by Mr. Arnold, Ms. Purdue seconded. All in favor, motion carried with no roll call. Applicant was advised to put signs on Old Saratoga Road but not on Spier Falls.

5. Route 9 Autoworld

Route 9

Sketch Plan Review

Owen Speolstra, and Bob Vittengl representing, were on the Zoom call.

3 lot commercial subdivision in the west side of Route 9. They will be just over 2 acres, 1.9 acres and 1.2 with an access road from the existing signalized intersection to access the proposed lots as well as a parcel at the northwest corner. It will be connected to water & sewer. There is a potential build-out scenario shown, but each user would have to come back for site plan review & approval. They would like to move forward as far as they can tonight.

Chairman Jensen asked to confirm that this is just to make lots, and the applicant agreed. The road would be dedicated Town road and would have utilities. Mr. Shaver was concerned that lot 2 would not have frontage on Route 9, so he didn't know if water & sewer would be extended back to that location. They might need a water district extension.

Mr. Martin suggested that the access lots to 2 & 3 be combined into one curb cut and shared approach. He asked whether this had been discussed with DOT since it involves the traffic signal and the applicant has not, Mr. Martin recommended that it might need a new signal. Mr. Vittengl said it was already set up. Mr. Martin was concerned about the sizing of the water & sewer since the use is undetermined. Mr. Shaver stated the whole system is forced main so this will likely all be forced main. Mr. Spoelstra thought that these details could be pounded out.

Mr. Vittegl said he had talked to the Laberge engineer today and they were just getting to looking at it.

Mr. Shaver said again he wasn't sure if Lot 2 would be in that sewer & water district.

Mr. Martin asked about the area left on the corner of the lot, and applicants did not think it was supposed to be another lot. Mr. Arnold noted that the 30 acres already has access to Route 9, but Mr. Martin noted coming out to the signal is a big plus.

The Board indicated that they would like to see plans without the buildings since they will likely be reconfigured. Ms. Purdue asked whether one of the openings on Route 9 could be removed and Mr. Vittengl stated they have been there 20 years. Mr. Bouchard stated that would be up to DOT. The referral has been made to Saratoga County. The applicant was asked and stated they would be able to come back pretty quickly.

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6. Northway Animal Emergency Clinic
Fawn Road
Site Plan Modification

John Munter presenting. An addition was done recently. They would like to do two more small additions to allow them to be more efficient. One is 505 sq ft addition NE corner, 318 sq ft addition on the SE corner. Site planner did some work on stormwater and the site was overdesigned to the point where these changes should not make a difference. No change to fixture count that would impact septic. Number of parking spaces is very generous, they will reduce size to regulation size. Septic and stormwater have been working very well.

Mr. Martin asked and the parking spaces are 9 x 18, Mr. Arnold stated that is not the size in Moreau, they have to be 200 sq ft. Mr. Arnold asked about the 4 spaces labeled as compact, and Mr. Munter thought they were for smaller cars and were just shorter, but said that question should be asked of the site planner.

Chairman Jensen stated he didn't think the Code allowed compact spaces and Mr. Martin agreed. Mr. Bouchard stated that those were on the previous plans as well. Mr. Munter stated that the planner at Northfield Engineering had stated they would lose some spaces, and the applicant could not recall ever not having had enough spaces.

Mr. Arnold stated that they have to have the right size spaces and Mr. Bouchard thought that if they had to lose spaces he would probably be comfortable. Mr. Bouchard thought they could fit 18 spaces there, and on Fawn Road they could have 16 there. They will lose 4-5 by making them the right size. There is room to expand the parking area if needed. Mr. Martin calculated that he needs 26 based on the sq. footage of the space. Mr. Munter said he would have Mr. Northup change the plans.

Spaces need to be 10 X 20 and ADA compliant. Applicant was asked whether the changes could be ready by next meeting submission deadline and he said that they could. Applicant asked whether the modification required a public hearing and the Chairman asked the Board members, who agreed that they did not think it was necessary.

Mr. Bouchard motioned to grant conditional approval pending revision of parking spaces to the size & quantity required by the Code. Second was made by Mr. Bergman. Mr. Bouchard, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mrs. Mathias, Yes; Chairman Jensen, Yes. Motion carries. Mr. Bouchard motioned that the Chair and one other member sign the mylars when they become available and Ms. Purdue seconded. All in favor, motion carried with no roll call.

Motion was made to adjourn at 9:50 pm by Mr. Bouchard, and seconded by Mr. Shaver. All in favor, carried with no roll call.

Respectfully submitted,

Tricia S. Andrews