

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 22nd day of November 2021 at 7:00 pm.

Town of Moreau  
Planning Board Meeting  
Monday, November 22, 2021

**Planning Board Members Present**

John Arnold	Planning Board Member
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Chairman

**Also, present**

Jim Martin	Zoning Administrator
Luke Michaels	Applicant for Michaels Group Homes
Raymond Apy	Applicant for Saratoga BioChar
John Munter	Consultant for Saratoga BioChar Applicant
Charles Dumas	Attorney for Saratoga BioChar Applicant
Matt Huntington	Consultant from Studio A representing Applicant Saratoga BioChar
Chad Stewart	Consultant for Saratoga BioChar
Andrew Millspaugh	Consultant for Saratoga BioChar
Gianni Cerrone	Applicant for Cerrone Builders LLC
Anthony Cerrone	Applicant for Cerrone Builders LLC
Joseph Dannible	Consultant for Cerrone Builders LLC

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

Chairperson Jensen This special Planning Board meeting on November 22, 2021 is called to order.

Chairperson Jensen The first item on the agenda appears to be missing.

Mr. Arnold For the moment.

Mr. Martin They're in the building they're just not present.

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 22nd day of November 2021 at 7:00 pm.

## **#1 Winterberry Subdivision**

### **Michaels Group Homes**

#### **Winterberry Lane Lot 2, Moreau NY**

#### **Stormwater Easement Proposal**

Mr. Michaels Luke Michaels with Michaels Group Homes. So we have a lot, 1 lot on Winterberry Lane which we are trying to put in a small drywell to help with some stormwater for the rear of the property. There were some grade changes to the site with house elevations, septic system locations, other existing homes that are there with fences and pools and what not are in the way of our previous drainage paths, so we have to create an area for the water to go, which would be a small drywell in the back-left hand corner of lot 2. So in order to install that we would want to add an easement along that left-hand side of the property, so the HOA can access that drywell for future maintenance. All the stormwater areas in Winterberry are maintained by the Homeowner's Association. The Homeowner's Association is already set up they're maintaining the storm ponds on site, so this will just be a small addition to what they already maintain.

Mrs. Mathias So are you taking this lot out or just adding an easement.

Mr. Michaels Yep, the lot is staying we just want to add an easement along the left-hand side of that property line.

Mr. Arnold And the drywell will be located..

Mr. Michaels In the back left, and that will collect all the water from this lot as well as the lot next door.

Mr. Martin Yeah, I think there was a pool installed too that affected the grade?

Mr. Michaels Yeah, so where the water was originally intended to go there's now fencing, a garden, a pool and other issues like septic systems.

Mr. Arnold How did that happen?

Mr. Michaels Well it's a private house.

Mr. Martin We have occurrences in the same subdivision homeowners are undertaking improvements, they own the lot to where the subdivision ends.

Mr. Arnold Okay so the stormwater system, some of these are just grass and sways, it should be on the deed that that area is restricted for revision right?

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 22nd day of November 2021 at 7:00 pm.

Mr. Michaels Yes, but its private property and in a lot of cases you see on that map, it says grade map. Lot 3 drains over lot 2, lot 2 drains over lot 1.

Mr. Arnold This is why I'm asking you because going forward into the future. What I'm getting the feeling here is that somebody sets up something like you had here with lot 3 drains to 2 and then to 1 that we can expect that this is not going to be the case.

Mr. Michaels It should be reviewed for additional permits that might be happening whether it's a pool, a fence things like that. They should be taken into consideration, at that point it's the homeowners committee.

Mr. Arnold So when the homeowner came in for a permit for a swimming pool, what you're saying is the building inspector didn't look at the site plan and said you can't do that there because that's a part of the stormwater plan.

Mr. Michaels I'm not necessarily saying that, but there are things in the way there and the water could potentially get there but I think this is just a precaution in case the water can't get there.

Mr. Arnold For the record I'm not concerned I appreciate what you're doing it's not a problem. But if we had another development in front of us who wanted to treat the water off the low spots in the back yard, what's to keep the homeowner from keeping them from saying hey I don't like that wet spot I'm going to fill it in. are you telling me the site plan doesn't really restrict that. You're saying you had no control.

Mr. Michaels Right. I wouldn't at that point unless the property is transferred, I have no right or approval.

Mr. Martin Well, there is kind of an interim period in this subdivision, there is a subdivision line SWPPP that's permanent and its open and it stays open until the Notice of Determination is issued and the Notice of Determination is not issued until the Final lot is sold and the submittal is stabilized.

Mr. Arnold So to me then that means that the developer still have an overbearing responsibility for the stormwater system.

Mrs. Mathias Not when it comes to permanent though, because in the permanent stage you could walk.

Mr. Michaels This is news to me, this is an unusual situation and in this case what we want to do is establish an easement.

Mr. Martin To me, in my opinion, this is a weakness in the system. The homeowner is not involved you know nobody is at fault. It's just there is no way to accommodate this kind of an occurrence. If somebody puts a pool in on property they own.

