

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 19th day of July 2021 at 7:00 pm.

Town of Moreau  
Planning Board Meeting  
Monday, July 19, 2021

**Planning Board Members Present:**

John Arnold	Planning Board Member
Gerald Bouchard	Planning Board Member
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Erik Bergman	Planning Board Member
Peter Jensen	Planning Board Chairmen

**Also, Present:**

Jim Martin	Zoning Administrator
Karla Buettner	Town Attorney
Joseph Dannible	EDP - Representing Applicant for Jacobie Farms Subdivision
Travis Mitchell	EDP - Representing Applicant for Jacobie Farms Subdivision
Gianni Cerrone	Applicant for Jacobie Farms Subdivision
Anthony Cerrone	Applicant for Jacobie Farms Subdivision
Stephen Cerrone	Applicant for Jacobie Farms Subdivision
Bill Rourke	Representing Applicant for Casey 2-lot Subdivision
Karen Woods	Landowner neighboring Casey 2-lot Subdivision

The meeting was called to order at 7:01pm by Chairperson Jensen.

Chairperson Jensen: Do I have a motion for a second meeting to conduct normal business for August 2<sup>nd</sup>.

Mr. Arnold I will.

Chairperson Jensen Do I have a second.

Mr. Bouchard Second.

**A motion was made to hold a second meeting on August 21, 2021 at 7:01pm to conduct regular business by Mr. Arnold and seconded by Mr. Bouchard.**

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Chairperson Jenson Any further discussion?

Mr. Bouchard No.

Chairperson Jensen If not and it's not too controversial, all those in favor say Aye.

<b>John Arnold</b>	<b>Aye</b>
<b>Gerald Bouchard</b>	<b>Aye</b>
<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Peter Jensen</b>	<b>Aye</b>

Chairperson Jensen All those opposed.

Chairperson Jensen Any abstentions?

**None oppose. Motion Carries.**

### **#1 Jacobie Farm Subdivision**

**Cerrone Builders**

**11-29 Moreau Rec Road, Moreau NY**

#### **Subdivision Review**

Project Description: Jacobie Farms Subdivision consists of a 50-lot subdivision of two existing and adjoining parcels with frontage on Moreau Rec Road. Applicant is proposed to subdivide the total area of both lots totaling approximately 27.19 acres into 49 building lots with one undeveloped common area lot. The land is zone for R-2 use which single-family residential is permitted for.

Joseph Dannible of Environmental Design Partnership representing Cerrone Builders Jacobie Farm Subdivision Project.

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Mr. Dannible I'm here with the applicant's themselves Gianna, Stephen, and Anthony Cerrone. We are here tonight for a public hearing, we are looking to bring SEQR to a conclusion tonight and ultimately obtain a preliminary and conditional final approval of the project as which time we've worked through outside agency review and discovered both DEC and DOH as well as the Town who will be involved with the final approval with the sewer, water, storm water throughout the project.

Mr. Dannible Currently on the site there are a couple of barn structures which will ultimately be removed, a compost pile that was in the initial discussion, we agreed that prior to the compost pile being removed the owner or builder will contact the fire department to let them know that is being taken off the site in the event that there is a potential fire hazard associated with that. The project is proposed as a cluster subdivision in which we've taken great efforts to create an aesthetic view coming down Gansevoort road. We have revised the original proposal of individual driveways off of Moreau Rec Road, we have created individual pods and clusters which all have HOA owned open space within the center green areas. we will be providing a future access road, to the lands on the south if they come up for future development at some point in the future. We are proposing a bike path which will be utilized by the residents of this community. We are proposing a series of street trees along both sides of the road and four streetlights for the area. At the entrances we are proposing construction for signs to the park. Consideration of dedicating the land, we are hoping to reduce or alleviate the park and rec fess associated with the project. This is the current version of the project one of the elements that was recently requested for the Town, we provided a HOA piece of land that separates the cul-de-sac from Road C and Road B and can ultimately be used as a future trail connection, or an open space connection to an adjacent sub-division that is approved on the north side of the property. The project itself will connect to municipal water supply, individual septic systems will be placed on every lot, and stormwater will be managed in an infiltration basin located in the south-east corner of the property which is the low point in the property. Again, what we are here for tonight is to get through the SEQR form and schedule a public hearing, we will answer any questions the board may have.

Chairperson Jensen Mr. Martin, have we received comments back from our consultants for this project?

Mr. Martin I think we have the comments back on the SWPPP, I think that much has been done. We did the joint notification as a coordinated review to the other involved agencies we only have heard back from DEC the timeframe has pasted on the others. The traffic was already done under a joint, if you recall the neighboring sub-division was the wise thing to do, so all three sub-divisions we considered in the traffic analysis and the results of that was no adverse impact. The last remaining thing that was done was, we did have a meeting with the school super intendent over the potential impact to the school district, related to this sub-division as well as the other two that are proposed just to the north. The Super Intendent was very positive on all three projects, she has the feeling that the enrollment can easily be absorbed, and the public education service can be provided at no detriment to the district whatsoever. I think we have letters to that effect after that meeting in the file, but that's just a summation of that meeting we

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had as well. So that's where we are on the outstanding issues, its been a couple months as Joe mentioned, but that's where we are.

Ms. Purdue I think The Highway Department raised a couple of issues as well.

Mr. Martin That's correct, and its in a couple of emails that went back and forth. There is concerns with the condition of the road, the Rec Road or Lennox Boulevard is not in great condition today. I get the applicants point about why they would have to fix up something that's not in good condition but none the less that's a condition we have, and construction traffic is only going to make it worse, so that's unresolved. We have the concerns expressed from the highway superintendent that is correct.

Ms. Purdue Is it going to a third-party review a to what the cost and what is takes to remedy the process.

Mr. Martin We are waiting for that, we are waiting for some sort of indication, that's an open item, we don't have a resolution to the cost a mutually acceptable cost to deflect that.

Mr. Dannible Mr. Chairman if you will, we are talking with the applicants, we've agreed to return the road to its existing condition after construction. As Mr. Martin has pointed out the road is in a state of disarray, the highway super intendent himself has identified this needs to be redone within the next 3 or 4 years, the applicant is willing to work with the town but will return it to its current condition after construction.

Mr. Martin That's where I need to speak with Paul, I don't think there's any point to returning a road to substandard condition. Perhaps there can be some sort of arrangement, a work allocation of funds to an escrow account or something like that to help offset the cost of full repair, but from my position I see little good in bringing a road back to a substandard condition.

Mr. Arnold There is a way for us to know how much damage has been done during construction and after the applicant can at least cover the cost of that while still moving forward with something better then leaving it the way it is.

Mr. Martin My point is we are not asking for the full cost of complete reconstruction but the limited cost of brining it back to the condition it is today.

Mr. Shaver So that up to them to work out with Paul.

Mr. Martin Well I think that's something we have to resolve before we conclude this review.

Chairperson Jensen Have we received comments back from LaBerge?

Mr. Martin Yeah on the SWPPP? I believe we have this resolved. Joe the last I knew you have gotten to the final review stage.

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Mr. Dannible We did go through the Stormwater review initial letter from LaBerge, we've responded to that I've had some conversations with them, they had some very minor technical comments nothing outstanding.

Mr. Arnold In this plan we're not still planning engineering wise to treat the runoff on the backside of the lot ad recessed swales.

Mr. Dannible Yes the storm system has been revised its more comprehensive, it's now taken all the drainage which before we were trying to put directly back into the ground now collecting it and putting in the storm drain.

Mr. Arnold Jim I've asked this numerous times and I thought we settled this. This is old how long have you been in front of us?

