

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 18th day of October 2021 at 7:00 pm.

Town of Moreau
Planning Board Meeting
Monday, October 18, 2021

Planning Board Members Present

Peter Jensen	Planning Board Chairperson
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
Adam Seybolt	Alternate Planning Board Member

Planning Board Members Absent

Erik Bergman Planning Board Member

Also present: Jim Martin, Zoning Administrator, Barbara Bartlett, Recording Secretary

The meeting was called to order at 7:00pm by Chairperson Jensen.

The Board reviewed the meeting minutes of September 20, 2021. There were no suggested additions, deletions, or corrections.

A motion was made by Gerald Bouchard to approve the meeting minutes of September 20, 2021, as typed, and seconded by Ann Purdue. All in favor. Motion carried.

The Board reviewed the special meeting minutes of September 27, 2021. There were no suggested additions, deletions, or corrections.

A motion was made by Gerald Bouchard to approve the meeting minutes of September 27, 2021, as typed, and seconded by Mike Shaver. Meredith Mathias abstained, six in favor, none opposed. Motion carried.

#1 Drake Petroleum Company, Inc.

1401 Route 9, Moreau, NY

Site Plan Review – Preliminary Stage

Site plan review requested: Applicant is proposing redevelopment of the lot for construction of

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4,800 sq. ft. convenience store known as "Alltown Fresh" with gasoline and diesel refueling stations on an existing 3.16± acre parcel. The lot is currently used as a smaller convenience store - Extra Mart. (Max Map No. 63.03-1-15.2)

Josh O'Connor of GPI presented the site plan for Alltown Fresh and provided the board with updates since the last presentation, including Stage 1 and 2 submissions to DOT, initiated review with LaBerge Group on stormwater, and received a letter back with comments that they are confident can be satisfied, traffic escrow has been paid and the impact assessment should be back anytime. Mr. O'Connor stated that they should have DOT's comments (on at least Stage 1) and that they should have enough information for the Short Form SEQR, and hopes they can schedule a public hearing now, and that the board could act as lead agency.

Ann Purdue stated that she has reservations with SWPPP in regard to timing. Mr. O'Connor stated that they do have a Geotech Report to address Phil's comments.

Chairperson Jensen asked the board what they would like to do regarding applicant's requests regarding lead agency on SEQR and scheduling a public hearing.

Motion to declare the Town of Moreau Planning Board as lead agent for Environmental Assessment review for Drake Petroleum was made by Meredith Mathias and seconded by Ann Purdue.

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bouchard	Yes
Ms. Purdue	Yes
Ms. Mathias	Yes
Mr., Shaver	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

Jim Martin stated he will send letters tomorrow to NYS DOT, Saratoga County and DEC.

Motion to set a public hearing for Alltown Fresh Market on November 15, 2021, at 7:01pm was made by Gerald Bouchard and seconded by Meredith Mathias.

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bouchard	Yes
Ms. Purdue	Yes
Ms. Mathias	Yes
Mr., Shaver	Yes

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Mr. Seybolt Yes
Chairman Jensen Yes

All in favor, motion carries.

#2 Baker Falls Solar, LLC
11-15 Electric Drive, Moreau
Site Plan Review – Preliminary Stage

Project Description: The project consists of a ground-mounted photovoltaic (PV) system to be installed on lands within tax parcel nos. 50.-4-26; 50.-4-27; and 50.-4-28. The proposed PV system is sized to generate approximately 2.5 MW (DC) of electricity and will occupy a project area of approximately 13.4± acres (fenced area) on the combined 32.6± acres of the three referenced parcels. The project will involve the construction of a fixed position solar array that will utilize central inverter and transformer equipment which will be accessed via a gravel surfaced service road from Farnan Road. The solar array will connect to the existing electric grid along the eastern boundary of the parcel. (Max Map No. 50.-4-26 and 28) Planning Board member Meredith Mathias recuses herself for this item.

Michael Cucchiara from Nexamp provided updates to the Board and stated that feedback has been received from LaBerge regarding the decommissioning plan, and sign-off from NYSPO&HP. He stated he is seeking a vote to approve the site plan.

Mr. Cucchiara notified the Board that while the Town Board was expected to discuss: 1) use of Electric Drive, 2) decommissioning plan, and 3) PILOT agreement at their September 28th meeting, they had asked the applicant not to attend that meeting as they had not reviewed the three items yet.