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 22nd day of November 2021 at 7:00 pm.

Mrs. Mathias and what's involved with the owner's group?

Mr. Michaels The Association? The Association that's in place right now, we are still managing the HOA but eventually we will turn over everything to the HOA and they will manage it.

Mr. Arnold But they do not manage the parts that are on private properties.

Mr. Michaels Correct.

Mr. Arnold They only manage the HOA owned properties.

Mr. Michaels That's correct.

Mr. Arnold So what I'm trying to get a grip on here is, do we need to in the future ask if the developer could put a deed restriction on a deed before it is sold that said there are certain areas on your lot that you cannot do something with.

Mr. Michaels I can say maybe. What also could happen is if there is a permit for a fence or a pool or something like that, it should be recognized that the area is involved with the stormwater grading or plan and if the pool is put in then arrangements need to be made for the grading around the pool.

Mr. Shaver So is lot 4 even sold?

Mr. Michaels Yes it has.

Mr. Shaver And these people are aware of this?

Mr. Michaels Yes, Yes they are. We had a meeting on site and went through the entire property, they want to get rid of the pond.

Mr. Shaver So was that part of the building permit process that they knew things were going to change around here.

Mr. Michaels Yes as part of the final CO, we have a temporary CO for the property so we can have this straightened out then it will be final.

Chairperson Jensen I think I have a question for you Mr. Martin in the instant. I've heard what is going to effect the stormwater, should it go back to the consultant for a SWPPP review?

Mr. Martin It has not gone back to the consultant. In my opinion, just my opinion you are obviously free to do what you want I don't think it needs to go back to the consultant. I think this is a relatively minor change, it did rise to the level of coming back to the board for your approval and there have been changes to the plan, but I don't think it rises to the further level to have a LaBerge review at this point.

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 22nd day of November 2021 at 7:00 pm.

Mr. Shaver If we are changing something then it should be reviewed, I don't know if I necessarily agree with that. You know, we can go to our professional engineers and come back to the board and say no we don't agree with that, I think this should probably be brought back to them. That's my opinion.

Chairperson Jensen Anything further from the Board.

Chairperson Jensen Okay Board what do you want to do.

Mr. Shaver I'll make a motion to send the SWPPP back to LaBerge for approval.

Chairperson Jensen A motion has been made to resend the Stormwater Plan to our consultants for review.

Mr. Shaver Right.

Chairperson Jensen Given the changes that have been made. A motion, do I have a second?

Chairperson Jensen No second, motion dies.

Chairperson Jensen Anything else you want to do Board?

Mr. Arnold Question to the applicant, this change doesn't in any way effect any other parts of the stormwater system?

Mr. Michaels No it doesn't affect any other stormwater ponds, anything like that its specifically for any water that's going to be in this backyard and access ways so that the HOA can service it. The HOA will own the system but not the land.

Chairperson Jensen Board anything further?

Mrs. Mathias I'll make a motion to approve this amendment.

Chairperson Jensen Additions or stipulations? No. A motion has been made, to approve the change to Winterberry Subdivision. I have a motion do I have a second.

Mr. Arnold I'll second for discussion.

Chairperson Jensen A motion has been made and seconded. Any further discussion.

Mr. Arnold Sure, So I'm still trying to wrap my head around this a little bit. So what you're telling me is if we approve this tonight, it's still not fine. Is there anything to keep the homeowner on lot 2 from building a fence that blocks the access for the HOA to get to the new revised storm water system that was blocked by somebody else putting a pool where they shouldn't have.

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 22nd day of November 2021 at 7:00 pm.

Mr. Michael Well I think that tonight with putting that easement on the property. We established that it is full access should the HOA need access over that there should be arrangements, whether it be if it's a fence, be a gate or something else we would be able to gain access to it. The HOA is going to have a right of access.

Mr. Arnold The easement is on the deed?

Mr. Michaels Yes it will be on the deed.

Mr. Arnold Good, that's all I needed to know.

Chairperson Jensen Board anything further for discussion.

Chairperson Jensen If not, all those in favor say Aye.

<b>John Arnold</b>	<b>Aye</b>
<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Peter Jensen</b>	<b>Aye</b>

Chairperson Jensen All those opposed.

<b>Mike Shaver</b>	<b>No</b>
--------------------	-----------

Chairperson Jensen Any abstentions? I have 4 in the affirmative and 1 oppose. Motion carries.

**A motion was made by Mrs. Mathias to approve the change to Winterberry Subdivision stormwater adjustment and seconded by Mr. Arnold.**

Mr. Michaels Thank you.

The Board dismisses the applicant.

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 22nd day of November 2021 at 7:00 pm.

## **#2 Saratoga BioChar**

**Raymond Apy**

**2-12 Electric Drive, Moreau Industrial Park, Moreau NY 12828**

### **Site Plan Review**

Project Description: Proposal of a carbon fertilizer production facility located in the Industrial Park in Moreau.