Mr. Dannible We were schedule for a public hearing in May, it got delayed a few months. I believe we were last in front of the board in March.

Mr. Martin I think it was April.

Mr. Arnold From the first time I saw this plan, we were working with a project just to the north of it, concerned about kids in both developments gaining excess to the park. I asked Jim to ask the Town Board if they would be interested in an entry point to the park in that one corner. Has that ever been discussed with the town board?

Mr. Martin No not to this point, no.

Mr. Arnold I just don't know if this is something the town would even approve. But I had asked for in the upper lot at the northern corner to be set aside specifically so that the kids in the other development can cut across and go into the park. I realize you don't have to do this, but it makes logical sense and its for the safety of the kids. In tonight's introduction you said that there's a laneway here if the people of the development decide to allow it, so once again its not there, unless the people of the HOA say okay, I just don't see it happening. I get it but the practical thing is there's going to be 50 or 60 houses next door, they will probably have kids in them, I'm looking to get them to the park without them walking on route 32 or Bluebird Road. For some reason this seems to be a ball of contention and there doesn't seem to be an interest in dedicating land for that purpose. So, is that just off the table, is that the idea?

Mr. Dannible My understanding is that what we went into the previous meeting with is identical to the previous approval granted that would be HOA land if deemed appropriate a trail would be put in there at a later date.

Mr. Arnold Okay, the previous meeting, what I've got was to alleviate the issue there was going to be an access through there. I mean we could talk about the kids coming there with their

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bicycles and they have to cross Lennox Boulevard to get to the bike path, so now what your saying tonight is if the people that ow these houses decide to do it. Well I can tell you right now, if I lived there I wouldn't want kids riding their bicycles behind my property, its not going to get done. If that's the position then the way I see it is its not there.

Mr. Dannible The opportunity for that trail is there ad that is what the Town requested of us, to provide the opportunity to put a trail there. Having the open space to the subdivision to the North, they have specific language that allows for that trail, I believe its also subject to HOA approval within that community. We are matching language that was approved for the adjacent community which we believe to be fair for the board to give the same approval.

Mr. Arnold So the answer is No.

Mr. Dannible There is not a dedicate path. There is opportunity for a dedicated path in the future.

Mr. Arnold Did we have a public hearing in March?

Mr. Martin For this? No.

Mr. Arnold So we can't have a public hearing without a notification.

Mr. Martin Correct.

Mr. Arnold I misunderstood I thought there was a public hearing for tonight.

Mr. Dannible It is for tonight.

Mrs. Buettner The applicant requested a tabling, and now we are back on.

Mr. Martin I've got my notes here, the last time this was before this board actively was May 17<sup>th</sup> at which time you set a public hearing for June 21<sup>st</sup>.

Mr. Arnold But we tabled it as requested.

Mr. Martin Right.

Mr. Arnold Okay, so then that notice still stands.

Mrs. Buettner The public hearing hasn't been opened yet John. It's noticed for this evening, it's going to be opened tonight.

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Ms. Purdue Looking over your site plan, how much of this is actually open space compared to stormwater management. The point of a cluster development is that this should feel like more open space than a traditional development.

Mr. Dannible Correct, the large open space is typical of a cluster subdivision. The open green areas are preserves in small spaces around the rear of the lots because Moreau Rec Road is the focus of this community we had some meetings early on and it seemed very desirable to put the open space in the front of the community adjacent to Rec Road. This area is about 2.5 acres with about .5 acres of land in another area, as open space.

Mr. Arnold The plan is for these homes to be on public water right?

Mr. Dannible Correct.

Mr. Arnold Is this all in the water district? Because I know it's on the edge.

Mr. Dannible Correct, it was determined by the Town it was not in the water district. We are working with the Town, we are ultimately going to apply to have a district extension to connect to water or working with an outside user to connect to the water.

Mr. Arnold What water would you connect to the stuff that's at the park or out to 32?

Mr. Dannible We would go right out to 32, we are going to be extending it into the park as an additional cost to the developer.

Mr. Arnold How far into the park?

Mr. Dannible 8 feet beyond the property line as requested by Jessie from the water department. I believe I have the number on that, I believe it was \$ 80,000.00, 10,000 additional money to spend to the park.

Chairperson Jensen Now this is an extension of the water district?

Mrs. Buettner Part of one of the parcels is in an existing water district, the other parcel Joe was discussing is going to be an extension to the existing water district. Which ultimately then come next January will be into the full consolidated water district.

Chairperson Jensen There are certain steps that have to be met before is that correct?

Mrs. Buettner That is correct Mr. Chairmen and that is not the prevue off this board, that goes directly to the Town Board.

Chairperson Jensen Has a petition occurred?

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Mrs. Buettner I don't believe there has been a petition to the Town board as of yet.

Mr. Shaver So we are going to need Town Board approval, before SEQR applies?

Mrs. Buettner They will need Town Board approval, yes.

Mr. Dannible We will need multiple other approvals beyond this board and that is why we are looking for conditional approval the Town board, and Town water department ultimately will have a hand in this, as far as they grant conditional approval and we are unable to obtain water per say that would have to come back to this board as a revised plan at a different time during the application.

Mr. Arnold Is that because you have lots in the proposed extension that are not sized appropriately and do not have public water, is that the idea?

Mr. Dannible That would be correct. If we went to a public water system, it would change the makeup of this community. Some of the lots would be on public water because they would be within the district on the Northside some of the lots would be on well on the Southside.

Mr. Arnold I've been on the board for a while and I don't think I've ever seen a project where part of it is in the water district and part of it is not. I've had some that part were R-1 and part R-2 but this is the first time I've seen one where part of the project is in the water district and part of the project isn't. just because the location is on fringe it doesn't mean anything vindictive to this project, just hard to get my head around that.

Mr. Dannible It has taken a while, we thought the whole property was, and it came back and turned out it wasn't.

Mr. Bouchard So what part is excluded from the district right now?

Mr. Dannible I believe the North section is within the water district, and the Southern property is not within the water district. We can look to Karla for additional information.

Mrs. Buettner Whichever lot is 64-1-54, that's the one not in the district. Is that the southern one? The northern one probably goes, that's connect to Arrowhead. Yes, the one I just identified, 64-1-54 is not in the district that's about 14.5 acres.

Mr. Dannible That is the Southern part.

Ms. Purdue What is your contemplative time for phasing and build out.

Mr. Dannible I'd have to refer back to the builder, but my understanding we want to start construction roads on the North side of the project immediately. As soon as we possibly can, its market driven, the sales are getting strong.



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Ms. Purdue So when are you thinking?

Mr. Cerrone As soon as we get approved we are going to begin.

Mr. Bouchard until completion?

Ms. Purdue I mean are you going to phase them, North side before you do the South side.

Mr. Cerrone yeah, so we would start on the North side and it would be roughly a year and a half before we start on the south side. 3-5Years total build out.

Mr. Dannible Roughly 10-15 houses a year market driven would be great.

Chairperson Jensen Board anything further? If not do we have any questions comments or concerns for Part 1 of the environmental assessment form?

Mr. Bouchard Mr. Chairmen, I have the original which we got that shows the North split in two, were they consolidate?

Mr. Martin Yes, there was. I just gave y copy to Ann.

Mr. Arnold I have a question, just to refresh myself again. I asked a question at the last meeting about the lot distances on side lots, and the side lot setbacks. It seemed like some of the side lots are really narrow we are looking at very negligible access to the backyard. Are there any lots under 10 feet between the propose building footprint and the side lots?