Ann Purdue stated that there are 2 major items outstanding which would be needed before the Board could approve the plan: 1) decommissioning plan and 2) form of surety.

Mr. Cucchiara stated that the comment from LaBerge was that the Board may find the plan acceptable, and that the form of surety as well should be up to the Town Board.

Ann Purdue and Peter Jensen both disagreed with the idea that these were not Planning Board issues.

Jim Martin remarked that situation with the access road is unique, and that Karla, town attorney, is putting together an agreement for the easement.

Jim Martin and Peter Jensen agree that the Board is in limbo now.

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John Arnold remarked that the decommissioning plan itself does not seem like it is in the hands of the Planning Board, though it may be a Planning Board concern if the plan changes the design in some way. Mr. Martin stated that the road issue is more of a physical question than the decommissioning plan. Mr. Cucchiara stated that they are a month into the process with National Grid for the right-of-way. The decommissioning plan is a cost / money issue, not one of design. Mr. Arnold stated that he isn't comfortable making that kind of decision for the Town. Ann Purdue stated that she wants to be able to say that the plan protects the Town from a "zombie field".

Mr. Cucchiara responded to the comments stating that Nexamp intends to own long-term, as opposed to renting. He also explained that decommission plans stem from telecom towers, etc., due to life expectancy. It is a second level protection, as there is first a similar agreement with the landowner written into the lease.

Mr. Arnold inquired about a bond with the landowner and Mr. Cucchiara replied that the bond would usually be with the Town, and the Town would be the beneficiary. Philadelphia Insurance Company would hold the bond.

John Arnold stated that if the Town Board approves the decommissioning plan, he is ok with it. Members discussed reasons to see it, dependency on the expertise of others, and the idea that these are uncharted waters. Chairperson Jensen asked the Board what they would like to do.

Mr. Martin suggested that possibly the 2 outstanding issues could be conditions. Applicant is open to discussion regarding improvements to the "paper street", and they are seeking a nonexclusive easement. Jim Martin suggested to the Board consulting the Highway Superintendent regarding the acceptability of the scope of improvement. (But that the applicant should continue to use Karla as their point of contact.)

A motion was made by Gerald Bouchard and seconded by John Arnold for a conditional approval of the site plan of Baker Falls Solar LLC, with the following conditions: 1) Town Board and Highway Department approval of scope of applicant improvements to Electric Drive, 2) applicant to obtain National Grid easement, and 3) Town Board approval of the Decommissioning Plan.

Further discussion clarified that this conditional approval would not be "preliminary", but final, and Ann Purdue suggested tabling. With a motion still on the table, a roll call vote was taken.

Roll call vote resulted as follows:

Mr. Arnold	No
Mr. Bouchard	Yes
Ms. Purdue	No
Mr., Shaver	Yes
Mr. Seybolt	No
Chairman Jensen	No

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Two in favor, four opposed, one abstention (Ms. Mathias). Motion is defeated.

Applicant was given an explanation regarding the conditions and invited back. Mr. Martin explained that this is setting a precedent. Applicant will notify the Planning Board once they have Town Board approval.

#3 Denno Contracting, LLC
305-309 Reynolds Road
Subdivision – Preliminary Stage

Subdivision requested: Applicant is proposing a four-lot subdivision of an existing parcel with frontage on Reynolds Road. The total area consists of 5.09± acres and the proposed lot sizes will range from .55± acres to 2.49± acres in area. (Max Map No. 63.4-4-54.1)

Chairperson Jensen began by reviewing the decision of the meeting of September 20, 2021, to grant preliminary approval based on conditions: 1) that the driveway permit is provided at the time that the first building permit for the project is submitted, 2) that the driveway is a minimum 20 feet wide, and 3) that the board has the opportunity to review the language of the deed restriction prior to final approval.

Garry Robinson, Consulting Engineer representing Denno Contracting, stated that he believed that the only thing left was the language from the attorneys, which he received over the weekend and has included on the plan.

Jim Martin stated that Karla signed off on language in an email this afternoon, and attorney approved shared driveway maintenance agreement. Declaration will be recorded when deed is recorded and confirmed that the plan will be recorded with the deed.

John Arnold remarked that he still does not see a deed restriction for accessway for maintenance for stormwater retention pond for lot 3 and has reservations about this. The language does not allow for access, it only tells lot 3 that they can't touch or alter the pond area. Mike Shaver agreed that they need clarification on this deed restriction in regard to access. The deed for lot 3 needs a right of access easement, and there was discussion regarding the location. Garry stated that the southside would be preferable. Mr. Arnold agreed. Mark Stewart stated he has no problem with that – maintenance agreement is OK. Maintenance agreement needs to ensure 12-foot unobstructed access from driveway.