Mr. Apy Good evening my name is Ray Apy, I appreciate you formerly setting some time aside for us this evening. We were here in front of you in September, that's when we submitted our application for a project to construct a carbon fertilizer production facility in the Industrial Park in Moreau. We are back here in front of you this November with an update we are pretty close to a final site plan. We are also going to receive our DEC permit application for solid waste handling. Just for awareness I have a few folks in the room who are joining here tonight in case questions come up that would be better fielded by them. We have John Munter in case we have any construction, constructability or site development related questions. We have Charles Dumas our Attorney and we have also with us Chad Stewart from 3g Architects, so we have the designer of the facility for tonight's meeting. So with that I'd like to turn it over to Matt Huntington from Studio A Landscaping architecture with our updated site plan and we'll go from there.

Mr. Huntington Good evening, Matt Huntington with Studio A. The last time we were here we were coming here with a site plan that we had put in front of you for review, we have since updated a layout plan out with a grading plan, and various stormwater management that has been submitted. I'm not sure if LaBerge has any comments on that yet. Apparently the site plans as it stands remains very similar to the last iteration where trucks and cars would only be entering the site here, there is a truck scale at a central location that vehicles can get by either side of it. Trucks will then go around the rear of the building like delivery trucks of biosolid materials around the rear of the building and then pull into a receiving bay in this area. Most of the passenger car circulation for employees and visitors will use this parking lot and then circle back out. Currently there is municipal sewer and water on site that we plan to access as part of this, as for the stormwater perspective it was graded and divided into a few mobile drainage catch basins in the rear of the building here. All the stormwater is going to be infiltrated subsurface in a series of infiltrators. We got the results of the soil on site, it's pretty much sandy soil with depths of 10 feet or so the site is ideal for infiltration. It's a pretty simple stormwater plan, in the front of the building they have two infiltration basins. We control all of our post development stormwater flow equal to or less than what's existing out there which again as I said there's sandy soil there sometimes making puddles on site so from that perspective we've pretty much handled everything on that end and if you guys have anything to say or question wise.

Chairperson Jensen Board any questions?

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 22nd day of November 2021 at 7:00 pm.

Mr. Shaver How wide is that gravel road in the back?

Mr. Huntington This road right here, is a 12-foot access road, it's not meant for traffic circulation, simply maintenance work.

Mr. Shaver No I was just thinking, for a fire apparatus in case we had to get around the backside or something.

Mr. Huntington Yeah, there is ample opportunity to get around.

Mr. Shaver Okay so good base on the road and stuff like that.

Mr. Huntington I mean it's going to be gravel, but it will be 12 foot with subbase.

Mr. Shaver Okay. Are there going to be any hydrants around the back side of that?

Mr. Huntington Apparently we don't have any hydrants on site but that's something that hasn't been vetted all the way yet. We need to get with the fire department and see.

Mr. Shaver Oh okay, so you have plans to meet with them, the fire department.

Mr. Huntington Certainly Yeah and the fire protection within the building will be up to code.

Mr. Shaver Okay, good thank you.

Mr. Martin You show a faint circle on the west side of the building, is that where the stack is? Is there a stack?

Mr. Huntington These are storage silos

Mr. Martin No, not them. There is another circle shown to the right of those silos, is that where the stacks are?

Mr. Huntington This area that we are looking at? Right here, the sulfuric acid tank, most of this stuff in this area is all material storage for the functions.

Mr. Martin Is there a stack?

Mr. Stewart Yes.

Mr. Martin How tall?

Mr. Stewart The building height is about 45 feet the stack will come out above that, about a 75-foot stack.



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 22nd day of November 2021 at 7:00 pm.

Mr. Shaver Strictly exhaust, is that what you're talking about.

Mr. Stewart Correct.

Mr. Shaver Is that going to be all fenced in?

Mr. Huntington Yeah right now this is kind of a retaining wall, that kind of enclosed this area, this portion is a little bit higher, so access back here is literally only for employees or maintenance vehicles coming in there, there would be no reason to have visitors back in this area.

Mr. Shaver So you're just going to have it open just on the one end?

Mr. Huntington Yes, back in this area correct.

Mr. Arnold What other agencies are involved in licensing something like this?

Mr. Huntington That I can turn back over to Ray here. I can only speak on the site plans.

Mr. Apy So DEC for our environmental permits, the Town of Moreau obviously for our site plan approval and that's it obviously we'll be talking with the fire department for the hydrant to get that covered. We need to make sure that the sewer district that we're willing to work with can handle the affluent and there will be no surprises there.

Mr. Stewart Shouldn't be a problem.

Mr. Arnold And the affluent with the sewer there's nothing there that might be an issue as far as feeding back into the sewer system obviously they are taking stuff from the system.

Mr. Apy Correct. We would have to register the fertilizer as well.

Mr. Arnold Is that registered with DEC?

Mr. Apy It will be registered with DEC to get a permit to get a determination on the fertilizer itself.

Mr. Arnold What is the nutrient content again on that, I know it depends on the source of material but.