Mr. Dannible What we have discussed in the previous meeting, we originally proposed 7.5feet side yards on both sides, we agreed to increase the side yard setback from 7.5 to 10 having a total of 17 feet.

Mr. Arnold I thought we had but I wasn't certain. It's nice to know that you can get something back there.

Mr. Dannible Not every home is going to be build side yard to side yard, we're going to have more room beyond that.

Mr. Arnold some of the lots look really closely, especially there along the South edge. There are five of them there that look really hard, as long as we've got one side that's enough room to get a vehicle for access.

Mr. Dannible Certainly.

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Mr. Arnold We also discussed a fence along the road, is it possible and not necessarily a physical fence but like a barrier so kids playing in that areas would not run right out in the street. Is that something that's still in the plan?

Mr. Dannible That is something we are willing to provide, it's not going to be a fence per say, we will be providing some boulders and planting some trees in there to help create that separation between the road and property.

Ms. Purdue There is a recommendation on page 4 of the engineering reports, that they be examined by a license professional and submitted to DOH. Can you tell us about the water supply report?

Mr. Dannible Certainly those reports will be provided for the water district extension and outside users which is still in the works. We've also done a series of test pits on the site to test drainage and percolation rates to ensure they have adequate soil to support the septic systems.

Ms. Purdue LaBerge recommended that we get a report prior to the Planning Board meeting.

Mr. Dannible Again I can refer back to the Town's Attorney that these reports are not necessarily to be approved by the Planning Board those are for the Town Board's review and recommendations.

Ms. Purdue I've got something from LaBerge stating we should have these reports for Planning Board approval.

Mrs. Buettner The May 17<sup>th</sup> letter? Is that the letter?

Ms. Purdue Yes. They recommend water reports being done prior to town board approval.

Mrs. Buettner Did they identify the purposes of that? I know that one of the purposes for those reports, my understanding not being an engineer is to make sure that the water department is on board with everything that's going to go on within the water supply and has all those certain approvals. That might be something that has to be provided to the Town Board and then Town Board advises on the Planning Board that has it. These are some of the things I believe the applicant is asking preliminary approval conditioned on those and what LaBerge as the Boards engineer is requesting that you don't use them in addition you must use those and get your approval. That's how I'm reading it.

Ms. Purdue That's not the way I'm reading it. The way I'm reading it is they're not recommending additional approval they're recommending that we get these reports.

Mrs. Buettner Prior to approval, correct. That's their recommendation.

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Mr. Martin The water hasn't even been started for the water district extension to my knowledge, I mean that planning report has not been done.

Mr. Dannible It's my understanding that it is a recommendation.

Mr. Arnold What's the hold up on getting the public water rectified?

Mr. Dannible you've just been working with the Town we are trying to understand which direction they want to go. I think we got verification last week, prior to that we thought we were doing an outside user agreement. We're still trying to go back and forth with them to really understand really the appropriate place will be. Also playing into that is going to be how much funds are available for some additional work in the park. There's a certain cost associated with that, we would have to take some of the money that we're looking and talking with the water department and extend the line into the park so again going outside user or water district extension is something we're working on with the Town.

Mrs. Buettner I need to comment on that Joe, You were on the phone during the meeting we all had. The Town Board, it would not be a district user agreement it would be a full map report. Attorney Baker was there, and she agreed that what the Town was saying so that's how it was left on the 7<sup>th</sup> of July. That is would be a map length report with a district extension.

Mr. Dannible Right, a little over a week ago we got that direction, ad we're still have conversations with the Town.

Chairperson Jensen Let me see here, you're thinking of going someplace, but you don't really know where you're going to go with the water, is that what you're telling me?

Mr. Dannible We are going to the Town to get water for this project. The methodology on how we get that from the Town is a little in limbo. We've heard direction one way and the last meeting or a week or so ago we were told to go another way while still having some on going conversations with the Town to finalize what path exactly we are going to in order to get water to the project.

Mr. Shaver So what changes does that make to your project?

Mr. Dannible Its really a matter of going through certain engineering reports in order to get a district extension which requires different levels of review by the Town as well as DOH versus a out of district users which makes the process much simpler and less costly to the applicant. Ultimately you're getting water from the same place it's just a matter of what agreement and legal documents are drafted to allow that water moving forward. Again my understanding is the Town would like us to go through with the district extension which would require recorded engineering reports.

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Chairperson Jensen Board are there any further questions, comments or concerns on Part I of the full Environmental Assessment Form.

Mr. Bouchard No.

Chairperson Jensen Okay moving on to Part II. Impact on Land – Proposed action may involve construction on or physical alteration of the land surface of the proposed site.

Mr. Bouchard Yes.

Mr. Arnold Yes.

Chairperson Jensen reads the remaining questions on the full environmental assessment form Part II. The Planning Board answers:

- 1a. No, or small impact may occur.
- 1b. No, or small impact may occur.
- 1c. No, or small impact may occur.
- 1d. No, or small impact may occur.
- 1e. Yes, small impact may occur.
- 1f. No, or small impact may occur.
- 1g. No, small impact may occur.

- 2. No
- 3. No
- 4. No
- 5. No
- 6. No
- 7. No
- 8. No
- 9. No
- 10. No

Mr. Arnold So you have SHPPO on there?

Mr. Dannible Yes, we provided a letter that states we will have minimal impact.

- 11. No
- 12. No
- 13. No
- 14. Yes.
- 14a. No, or small impact may occur.
- 14b. No, or small impact may occur.
- 14c. No, or small impact may occur.

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**14.d** No, or small impact may occur.

**15.** Yes

**15a.** No, or small impact may occur.

**15b.** No, or small impact may occur.

**15c.** No, or small impact may occur.

**15d.** No, or small impact may occur.

**15e.** No, or small impact may occur.

**16.** No

**17.** No

Chairperson Jensen Okay we have completed Part I and Part II in the Environmental Assessment Form for this project, Jacobie Farm Subdivision.

Mr. Bouchard Peter, I have a question, my question is in Part II one of the questions asked if it would create more than 100,000 sq. Ft of building space. We answered No. My question is, I don't think we know that.

Mrs. Buettner You guys said No, or small impact.

Mr. Arnold It is still No or small right?

Mr. Bouchard I just wanted to make sure that we didn't miss anything.

Mr. Arnold I have a question in Part I underneath D.2. Project operations section C – Will the proposed action use, or create a new demand for water? The answer is yes, total anticipated water usage was given at 16-20,000 gallons per day. Then it says will the proposed action obtain water from the existing water supply? The answer given on this application is yes but from what we heard earlier today the point is we don't know yet. So I guess my question is on an EAF is it okay if we put yes because that's the plan?

Mrs. Buettner Well it's interesting because it's an existing public water supply is what it is saying it doesn't say is it in a district, it says will the proposed action obtain water from an existing public water supply. It will if that portion is approved, it's not saying it's in the district right now.

Chairperson Jensen Okay Board, now that we've finished Part I and Part II, do we need to move to part III? What is your desire?

Mr. Arnold I would be comfortable with making a motion to declare a negative declaration for Jacobie Farms. The only thing I would ask is on the agenda it says Jacobie Farms- Moreau Rec Road and I don't think that's right, people call it Moreau Red Road but it's actually Lennox Boulevard. So I would make a negdec for Jacobie Farms on Lennox Boulevard.

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Ms. Purdue I will second.

Chairperson Jensen Board, we have a motion on the floor for a negative declaration for an environmental assessment review for Jacobie Farms subdivision on Lennox Blvd.

**A motion was made by Mr. Arnold to declare a negative declaration for Jacobie Farms on Lennox boulevard and seconded by Ms. Purdue.**

Chairperson Jensen A motion has been made, and seconded any further discussion? If not, will you call a roll please.