Motion was made by John Arnold and seconded by Meredith Mathias to grant final approval for the Denno Contracting, LLC subdivision conditional upon a 12-foot unobstructed easement for pond maintenance along southerly property boundary of lot number 3.

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Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bouchard	Yes
Ms. Purdue	Yes
Ms. Mathias	Yes
Mr., Shaver	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

Gerald Bouchard asked if the pond includes the pond overflow area, and Mr. Martin stated yes it does.

Motion was made by John Arnold and seconded by Ann Purdue for the Chairman and one other member of the Board to sign mylars when they are presented. All in favor, motion carries.

New Business

#1 Ty Hall for Jack Hall Plumbing and Heating

1687-1691 Route 9, Moreau, NY

Planned Unit Development Referral from Town Board for Advisory Opinion

Project Description: The project consists of a request to rezone six adjoining parcels with property frontage on Route 9 from the intersection with Merritt Road to the intersection with Jacobie Road. Specifically, four parcels front on 1683-1699 Route 9, one parcel is located at the corner of Route 9 and Merritt Road (3 Merritt Road), and one parcel is located at the corner of Route 9 and Jacobie Road (2 Jacobie Road). The rezoning request is to change the zoning district from Residential and Professional (C-3) along Route 9 to a Planned Unit Development (PUD) District as per Article IV. §149-27. The total area for which a PUD designation is sought is 5.81± acres. As per 149-27. F. (1)(e) and (f) the sketch plan application for PUD designation has been referred to the Planning Board for review, public hearing, and issuance of a favorable or unfavorable report back to the Town Board as part of the specified PUD review procedure.

(Max

Map Nos. 49.68-1-6; 49.60-1-46; 49.60-1-44.1; 49.60-1-37; 49.60-1-38; 49.60-1-39.2; 49.59-2.23.1; 49.59-2-23.2; and 49.59-2-23.3)

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Attorney Justin Grassi gave a brief overview of the proposal to amend the current zoning ordinance to include a Planned Unit Development district on behalf of Jack Hall Plumbing and Heating. PUD would be six parcels, all owned by the applicant, to include 25,000 sq ft facility for office space, storage, and small fleet of vehicles: some parcels still maintaining residential use. 25,000 square foot facility is expected to be approximately 40% office space and 60% indoor parking for transit / medium-sized vans, as well as storage for equipment and supplies. Amendment of the zoning ordinance would require Planning Board referral.

Jim Martin stated that the idea was initially 9 lots, but 3 of the lots were with the R-1 district and specifically disallowed. Applicant amended application to include just the 6 other lots. Mr. Martin recommended survey to verify lot lines for PUD. He also stated that one lot does have a housing component, which must remain to qualify as mixed-use, and the 2 corner lots are vacant and should be required to remain that way.

Vicky Hall mentioned that they would like to include classroom space as well, and they did not realize when they bought the property to build the office, that parking the vehicles there overnight would make it C-1 zoning - the employees take the vehicles home at night to park them currently.

Chairperson Jensen stated that the zoning maps clearly show that the C-3 district extends 250 feet on either side of Route 9, from the center line of the road.

Mike Shaver asked if this would require extending the sewer district. Chairperson Jensen stated that that determination would come from the Town Board.

Ann Purdue asked what plans there were for developing the other lots (aside from the facility itself.) Vicky Hall stated that the corner on Merritt Rd would remain undeveloped.

Mr. Martin stated that for this to work, it would be a two-step process beginning with a boundary adjustment for C-3 zone, and then the PUD – and this needs to be part of the report back to the Board.

Mr. Martin stated that the submitted application is complete and enough to go on for a public hearing, but also recommended that the applicant submit a separate zoning amendment application, but that both could be dealt with concurrently. There may be a need for 2 public hearings on the same night.

Motion was made by John Arnold and seconded by Gerald Bouchard to schedule a public hearing for Jack Hall Plumbing and Heating on December 20, 2021, at 7:05pm. All in favor, motion carries.

Motion to adjourn the meeting was made by Ms. Mathias and seconded by Mr. Arnold. All in favor, motion carried, no roll call.

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Meeting was adjourned at 9:25 pm.

Respectfully submitted,

Barbara Bartlett