Mr. Stewart Probably 5- 10 depending on the phosphorus and calcium in the fertilizer, but there is also nutrients in there as well.

Mrs. Mathias How long does it take to get these DEC permits?

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 22nd day of November 2021 at 7:00 pm.

Mr. Apy Well that's an interesting question, so we had a productive meeting with Region 5 last week and the review of our application seemed very favorable we received a notice of incomplete application already which is unusually fast like the day after our meeting which we were all kind of surprised by, and the only thing requested was that they will need the Town's SEQR determination and it sounds like of course I can't speak for them, that's all they need. So actually one of our asks here today is my understanding is that if the Planning Board kind of issued a site plan approval and a SEQR determination in the same breath so to speak. In light of the DEC's letter which I provided to Jim, perhaps we could ask in advance it's my understanding that it be done at the same time but that would be more of our ask this evening and Andrew can break that down for us.

Mr. Millspaugh Andrew Millspaugh with Sterling Environmental, with the DEC permit application. As Ray mentioned part of the DEC's process is, all the things that they require on their application so the engineering report, facility manual, air models and all that, but they also need SEQR needs to be closed to have a complete application. They don't want to do a technical review and have an issue that hasn't met SEQR yet. So as the lead agency being the Planning Board the only item in there was the SEQR determination. Once they have that it will be viewed complete in their administrative process and they will proceed with the technical review and that review usually takes typically anywhere up to 6 months. Based on this meeting that we've had they said and with the notice of incomplete only having 1 item there is possible a 2-3-month window for issuing permits. The issuing of permits would be conditions on the actual site plan approval. It's our opinion that there is enough information that has been submitted the Board could make a SEQR determination or if there is additional information we ask what you would need to do that ahead of the site plan approval.

Chairperson Jensen Board any further questions for the applicant?

Mr. Arnold Who has oversight after approval, after the facility goes into production? You talk about DEC for permitting, is DEC the ones that come in a do tests, oversight as far as that goes.

Mr. Millspaugh So for example the air permit as submitted we've submitted for the full build out the 3-line facility, by proposing to do 3-lines it was going to be built sequentially, 1 line, 2 lines, 3 lines. So as submitted the whole build out is below the thresholds of a major facility, what they call a major facility on their conditions. They did have a level of comfort that it was going to be built sequentially because right now the emission levels are based on scale tests, modeling. So once the first line is built there are going to be permit conditions for actual stack testing to verify those emission factors that we used in the models are accurate since the full build out is proposed to be below facility thresholds certainly one line is going to be well below the facility threshold and then those emission impacts can then verify and if tweaks need to be made to ensure that those to a degree stay below the facility thresholds DEC is going to have involvement. Both permits airway permit and solid waste permit typically they issue those for 5-10-year permit terms that would be reviewed and renewed at the end of those permit terms. In between those times any substantial change or proposed change has to get approved by DEC so they're not going to be an approve and then go away type of agency. They tend to put more restrictions at first, then once they gain a level of confidence. So if it requires testing every year

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 22nd day of November 2021 at 7:00 pm.

for the first 5 years and then once they get a level of comfort with the system they might back it off to every other year or something like that, but they will be reviewing consistently.

Mr. Arnold Okay, thank you.

Mr. Martin So we left all this in August, they were to be on the September agenda, and they asked for a removal but at the August meeting we did authorize a coordinated review and the letter did go out we have sent to DEC, DOT, Saratoga County, Planning IDA, and the City of Glens Falls. So we had 5 agencies we reached out to I think if memory serves the only response we got back was from DEC and DOT and we haven't done a public hearing yet if they are interested in doing that.

Chairperson Jensen Board what do you want to do?

Mr. Arnold I'm trying to wrap my head around if I understood you. It sounds like you guys were looking for SEQR as quick as possible in order to get it to DEC.

Mr. Apy I didn't mean to say that we're in a rush. Just that they don't need to necessarily be issued at the same time.

Mr. Arnold I mean it's understandable I'm just trying to wrap my head around the sequence that we have. I would say this, and I don't know if this, it's hard to figure out how to word this. I'll blurt it how's that, I think that if we were not to do a public hearing for this we would probably wish we had. With that said it would affect our timing with SEQR.

Chairperson Jensen The letters have gone out to the agencies with a response from two.

Mr. Martin Yes and 30 days have certainly passed, and I think we have a, if you're considering December I think we have a placeholder for the PUD on Route 9 that's the first time slot I believe 7:01pm for the December meeting but other than that we have no other public hearings.

Mr. Arnold I think we have another one from last week.

Mr. Martin Oh that's right, you're right. You're correct we do.

Mr. Arnold The other question I have is, has the stormwater for his project gone out to the Town engineer.

Mr. Martin No, and the only thing that was holding it up was receiving the funds for the escrow, I think they might have been mailed.

Mr. Apy They were mailed and should be received by now.

Mr. Martin Okay, I haven't been in since Thursday so.

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 22nd day of November 2021 at 7:00 pm.

My. Apy Its probably here.