**Roll Call:**

<b>John Arnold</b>	<b>Yes</b>
<b>Gerald Bouchard</b>	<b>Yes</b>
<b>Meredithe Mathias</b>	<b>Yes</b>
<b>Ann Purdue</b>	<b>Yes</b>
<b>Mike Shaver</b>	<b>Yes</b>
<b>Erik Bergman</b>	<b>Yes</b>
<b>Peter Jensen</b>	<b>Yes</b>

**Seven for, none against. Motion Carries.**

Chairperson Jensen Okay so I have seven in the affirmative, motion carries.

Chairperson Jensen We now have a public hearing for this project which has been properly advertised. Jacobie farms Subdivision.

Mr. Martin Joe, do you know if there were signed placed on the property?

Mr. Dannible Yes there were, twice.

Mr. Martin Thank you.

Chairperson Jensen At this time anyone is invited to make a statement regarding this project, to ask questions concerning this project. With that is there anyone who wishes to make a comment or ask questions regarding Jacobie Farms Subdivision?

Chairperson Jensen If there are no questions or comments I will bring the public hearing for Jacobie Farms Subdivision to a close.

Chairperson Jensen I direct attention back to the board. What would you like to do from here?

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Mr. Arnold The water thing. Normally we have an okay from the water department, this is different. I still get the feeling that we don't. Can you walk me through what that looks like as far as what you have ahead of you?

Mr. Dannible So ultimately we will need a district extension which requires the preparation of a form that identified how much water the project is using, anticipated flows. We would provide that to the town, the town reviews it, the town engineer reviews it and determine if there's enough water and we can get into the district or if we will need some mitigation. From there it would be reviewed by the Department of Health and by DEC in order to actually extend the district and bring these properties into a water district. It's actually a fairly lengthy process awaiting the time these agencies ultimately work with. What we would be looking for tonight would be the approval of the project with the condition that it connects to public water. If it ultimately does not connect to public water, then the conditions of that approval would not be met, and we would come back with a different project all together or not come back with a project at all.

Mr. Arnold So it is slightly more complicated than just getting a thumbs up from Jesse but a little easier than getting a right of way from national Grid.

Mr. Mitchell Travis Mitchel with EDP. So if you think back to previous apartment complexes, Schermerhorn is the most recent time we've extended the district. We've gone through this exact process with conditional approval on district extension then going to the Town Board for the District extension and back to the Planning Board with all the documents together.

Chairperson Jensen Have we received any letter from LaBerge regarding the review of this project.

Mr. Martin I cannot find that letter and that is one of the first things I will do tomorrow morning, to find out where they are on the SWPPP review. The last letter I have in the file that I see is May 2<sup>nd</sup> and that's the lengthy one. I do not have a concluding letter saying these prior comments have been addressed, I cannot find it, I don't think we have it, I do not recall seeing it. So to answer your question Peter technically speaking the comments from May 7<sup>th</sup> are still open, I do not have concluding remarks. The other item we had open that Ann eluded to be the road repair issue. I think we need to get an offer from the applicant, what they think is a fair amount to contribute to the repair and then we need to check that with our engineer or with Paul or both to see if we think that is an adequate amount. I'm not saying the full repair, I'm saying an amount for repair.

Mr. Arnold Is that us or is that something that's Town Board approval?

Mr. Martin Well ultimately we require the full Town to approve that, saying usually it starts with the applicant they suggest an amount and we go through a verification process and from there is you want to make sure. I think we need the Town Board to authorize it, they ultimately have to accept the road repair, it's their property.

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Mrs. Buettner They do.

Mr. Martin Yeah, so we will need to get Town Board approval as well, but we all need to come to an understanding as what the amount is going to be, and we mutually agree.

Mr. Dannible I feel that that can be a condition on the approval.

Mr. Martin I'm not talking about conditions Joe, you're fair to ask that, I'm just saying that's where the road process stands.

Mr. Dannible the offer we have on the table from the applicant is that they are going to return the road to it's existing condition after construction.

Chairperson Jensen My question is why would we return something substandard to substandard? Between the Town, Highway, and the applicant there's got to be something worked out reasonable all around but to stand here and say you'll return it to existing conditions, I don't buy it.

Mr. Dannible So I will bring this up, the applicants have come up with a design at the request of the Town that doesn't have driveways connected directly to Lennox Blvd the existing town road. They are putting forth substantial funds to construct 3,000 plus linear feet of road to make sure no driveways connect to that town road, so we are trying to avoid creating further damage to that road. We're proposing 49 lots, the amount of traffic that those 49 lots generate is insignificant to the amount of traffic that the town generates by people going back and forth to the park. Ultimately our 49 lots is a drop in the bucket in the overall scheme of traffic. The applicant has gone through a great deal of design decisions and spend a significant amount of money to give the Town the aesthetic they're looking for and providing a potential bike trail, and to throw in a road to make it better than it currently is something I think is above and beyond.

Chairperson Jensen What I'm saying is if you are going to return a road to the condition it is now that we all agree is substandard, why would you consider returning something to substandard? Obviously bringing it up to where it needs to be would get the Town involved which is on us, working with the Town to bring it up to better condition I think is the way to go, instead of getting it back to partway which is where it is now. I just want to get that statement out, bringing it back to the condition that its in, substandard is not acceptable.

Mr. Arnold The value in decrease in the quality of the road instead of just bringing it back to substandard. It benefits your development to ultimately have a decent road there so if we can find a way to word it.

Mr. Bouchard I was taking notes during this, I just want to make sure I've got a complete list from during the presentation you talked about conditions we were hoping to see, so this is what I wrote down I just want to make sure I got the complete list.



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- A resolution of any SWPPP comments from LaBerge
- Road repairs agreement – some sort of agreement of how the road will be handled
- The approval of state agencies
- Town Board approval or water district extension

At one point we were discussing if the Town Water Department would be weighing in on that but I'm not sure if that's still going through.

- Condition of development for the engineering reports for water and sewage disposal

Mr. Dannible I think that plays into the approval of the Town, the water district extension as well as the DEC and DOH approvals. I think that's all in the same wheelhouse.

Mr. Bouchard You're not going to get those without producing the reports. So the big ones are

- The resolution of the SWPPP
- The road repair
- The approval of state agencies
- Town Board approval for the water district extension

Those would be conditions that we're looking at.

Mr. Martin That's four by my count. That's four conditions so far.

Chairperson Jensen Okay board are you prepared to make some sort of recommendation even though we do not have comments back to justify or satisfy the consultants?

Ms. Purdue I think there are a number of concerns Laberge comments I think is very important and the last I think is very critical that I would like to get some feedback on saying there are certain things you should have in your hands before we go forward with approval. Road repair and water department comments as well are things I think we should have some input than rather kicking it off to the side down the road and let them figure it out. I think they are important enough to this project to be addressed.

Mr. Arnold I can definitely agree on the engineering thing, usually we have the final engineering approval, some of the questions are actually pretty serious and I agree I'd have to see it, it's disjointed I haven't seen anything from them saying they have cleared those things off. So I would feel more comfortable if the engineers gave us an okay on that.

Mr. Dannible So what I'm hearing from the board, there are some concerns with the outstanding engineering comments and a few other agencies that will need to sign off. If the board would be willing to grant a preliminary approval only with the conditions that those are satisfied before we come back for final approval that's something that we would be looking for as that gives us the ability to provide documentation to the park development, DEC, as far as prove the project per say is serious with Town authority. That is always something that the DEC comes back to us and won't necessarily start the reviewing process until they have an approval.

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Mr. Bouchard I guess my biggest concern moving forward down that path is if any of these comments come back, I don't know of the impact your proposed subdivision might be and will it still look the same based on the resolution of the SWPPP comments. I don't expect you to be able to tell me if it will or not, that's just one of my concerns. So if we grant preliminary approval what would we give you preliminary approval for other than the idea of a subdivision.

Mr. Dannible It gives us the ability to continue on to the next steps and another level of approval for this Board to consider at a later date.

Chairperson Jensen Okay Board what would you like to do. Do you think its appropriate to grant a conditional preliminary approval or it is your desire to not grant that until you have all the information you need from the consultants, your choice.

Ms. Purdue Peter my preference is to defer until we get information to clarify their concerns from the May 7<sup>th</sup> letter, as well as more input form the Town Highway Department on the road repair issues they would want to see resolved and from the Water Department.

Mrs. Buettner Ann, to your last point with the water department, it's not the Water department you're asking that of, you might want to speak to the applicant and request when they would be submitting the petition to the Town Board that's the department that looks at the start of the process. If it was in the district that fine but its not in the district.

Ms. Purdue The EAF presumes that there is capacity if the Town approves.

Mrs. Buettner Correct.

Ms. Purdue Is that true, or do we know if that's true?

Mrs. Buettner We don't have the report yet.

Ms. Purdue Okay, I follow you.

Mr. Mitchel But if the applicant does go to the Town Board and they made that review based on that final report if there are any issues and for some reason denied the conditional approval then sends the applicant back before Planning Board. So the conditional approval sort of anticipates this, we'd like to get that before we go on, same with the comments from the SWPPP and comments from LaBerge.

Ms. Purdue The LaBerge letter from May 7<sup>th</sup>, is probably the most critical one I see. I think there is some fuzziness on how that should be resolved, and I think we should be directly involved in that situation.

Mrs. Mathias Can we get them on the 2<sup>nd</sup> Agenda, to get the answers from LaBerge?

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Mr. Martin Sure, August 2<sup>nd</sup>?

Mrs. Buettner Even if you could that would give you the information from Laberge.

Ms. Purdue Yea, its just sitting there and they haven't responded.

Mrs. Buettner But it would not get you anything form the water district.

Mr. Martin I don't see any reason why you could not table until August 2<sup>nd</sup>, it's your agenda nothing there has to be noticed per say.

Mrs. Mathias I'm sympathetic to the cause that these standing issues don't move forward. If we don't give them preliminary they can't do the things you're asking of them. So in by making an agreement if things change they come back and start over essentially, that's my thought on that. Laberge has seen it they just haven't responded, and I think we can ask them to get their response to us by I think next week.

Mr. Dannible If we come back with a letter or Laberge writes a letter that they concur with the revisions to the plan for august 2<sup>nd</sup> then there is some other conditions at the time a conditional approval is something this Board would be open to moving forward with.

Mr. Arnold The concern seems to be to be able to move forward with this with agency approval but how do you get a DOH approval on this not knowing if you have water.

Mr. Dannible That's part of the process.

Mr. Arnold It is? Okay.

Mr. Dannible DEC and DOH will not sign these plans unless all of those steps are taken with the town. The town would have to stamp the plans for this to move forward. There's still a lot of referrals that go beyond this board we will need to go through.

Chairperson Jensen Anny more questions from the board? What would you like to do?

Mr. Shaver I need some clarification on the road.

Mr. Dannible The Highway Superintendent identified that the road is in need of repair in the next 3 to 4 years is my understanding. If we do nothing on this project for the next 3 to 4 years it is going to be completely rebuilt.

Mr. Shaver By the Highway Department?

Mr. Dannible By the highway Department.

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Mr. Shaver So right now are you going to help to do that? Or are you going to do that or what's the deal?

Mr. Dannible There's been a lot of asks from the start of this project by the Town. The Town has asked for multiple things for the project, one of them at one point was reconstruction on the entire length of road plus build all of these new roads, certainly by putting the new roads in and keeping the driveways off Lennox Boulevard it's our opinion that we shouldn't have to rebuild a Town road and create new roads off of that Town road. There has been discussion about providing material and the Town provides the labor for that road, we're certainly going to be crossing that road and digging up sections of it which we will certainly repair, not to its existing conditions but repair with the appropriate base and the appropriate thicknesses. Other areas of the road that we don't touch, we're not proposing to do anything to, so a good portion of that road is going to be build to current standards and replaced with current Town requirements for road base and thicknesses.

Mr. Shaver So he's saying that the road right now that's there that needs to be prepared isn't up to snuff with the Town, is that what I'm hearing? That the road is not good enough for this subdivision to come in?

Mr. Dannible No that's not what he's saying, he's saying that the road is in need of repairs it's reached the end of its life. It needs to be prepared not only for this subdivision coming in but ultimately, mostly for the Town park. Even if this subdivision doesn't occur, that road will need to be redone.

Mr. Shaver So it's not up to the developer to tear up that road.

Mrs. Mathias I don't think it's a Planning Board issue.

Mr. Shaver Well it is, we got to make a decision here, I mean we're looking for clarification on the roads, so it is a planning board issue.

Mrs. Mathias Yeah, but who is going to pay to repair this.

Mr. Shaver Well that's the question, for clarification and that's what I'm saying. If the road needs repair now and its not up to snuff for a subdivision. Is it the subdivisions responsibility or is it the Town's responsibility and I think that needs to be clarified? It's kind of sounds to be that if the Town road is not there. So we should get clarification for Paul Joseph on this, my opinion.

Mr. Bergman go along with the LaBerge comments

Mr. Shaver Yeah I think we can do that can't we Carla?

Mr. Dannible I would ask the board to ask Jim Martin who was present at those meetings when the Highway Superintendent discussed those issued with the road.

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Mr. Martin I think what fair is, my personal opinion based on those conversations. The applicant makes some excellent points about the expense they are incurring providing new roads off of a main line. The main line will be impacted by this project. Are they responsible for all of it? Again my opinion bases on what I've heard, No. I do think we have to come though to a settlement amount that is fair to them in consideration of their impact to the road. What I'm used to is the applicant usually suggests an amount, it starts with you. If it's a nickel or 5,000.00 dollars I don't know but you start with an amount. We'll review it with a little back and forth and we settle on an amount. That's what I'm used to, so if you want to do that in the next week or two with the difference comment Meredith made about August 2<sup>nd</sup> I think that would be an excellent thing to do. I think the other thing is, the SWPPP comments have been there since May, I don't know what has happened with that dialogue, usually it happens between the applicant and LaBerge directly and I just get the letter. I will intervene and find out, I think we can get that resolved too. Now in hearing the deliberation, I also think it's fair like Meredith said about preliminary approval, so a conditional preliminary approval perhaps on August 2<sup>nd</sup> if we can get these other two things resolved seems reasonable. Take this up again on August 2<sup>nd</sup> if we get progress on those other two issues.

Mr. Bergman That sounds good.

Chairperson Jensen Anything from the Board?

Mr. Martin Because I've got the four outstanding issues, The value of the decrease conditions on the road, I've got that term. The road repair agreement, I think that's ultimately what we're going to arrive at here is a written agreement for probably an escrow account on an amount for the road, your fair amount. Resolution of the SWPPP comments which are extensive we've seen those, approval from other involved state agencies, I think that's where we have to give some movement here to allow that process to continue, and then Town Board approval the water district I thin as long s we keep the final steps with us, the final approval that's a reasonable step. They can advance with other state agencies to get a chance for the reports to be done for the district extension and that all comes back to this board prior to your final approval. I think there's some concern with waiting for the signatures on the plat for final, I would advise against that I think it's a good step to have this come back to this entire board on an agenda item for a last check before final.