Mr. Martin If that's the case then it's just a matter of the account being established, and I can send it off to the engineer tomorrow.

Mr. Arnold So what's your view, will that review be back in time for a public hearing next month?

Mr. Martin Yeah, Typically on that first comment letter we get a bill within two or three weeks after the material is mailed off.

Mr. Shaver Jim could we get a couple meetings next month instead of having public hearings before the meetings.

Mr. Martin Um, yeah we could, I'll tell you how it works we typically wait to see how many applications come in on the first Monday and then that dictates the need for a second meeting. I've been pretty busy, we've got a lot of things in the hopper I think it's a better chance than not that we will have two meetings but that's a guess.

Mr. Shaver Would that be terrible tonight to schedule two meetings before the Monday?

Mr. Martin Um let's see here. I just want to count the days we have a meeting on the 13<sup>th</sup>, so I have to have the notice done by, yeah because we have to have the notices into the paper on December 3<sup>rd</sup>. So that could be done.

Mr. Shaver How does the Board feel about that.

Mr. Arnold Why would we do..

Mr. Martin or you could do the 22<sup>nd</sup>.

Mr. Arnold Is that because of the holiday?

Mr. Martin Yeah we've got the Harrison Avenue Apartments at 7:06pm

Mr. Arnold So if we were to schedule that for the 15<sup>th</sup> then we would definitely have to ..

Mrs. Mathias We could have the public hearing.

Mr. Arnold They should get those comments back, I mean as it is the comments may come back with discrepancies and then corrections have to be made and we'd have to move.

Mr. Bouchard So we are going to have 3 public hearings on the 20<sup>th</sup>?

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 22nd day of November 2021 at 7:00 pm.

Mr. Martin That's the first time that's happened.

Mr. Arnold and two of them aren't likely to have a whole lot of public.

Mr. Shaver I just don't want to see it get bogged down. I'm mean if we've got all this stuff coming then the 13<sup>th</sup> would be okay.

Chairperson Jensen It's up to you Board, what do you want to do?

Mr. Shaver I'll make a motion we go for a public hearing on the 13<sup>th</sup>.

Chairperson Jensen Motion has been made to hold a public hearing for Saratoga BioChar on the 13<sup>th</sup> of December. I have a motion do I have a second.

Mr. Mathias I'll make a second, but what's the time?

Mr. Martin 7:01pm would be an available slot. That would make them first on the agenda.

Chairperson Jensen Motion has been made and seconded any further discussion?

Mr. Martin The only other thing I would add is that would be a special meeting that night.

Chairperson Jensen Any further discussion I don't think this is really controversial all in favor Aye.

<b>John Arnold</b>	<b>Aye</b>
<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Peter Jensen</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>

Chairperson Jensen Opposed? Abstentions? Motion Carries.

**A Motion was made by Mr. Shaver to hold a Public hearing for Saratoga BioChar on Monday December 13, 2021 at 7:01pm and seconded by Mrs. Mathias.**

All in favor. None oppose. Motion carries.

Chairperson Jensen Okay now that we did a little housekeeping there that we had to do, seems that we scheduled your public hearing on that day I need a motion to hold a special meeting on December 13<sup>th</sup>.

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 22nd day of November 2021 at 7:00 pm.

Mrs. Mathias I'll make a motion to hold a Special Planning Board meeting on December 13<sup>th</sup> at 7:00pm.

Chairperson Jensen A motion has been made to hold a special meeting on the 13<sup>th</sup> due to an anticipated month full of applications to see. I have a motion do I have a second.

Mr. Shaver I'll second.

Chairperson Jensen I have a second any further discussion? All those in favor Aye.

<b>John Arnold</b>	<b>Aye</b>
<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Peter Jensen</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>

Chairperson Jensen Opposed? Abstentions? Motion Carries.

**A Motion was made by Mrs. Mathias to hold a Special Planning Board meeting on Monday December 13<sup>th</sup> and seconded by Mr. Shaver.**

All in favor. None oppose. Motion carries.

Mr. Arnold Do you have any questions for us?

Mr. Apy I don't that was it. Thank you.

The Board dismisses the applicant.

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 22nd day of November 2021 at 7:00 pm.

### **#3 Cerrone Cannabis Facility**

**Cerrone Builders LLC**

**2-6 Corporate Circle. Industrial Park, Moreau NY**

#### **Site Plan Review**

Project Description: Proposal for a 30,000 sq. ft of a light manufacturing Industrial building on lot 21 of Moreau Industrial Park. Stormwater will be managed on-site, Water supply and sanitary sewer services will be from the Town of Moreau municipal infrastructure. Project is to be located within the approved and partial construction Moreau Industrial Park which has received all required approvals and a negative SEQR determination.

Mr. Dannible Okay, I'm Joe Dannible with EDP Environmental Design Partnership here on behalf of Cerrone Builders and their applicant for a 30,000 sq. ft. light industrial building which will be located on lot 21 of Moreau Industrial Park, otherwise known as address 2-6 Corporate Circle. It's in the Industrial Park off Farnan Road. Just to let everyone know where we are looking we are I believe 2 lots immediately south from the previous application, Farnan Road extends from Bluebird Road down the Industrial Park we're looking at this parcel here to develop for our light industrial building. Projects within the M-1 zone, the use associated with this building is a cannabis growing facility which is a light industrial use and has been determined on previous applications when we were trying to put this thing in a C-1 zone this is an allowable use within the zone under site plan review. The existing lot generally was forest and I believe some of those trees are down this is an image from 2018, we haven't gotten an updated survey but in general the site is relatively flat with excellent sandy soils. Site plan, it's a 30,000 sq. ft building, just to orient the Board North is now to the left as oppose to the previous view where North was up. Along the top of the screen continuing a North South direction is Farnan Road the circle is a cul-de-sac to come off Farnan Road to provide access to 4 lots we are looking to developing one of those lots a 2.7 roughly acre parcel, 30,000 sq. ft building with 45-50 parking spaces off of corporate place we have tractor trailer delivery access to the rear of the building as well our trash enclosure service areas and services by municipal sewer, municipal water, stormwater management which will be managed either on site with onsite water quality and then contribute to an offsite system that was developed for the industrial park. I'm trying to get clarification on the original approvals on exactly how those numbers work together but certainly as we progress these plans and they get forwarded on to LaBerge for stormwater review that will certainly be vetted out we will be able to provide that information to the town and to LaBerge. Again I believe this is a fairly straight forward application with a light industrial building in an established light industrial park, this is where the Town is promoting this type of use with this type of facility as everyone is aware we have to post this out on Route 9 amongst other mix use, we heard loud and clear the Board's opinion of this use on that property and it was even suggested by several members the Industrial Park was where they wanted it. We found a piece of land in the Industrial Park, we are proposing the identical use, the identical building at this location. We are here tonight to start the site plan review process, I

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 22nd day of November 2021 at 7:00 pm.

will say the plans are very preliminary at this stage we want to get some feedback from the Board on studies if any additional studies are going to be needed. This land that we are looking at was part of a previous SEQR determination for the expansion of the Moreau Industrial Park so things like traffic, sewer, water usage were all looked at in that point in time. I think you'll find as we move forward that we're going to be within the standards that were set by that SEQR determination and I'm sure this Board can go through and either make a new SEQR determination or find that it is compliant with the original SEQR determination once we get there. I know we've got to get through some engineering, public hearings, and all the good stuff like that, but we wanted to put that out on the table so. We're here tonight to address any questions or concerns the Board may have so that we can continue. Thank you.

Mr. Shaver I'm confused on where the plot is, are they before the existing road right now?

Mr. Dannible Yes.

Mr. Martin Whose going to put in the road Joe?

Mr. Shaver That's my question.

Mr. Dannible This is the existing road that ends here at a cul-de-sac. The road ends here the road to the left will be extended at least down to the cul-de-sac and that's something we're working out with the current property owner, exactly how that road is going to be put in. Certainly this project will have to pay for a portion of that road the logistics of that are being worked out, there is a design for that road with stormwater management that's already built and approved so it doesn't require any additional review it just requires a building permit and oversight by the Town for the installation of that road. But yes it will have to be put in as part of this project or prior to this project.

Mr. Shaver So we're going to need approval for the water, sewer, and all that.

Mr. Dannible That is already part of the road extension, water and sewer was getting extended as part of that it is my understanding that the sewer and water usage within this area has already been approved by the Town for the Industrial Park and something we've got to go through and confirm but there should be very little request. There should not be any request for extension of water districts and sewer districts that was all done under a previous applicant.

Mr. Martin You don't have any exceptional water needs or usage for this.

Mr. Dannible No we're running like 3,000 gallons a day for sewer and water which is average.

Mr. Shaver Yeah that's minimal, I'd say equivalent to 10 houses.

Mr. Dannible Consistent with an industrial park.

Mr. Shaver Okay.



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 22nd day of November 2021 at 7:00 pm.

Mr. Arnold So I had a note here from my previous review of this and what you said contradicted what I was thinking so I'm going to ask you this. You're expecting to take tractor trailer deliveries to your shipping and receiving entrance.

Mr. Dannible It is accommodated, typically we wouldn't have anything more than a 30-foot box truck.

Mr. Arnold Alright so I'm going to argue right now that the design as it exists does not accommodate for tractor trailer size that's why I was asking. The design, the hammerhead and all unless you're planning on backing them up on Corporate Place.

Mr. Dannible Yes.

Mr. Arnold Okay.

Mr. Dannible That is a, it's an industrial park road where I assume that you could pull up and back in all in one and load on a low user road.

Mr. Martin So when they do the road Joe are they going to do both lanes on the cul-de-sac there.

Mr. Dannible Again that's something we need to work out, we may put in a temporary road until the rest of the park, these 4 lots get developed. There's potential that this use could expand and buy all 4 lots over time and that road would never need to be built. So I don't know, we don't want to go and build everything with the cul-de-sac at this time just enough to get us in and out of the site.