Mr. Bouchard I'm comfortable with that explanation because that does the one thing that I am most comfortable with which lets me see this plan addresses the comments that we hired a consulting engineer to offer. Which makes me much more comfortable.

Chairperson Jensen Board do I have a motion. Is it to defer your decision until which time you have appropriate information would you like to do something else?

Mrs. Mathias can we make a motion to table it?

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Mrs. Buettner Yeah, I would do it, you just keeping it on the agenda by tabling it.

Mr. Dannible I was just going to request the board table this application until the August 2<sup>nd</sup> meeting to give us time to make sure the engineering comments are addressed.

Chairperson Jensen I thin that would be reasonable.

Mr. Martin To me we've got two items, I'm a list guy, so we've got two items. Resolution of the road issue, arriving at an amount, and then addressing the SWPPP concerns those two issues.

Mrs. Beuttner There's a little confusion. There's a letter from LaBerge that discusses the SWPPP and then there is additional information that Ann brought on at the end. I've heard it both, you want to address the Laberge letter, you want to address the SWPPP. So that the applicant doesn't come back next time and say we did X but now you want us to do Y, do you want them to address the entire letter?

Chairperson Jensen My personal opinion is LaBerge is a consultant and was hired to look at everything, we should have all addressed items and concerns covered and not piece mail anything. Yes, everything.

Mrs. Buettner Okay.

Mr. Martin So in difference to that comment, this is how the letter reads, and it starts off on page 4 of 5 Please note our review is focused solely on stormwater elements of the project and as such we did not review any elements pertaining to lot road and infrastructure, lighting water and sanitary sewage systems. We recommend that the following additional technical review to be completed and that's to what you're speaking and there is probably 6 bulleted items on that page 4 of 5, it's in addition to the SWPPP comments.

Chairperson Jensen Alright board.

Mrs. Mathias I make a motion to table their application until August 2<sup>nd</sup>.

Chairperson Jensen Motion has been made to table the approval for this subdivision until such a time when the engineering comments and road items are addressed to the satisfactory of the town. Do I have a second?

Mr. Bouchard Second.

**A motion has been made by Mrs. Mathias to table the application for Jacobie Farm Subdivision until August 2<sup>nd</sup> when the applicant will address the road repair issue and engineering SWPPP comments and was seconded by Mr. Bouchard.**

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Chairperson Jensen a motion has been made and seconded any further discussion? All those in favor say Aye.

<b>John Arnold</b>	<b>Aye</b>
<b>Gerald Bouchard</b>	<b>Aye</b>
<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Peter Jensen</b>	<b>Aye</b>

Chairperson Jensen Opposed? Abstentions?

**All in Favor. None Opposed. Motion carries.**

Mr. Martin Okay I will amend the agenda for August 2<sup>nd</sup> and add this item at the end.

The Board dismisses the applicant

Mr. Dannible Thank you for your time.

## **#2 Baker Falls Solar**

### **Nexamp**

#### **11-13 Electric Drive, Moreau NY**

#### **Site Plan Review**

Project Description: The applicant proposed a 2.5 MW AC Community Distributed Generation solar project located on three parcels of privately owned, vacant industrial land located at 11-13 Electric Drive.

Travis Mitchel with EDP representing Nexamp, Baker Falls Solar Project.

Mr. Mitchell Nexamp is a Massachusetts based company working in New York for the next couple of years with currently 23 projects in construction. Our firm has worked with a number of solar developers now and Nexamp is one of the few companies that actually owns and operate and maintain the projects they get approval for long term. This particular project is a 2.5-Megawatt AC Solar Project i've mentioned before what's different in this project than the last

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one constructed is the panels are on a single axis transfer system they face east in the morning and slowly track the sun all day and rest overnight. Total height when they are at their maximum is 118 feet, no battery storage proposed on this project. The area is about 13 acres, the location in the Industrial Park fits really well. In solar we've got minimal impact. One of the common questions that come up is the emission output which you've asked LaBerge to take a look at. This is located in the very western portion of Moreau Industrial Park, we've provided a full detailed plan set, this hasn't hanged substantially since we first presented it. If you recall there was discussion on where to place the access road. We are back to the original location due to ownership. Some highlights are the road access back to the original placement, connection to the utilities. As far as the approval process we've been at this for several months now, we had a preliminary site plan review back in April, LaBerge signed off on their stormwater review in June, the last issue up for discussion revolved around the emission and the board's request for outside consulting which you did that. Following up from our last meeting we provided an escrow account for the LaBerge stormwater review but also the emission plan we were asked to do that, and we did so. We also provided a copy of the National Grid crossing applications for them to cross our utility lines, we also would look for confirmation on the long-term lease with the landowner of Moreau Industrial Park which we will give you a copy of that. I had spoken with Jim today, but I haven't gotten a follow up back.

Mr. Martin Travis was calling to see if we has an updates on LaBerge and the status of the decommissioning plan review. I sent an email to LaBerge, I have not heard back as of yet, I checked my email before I came into the meeting this evening, so I don't have any update for you there, so that's the status of that review. This is kind of strange duck, this is the first one through the mill here on this decommissioning plan, and I was just on a side bar with Carla, that's going to be another thing to my understanding that the Town Board has to enter into that so again its that interface with the town Board on that we're kind of plowing new ground here. I have not done aa decommissioning plan for a solar project yet, so we're all going through this procedure for the first time.

Mr. Mitchell Ultimately you're correct the agreement, the decommissioning agreement gets thrown through the Planning Board but it's something the Town Board has to review and approve. We certainly realize this is your first solar project, we've done many with LaBerge and this is consistence with what we have done in the past, we're not asking anything other than scheduling a Public Hearing to keep this moving. You don't need to do SEQR, you don't need to do anything, just schedule a pubic hearing and hopefully we will get something back from LaBerge over this next month and allows us to keep moving forward. This is the third meeting in a row nothings changed, we're just trying to keep it moving.

Chairperson Jensen What is the billable acreage on these lots?

Mr. Mitchell I can gestate that pretty quickly upon what I'm looking at here, so I mentioned we have about 13 acres in the fenced area. Its 32 acres overall, 13.5 or so acres within the fenced in area. Based on the 13 acres its less then 20. More than 15 less than 20 Is the billable acres.

Chairperson Jensen The lots in the park that you are going to be using is more than the 32 acres.



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Mr. Mitchel No so 32, this configuration here is the overall property it sits on, our fenced area here is roughly 13.5acreas and so I think you were asking about the billable acreage total here, and I would estimate its somewhere between 15-20 acres.

Chairperson Jensen Board questions?

Mr. Arnold I will defer to the applicant since you have a lot more experience in this than we do. Have you in the past had to request access over a National Grid property.

Mr. Mitchell Yes. So what we submit to the board back in June was on an application to National Grid to do such a right of way crossing. Typically as long as we have operating lines over head this seems amendable to it. We will check every box to make sure we are doing this right, we will be basically just proposing a graveled road with a trenched line underneath the crossing, so its pretty straight forward on their side.

Mr. Arnold So you've had success in getting a legal approval from them to cross their property?

Mr. Mitchel Yes.

Mr. Arnold We've had a couple of applicants that have had to do that, you said you know I've contacted them, I filled out the application and I haven't heard back in a year. So as far as I know no ones ever gotten anything back from them so its interesting to know that you can get it.

Mr. Mitchel Yeah, we feel confident we can, we have a pretty frequent relationship we have so many projects in que, there is a dedicated project manager at National Grid, and we keep in contact with them. It's a separate office but I think it keeps things moving by keeping the conversation open for us.