Mr. Shaver Is this going to be right next to the BioChar?

Mr. Martin No.

Mr. Dannible I think we are 1 lot away.

Mr. Martin They are 1 lot removed. They are up more, right where your pen is.

Mr. Shaver Okay, so they're right to the cul-de-sac.

Mr. Martin Correct.

Mr. Shaver Right before the pump station, cause that's where that road goes to the side there.

Mr. Martin Actually if you recall Mike the road that's going into BioChar is also the side road for the solar project.

Mr. Shaver Right, that's why I just don't know about the size of the road right now.

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 22nd day of November 2021 at 7:00 pm.

Mr. Dannible The property owner, he will buy and sell and let a light industrial building go in and once that entire industrial park starts taking off, we get user after user in there it all gets built out and its done.

Mr. Shaver Yeah.

Mr. Dannible I think that's good for the owners its good for the Town, it's good for the entire area.

Mr. Shaver So right now the Town does not own these lots.

Mr. Dannible Correct.

Mr. Martin No, I think the Town owned lots are basically in the upper righthand corner, there are a couple lots I think, up in that area but the rest is owned by an LLC.

Mr. Shaver But it's still a part of the industrial park.

Mrs. Mathias Isn't traffic info available for the GEIS on this site already?

Mr. Martin Yup, it was all done. I probably have to go down into the archives to pull it out, but I know it's done.

Mrs. Mathias Because all of a sudden, I mean the solar company is going to have one done.

Mr. Martin I think that with the two uses proposed so far, well this is a third, but two active ones in terms of having some regular traffic I think they are well within the parameters.

Mrs. Mathias We should probably see that just to make sure.

Mr. Martin Yup.

Mr. Dannible Certainly we'll provide a trip generation to see if its consistent with the original study.

Mrs. Mathias Yeah, perfect.

Mr. Shaver Why so many parking spaces.

Mr. Dannible Well we are figuring during shift change, we put in for parking for 40 to 45 people. There will be 20 or so people working at the facility at one time, during shift time for the whole operation.

Mr. Martin Are you going to have two or three shifts?

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 22nd day of November 2021 at 7:00 pm.

Mr. Dannible The question was two or three shifts? Two shifts.

Mr. Martin I think it's ideal. It's a win, win for the Town because Cerrone is still interested in the Route 9 site and they are exploring their options there I understand, but we will retain their business there in the industrial park where it should be. It's a good employment generator.

Mrs. Mathias What are you thinking for security like fencing?

Mr. Cerrone The laws are going to write that for us with whether outdoor cannabis are involved with the meeting of the perimeter of the property. Inside it's like a medical facility, you can't be out of sight by two cameras, at all times you have to be within sight of two cameras.

Mrs. Mathias But you're not going to have like a gate?

Mr. Cerrone No the facilities that I've visited were not gated, some of them whenever they were up against a neighboring property or that may have been near a bypass or something like that were gated.

Mrs. Mathias Okay.

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

Mr. Cerrone Oh sorry, Anthony Cerrone.

Mrs. Mathias, um, because I went back there today, ATV use is very prevalent around here, there are like 7 right of ways that lead to that location, so it's something to think about.

Mr. Cerrone That could very well be written into New York States law to need a gated fence with code access or whatever.

Mrs. Mathias Okay. Yeah, it's just something to think about.

Mr. Shaver Doesn't the park have some security people there, 24/7 I believe correct?

Mr. Cerrone I don't know about that. I don't know about there being any security guards, but every vehicle that leaves with a shipment is GPS tracked.

Mr. Arnold So to the south of your proposed site it says off site stormwater management there, can you explain that.

Mr. Dannible So this is something we are trying to get a better understanding on, this is designed as part of this phase of the industrial park run off from the roads and my understanding is from the lots, however we may need to treat the water quality volume on our own lots before its added into the confined system for the road. This is designed, we did not design as part of what was designed in the previous roads.

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 22nd day of November 2021 at 7:00 pm.

Mr. Arnold And it's on another lot.

Mr. Dannible Correct.

Mr. Martin And this is also several generations ago.

Mr. Arnold Right. That's fine, I mean I don't mind if that's part of the plan for the park, it's just on somebody else lot. Sooner or later someone might want to develop that and they're going to have a storm water.

Mr. Dannible This is approved as part of ..

Mr. Arnold That leads me to my next question if this is approved as a shadow of the past that goes away do you have room on your site to treat the stormwater from your project on your own site?

Mr. Dannible Yes, we do have ample room on our site to handle all our own stormwater.

Mrs. Mathias Yeah, that's way better then what's in front of us which may be over designing it.

Mr. Dannible Yeah, but it was approved and that's why I'm saying typically what we do when we have these large combined basins we come in under the new regulations so we have to do all the water quality treatment on our property and then it would discharge to a greater basin. That's typically how those regulations fit together.