Mr. Arnold You can understand my concern, basically if you don't get that approval and you don't have access to the site. In the approval there would be conditional by having that national grid approval.

Mr. Mitchel Yes. Otherwise it doesn't move forward.

Mr. Arnold It would have to be some kind of deed easement so they can't say next year they change their minds.

Mr. Martin its an easement with a period of time correct?

Mr. Mitchell Yes, get an easement sometimes you can get it on licenses as well, which we would go with an easement.

Mr. Arnold Is it common, when you're doing one of these, its it common for there to be a bond. Out of all the projects that have come in front of me on this bord I have never seen a decommissioning bond. Is there a reason why that's the case?

Mrs. Buettner I can tell you why, it protects the Town in the event that it never goes through and the panels stay there, and the Town needs t go and remove everything and do everything. It protects the Town in the even the company or whoever that own those panels go out of business or go away.

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Mr. Arnold I'm just asking because again I can't think of any other projects that we've done where we've considered this, but I guess it's because it's a limited thing a 25year to 40 year.

Mr. Martin Well plus it's a highly specialized piece of equipment and its also not the easiest piece of equipment to dispose of.

Ms. Purdue Jim am I understanding the LaBerge is responsible for the technical aspect of the decommissioning plan and the site plan specifications? They can give us a full report back.

Mr. Martin Yes.

Ms. Purdue We need that technical review for a comfort level, I would like to have that report before we schedule a public hearing. As I mentioned last meeting if the report raises issues and we need to table it.

Mr. Mitchell If we could schedule it and hopefully get it on this month, you can always table it and wait for it but at least if we get it this month it allows us to move forward rather than just come back again next month and ask you to schedule it.

Mr. Arnold Is there any reason to believe that Laberge won't be able to get this back in time for a public hearing.

Mr. Martin I don't know, I know the request went out right after the last meeting is all I can tell you. So they've had it and have all the material that I've got in the file I've provided them as of a day or two after the last meeting.

Mr. Arnold I don't feel comfortable scheduling a public hearing if I'm pretty sure we're gong to have to table it. You put out a notification and ask people to come, people come and then they find out, we can still if we schedule public hearing for next month we can still go ahead with the public hearing and just can't close it until we have the engineering report right?

Mr. Martin Yes that's an option you can just simply leave it open.

Ms. Purdue But we want the public to know the reports as well so if we don't have it by them keeping it open.

Mr. Arnold Well I think we can tell the public if it gets to that point, well listen we don't have this yet, we don't feel comfortable close the public hearing until we do. I feel bad when people take the time to come to one of these meetings and then they find out its been postpones until next month.

Mr. Martin I've had a couple calls from one of the neighbors as well.

Ms. Purdue Do you think by August 2<sup>nd</sup> we will know LaBerge's report?

Mr. Martin Again I'm going to try and find out tomorrow.

Mrs. Buettner I'm emailing them right now.

Mr. Arnold Would the public have access to that information before the hearing in general?

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Mr. Martin Yes, we try to post things on the website, for the agenda. So any material we get regarding the agenda goes onto the website for viewing prior to the meeting.

Ms. Purdue can we post that it is coming on the site before the hearing.

Mr. Martin I think we've been advised, we're not suppose to be posting stuff until we have the materials. So if we have the public hearing and the material and you schedule it and the material comes in 10 days prior then it goes on the website. If it doesn't we really shouldn't have the public hearing.

Mr. Mitchell Can we schedule it and if we don't have the report 10 days prior not publicize it? That way we've got some way to move forward.

Mr. Martin We could have a conditional scheduling.

Mrs. Buettner I mean you could schedule it in tonight's meeting and then at the August 2<sup>nd</sup> meeting..

Mr. Mitchell Solidify that we have it.

Mrs. Buettner Yes.

Mr. Mitchell The public hearing will be the 17<sup>th</sup> not the 2<sup>nd</sup>.

Mrs. Buettner Right.

Mr. Mitchell You'll cancel it on the 2<sup>nd</sup> if we you do not have the LaBerge report.

Mrs. Buettner Or we wait until the 2<sup>nd</sup> and on the 2<sup>nd</sup> when Joe is here we could just put it on there and say we have it now we'll schedule for the 17<sup>th</sup>, it's the same.

Mr. Martin It should be an easy 2-minute issue on august 2<sup>nd</sup>.

Chairperson Jensen Okay board, what have we decided to do here?

Mr. Martin We are waiting until August 2<sup>nd</sup> to schedule a public hearing for the regular meeting in August.

Mrs. Buettner So what you could do is if you don't have it by the 1<sup>st</sup>, we could shoot you folks an email and say we don't have it yet, you wouldn't have to be here or anything.

Mr. Mitchell for my own information when it comes to public notifications does the Town handle them?

Mr. Martin For site plan we do. For subdivision we do, and you have to post a sign for subdivision, but for site plan we do it all. We have to publish to the newspaper and then send a notice to the neighbors within 500 feet.

Mr. Mitchell So we had a coordinated review quite a few months ago now.

Mr. Martin So the 30-day time frame would have closed on essentially May 19<sup>th</sup> but we are queued up ready for SEQR.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 19th day of July 2021 at 7:00 pm.

Chairperson Jensen Board anything further?

Mr. Martin So I will let everyone know as soon as I hear a date of receipt or actual receipt, hopefully its prior to august 2<sup>nd</sup>.

Mr. Bouchard Just for clarification the only thing that we are expecting to do in a positive on August 2<sup>nd</sup> would be to simply.

Mrs. Buettner Schedule the public hearing.

Mr. Bouchard Schedule the public hearing.

Mr. Martin Yes, that's what I mean, it will be a 2-minute thing.

Mr. Bouchard Okay just wanted to be clear.

The Board dismisses the applicant.

### **#3 Casey 2-lot Subdivision**

#### **Mott Road and Gansevoort Road (NYS Rt. 32) Moreau NY Subdivision -Site Plan Review**

Project Description: Subdivision Requested: Applicant is proposing a 2-lot subdivision of an existing 10-acre parcel with frontage on Gansevoort Road and Mott Road. The total area consists of 10 acres, each proposed lot will be 5 acres in area. (Tax Map No. 91-1-35.12)

Bill Rourke is representing the applicant of Casey 2-lot Subdivision project.

Mr. Rourke We received a sketch plan review a couple months ago and this is a portion of that land. There's been 3 2-parcels. A parcel on route 32, it's the daughter of the Baker family. She's planning to build a residential lot on lot 2.

Mr. Martin This normally would qualify for 2-lot subdivision but they've already recently subdivided if you recall I think this is a 4 or 5 lot we did several months ago, so that kicks them out of the ability to do the administrative 2-lot, that's why you're doing it.

Chairperson Jensen Okay this is going to be a lot for a residence?

Mr. Rourke Yes. Single Family.

Chairperson Jensen It meets the zoning requirements for the lot?

Mr. Rourke Yes.

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Mr. Martin Yes. Proper lot size, proper road frontage.

Chairperson Jensen Then I have a question for counsel.

Mrs. Buettner Yes sir.

Chairperson Jensen See is how we have recently reviewed this parcel in the 4-lot subdivision, and this is part of the lot that's under review for that, are we required to do SEQR again on this lot?

Mrs. Buettner You should do SEQR.

Chairperson Jensen We should, okay.

Mr. Buettner Yes. This is a different project, it's the same land but a different project.

Chairperson Jensen Board do you have any questions for this applicant.

Mr. Arnold I think I brought this up last time, if we're only looking at this as a two-lot subdivision why do we have 5 lots on the map. We initially subdivided this into 4 lots. So if now we are only looking at the property owned by lot 2 and 2A okay, then why do we have all the rest of this on the sub plan review.

Mr. Rourke I thought I'd give you the full scenario, so you'd know what's going on regarding the whole property.

Mr. Arnold So the whole 4-lot subdivision we did before that's already gone through county that's all cleared, all these properties are separated now. Now we are dealing with just this one that's denoted as lot 2 and 2A.

Mr. Rourke Right.

Mr. Arnold So taking what was lot 2, and we are turning into 2 and 2A?

Mr. Rourke Yes, it's a 10-acre parcel.

Mr. Arnold To me I'm just trying to figure out why its not lot 1 and lot 2 for this applicant and not 2 and 2A.

Mr. Rourke I just put everything on here to show you what's happening. Maybe we should have just taken them off.

Mr. Arnold So the access points for these two lots, are they both going to be on.. they're not both going to be on 32, because one doesn't have much access to 32 one's going to be on Mott Rd and ones going to be on 32?

Mr. Rourke Yes.

Ms. Purdue Who's the current owner of 2 and 2A.

Mr. Rourke The current owner is George Baker he recently passed away, it's the father and all of these people have been the sons and daughters.

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Mr. Arnold I'm confused again. So we had a 4-lot subdivision of George Baker's property.

Mr. Rourke Yes.

Mr. Arnold Now we're having another subdivision of George Baker's property.

Mr. Rourke Separating the 10 acres, correct.

Mr. Arnold So explain to be why the Department of Health doesn't have to get involved in a 5-lot subdivision here, I mean that's what we are basically doing. This is still all George Baker land.

Mr. Rourke Anything over 5 acres you have to go to the Health Department. If anything over 5-lots there are under a 5 acre parcel it excludes the Health Department.

Mr. Arnold Okay, alright. Thank you. That's why you needed to explain to me, because I need to know.

Mrs. Mathias Bill, on your SEQR form, you checked urban on number 14.

Mr. Rourke Question 14?

Mrs. Mathias Yeah.

Chairperson Jensen Okay, so this runs on 32, and it will need to go to county.

Mrs. Buettner Its County Route 32, does it need to go to county?

Mr. Martin Yes. It did I believe Kathy sent it, and its going to be subject to a highway access permit from the state for the driveway for lot 2.

Chairperson Jensen Board any further discussion with the applicant? If not what would you like to do.

Chairperson Jensen The agenda for the regular meeting in August, is that jammed up yet?

Mr. Martin No we don't even have a submission date yet, so I don't know what's coming. I have a suspicion we'll be seeing Hoffman's car wash back in, and I think you're going to see Allfresh wanting to advance as quickly as they can.

Chairperson Jensen So we've got room for subdivision public hearing to be scheduled.

Mr. Martin Yes.

Chairperson Jensen Okay can I get a motion?

Mr. Bergman Yeah, I'll make a motion to schedule a public hearing for the 2 lot George Baker subdivision on August 16<sup>th</sup>.

Chairperson Jensen Motion has been made to schedule a public hearing on August 16<sup>th</sup>, can I get a second?

Mr. Shaver Second.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 19th day of July 2021 at 7:00 pm.

**A motion was made to schedule a public hearing for the 2-lot subdivision of George Baker's land for August 16<sup>th</sup> at 7:01pm by Mr. Bergman and seconded by Mr. Shaver.**

Chairperson Jensen Any further discussion?

Mr. Rourke I was understanding there was a public hearing scheduled, for tonight.

Chairperson Jensen No. we don't have anything for a public hearing on the agenda this evening.

Mr. Martin No.

Chairperson Jensen So for the motion, any further discussion. If not all those in favor say Aye.

<b>John Arnold</b>	<b>Aye</b>
<b>Gerald Bouchard</b>	<b>Aye</b>
<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Peter Jensen</b>	<b>Aye</b>

Chairperson Jensen Opposed? Abstention? Motion Carried.

**All in favor. None opposed. Motion carries.**

Chairperson Jensen Board do you have any further questions for the applicant.

Mrs. Woods Might I ask a question?

Mr. Martin Can you state your name for the record.

Mrs. Woods Karen Woods. I live adjacent and it's shown incorrectly on this map labeled Baker, I own the property and I've never been contacted. I didn't know that I now live next to a subdivision, ii was wondering if there was somewhere I could see a Dec evaluation, a map of the area, and any assessments that were done for these multiple lots next door. I tried on the website, it's very difficult to read the document that's posted with the map, I can't tell if it's a yes or a no.

Mrs. Buettner That will all be filed with the county. The 4-lot subdivision has already been done and filed with the county.

Mrs. Woods And when was that done?

Mrs. Buettner A while ago wasn't it?

Mr. Shaver A year ago.

Mrs. Woods I've owned the property longer than this, so I'm surprised that I didn't get notified.

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Mr. Arnold What she's saying is that the property next door is listed under a name other than hers.

Mrs. Buettner It's the previous owner.

Mr. Bouchard The property listed to the North on Route 32?

Mr. Arnold How long have you owned the property?

Mrs. Woods October of 2019.

Mr. Martin Yeah, that might not have caught up, especially during Covid-19.

Mrs. Wood October 2019 was pre-Covid.

Mr. Martin I know that but I'm saying the county records delay is 5-6 months, so that came up right in the middle of Covid-19.

Mr. Arnold You should be notified of this public hearing.

Mr. Martin Yes.

Mrs. Wood I was not.

Mrs. Buettner It hasn't happened yet.

Mr. Martin We didn't have it yet.

Mr. Arnold We just scheduled it for August.

Mr. Martin No notices have gone out yet.

Mr. Arnold But you should contact the county to make sure that they have taken care of that. That you are listed as the current owner in their records.

Mrs. Woods Well I pay taxes, so they know I'm there.

Ms. Purdue This map needs to be corrected as well with current landowners.

Mr. Rourke We did deed research, and I believe its still listed as the old landowner.

Mr. Arnold Check with the county though make sure its not.

Mr. Martin My point is, at the time we did the 4-lot subdivision, I don't think the transfer has been properly recorded at the county, so your name was not listed. It's a 6- or 7-month lag.

Chairperson Jensen Board anything further.

Mr. Arnold With these broken up meetings, if on August 2<sup>nd</sup> we have certain things that need to be moved to the next meeting are we going to have time for notifications to do that?



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Mr. Martin Just barely.

Mr. Arnold So we could have an applicant on August 2<sup>nd</sup> that we could move things ahead into August 16<sup>th</sup>?

Mr. Martin Yes. You have 10 days. We'd have to do it the very next day, but it can be done.

Chairperson Jensen Alright, do I have a motion to adjourn.

Mr. Shaver I would make a motion to adjourn.

Chairperson Bouchard A motion has been made any further discussion? All those in favor say Aye.

<b>Ms. Purdue</b>	<b>Aye</b>
<b>Mrs. Mathias</b>	<b>Aye</b>
<b>Mr. Shaver</b>	<b>Aye</b>
<b>Mr. Arnold</b>	<b>Aye</b>
<b>Mr. Bouchard</b>	<b>Aye</b>
<b>Mr. Bergman</b>	<b>Aye</b>
<b>Chairperson Jensen</b>	<b>Aye</b>

**A motion was made to adjourn tonight's Planning Board Meeting for the July 19<sup>th</sup>, 2021 by Mr. Shaver and seconded by Mrs. Mathias.**

**All in favor. Motion carries**

Meeting was adjourned at 9:19 pm.

Respectfully submitted,

*Katrina Flexon*