Mr. Arnold I'll just make a statement based on my previous question, I don't know if I'm super comfortable with the concept of planning to back trucks up off the road. I know it's an industrial park, it's not Route 9 I get that, but for very little bit of design you could put a turnaround in there and the tractor trailer can pull out and that doesn't mean you have to put it in now, you said right now you are looking at 30 foot trucks. You could always put in a little line that says proposed addition if tractor trailers become more frequent. Right now you're probably right, it's no big deal but it goes up to 3 lots developed and all of a sudden you have 50 or 60 cars coming in as people coming to work and all that and a tractor trailer backing out of there would not be such a great point.

Mr. Dannible It's a cost, not a cost analysis but it's an analysis of do we want the additional impervious area on site creating more stormwater management for purposes of maneuvering tractor trailers on site.

Mr. Arnold You're talking about a patch of asphalt that's about 20 feet long.

Mr. Dannible its 20 feet wide by 120 feet long to accommodate turning around a tractor trailer its actually quite a large area. It's something we can look at, I think we can accommodate it, I was trying to reduce impervious on the site so that we can use other existing impervious. I know I've been in several urban areas I do a lot of town center type redevelopments where you

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 22nd day of November 2021 at 7:00 pm.

have a significant amount of restaurants and those restaurants are being serviced right from the main roads or backing into drive-thrus on the main road in order to accommodate that.

Mr. Arnold And the truck driver and the people in the cars waiting would love to have better planning. This is the reason why I'm bringing it up now is because this is ink on paper and it's so much easier to make. Like I said I may be the only one that's concerned with a truck backing in I'm just saying I would be happy with just a note on the map that says this could be used for in the future.

Mr. Shaver Can I jump on that just a little bit, Its just my experience in being around industrial parks, that's the reason they are build the way they are and you find a lot of tractor trailers that's what they do, they use the road to back in there because it's an industrial park it's not a residential area – So I don't want to disagree with you John but I don't think it's something that's a detriment either because its built for trucks to move in and out that's my opinion so.

Chairperson Jensen Well you have to look at the wishes here for this applicant to the determinant of the other applicants. Do we move ahead and stop this before it gets out of hand.

Mr. Arnold I can say if you go to Geyser Park, then with Quad Graphics, Ball Metal, and everything else there are no trucks parked and backing in off of the main transportation routes. They pull into the facility and they have a spot there that they back in from, so they get them off the main road. Like I said right now it sounds like a stupid argument if you look at the picture it's a bunch of trees, okay but if those other lots develop around the cul-de-sac it could be a bit of an issue. I'm hoping it becomes an issue, I hope you have so many shipping and receiving, so all I'm asking is for provision on the site plans that says if its necessary, this is where it would go and we cold put it there, okay. I'm sure you look like a masterful engineer, I'm sure that you can find a way to deal with that small stormwater issue.

Mr. Dannible We can figure out almost anything.

Mr. Arnold So I'm not saying it has to be put in, I'm not saying it has to be drawn and shaded here, you could just put a little dotted line saying if we did need this, this is where it would go and this is what we would have to do for stormwater. We could even draw a little dotted line with stormwater treatment portion which would say this would be for if we put it in, and until there is development for those other three sites as far as I'm concerned you can back in off the road. But that way in the future for some reason if it does become an issue, it's already, the provisions are already there, and it can be handled like that.

Mr. Dannible Understood.

Mr. Arnold And you would be proactive, isn't that awesome?

Mr. Dannible We always try to be on the cutting edge.

Mr. Arnold Is there licensing on any of the exhaust or anything, I asked the same of the BioChar facility. You have DEC permitting for air quality releases or anything like that?

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 22nd day of November 2021 at 7:00 pm.

Mr. Cerrone No as far as my understanding goes, it is still going to be written into the laws of New York State with these facilities as far as, odor? You're talking about?

Mr. Arnold You said the scrubber is for the odors, I meant any kind of exhaust you'd be emitting from the facility because it is a closed environment.

Mr. Cerrone No, not that I'm aware of.

Mr. Arnold Okay.

Mrs. Mathias What's the timing of this.

Mr. Cerrone They are saying for now, 12 months.

Mrs. Mathias Okay.

Mr. Martin I heard the earliest is 12months, 1 year.

Mr. Arnold For licensing?

Mr. Martin Yeah.

Mrs. Mathias Joe, to modify this stormwater who do you have to go through? Is it the Town or is it the property owner, do you know, to move away from that plan?

Mr. Dannible I don't know the answer to that question, this is an approved site plan they could come with building permits tomorrow and build exactly what is on there. I don't know that the landowner would want a modified and approved plan to build. I don't know the answer to that if that's the case then I'm sure its something that LaBerge is going to make up follow current standards as they exist today.

Mrs. Mathias Yeah, okay.

Chairperson Jensen Board anything further?

Mrs. Mathias Do you have to bring power down there, will they do that?

Mr. Shaver they'll have to bring all the utilities from the road.

Mr. Martin There's underground power is that right?

Mr. Dannible I believe the rest of the park has underground power.

Mr. Shaver Is there natural gas there?

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 22nd day of November 2021 at 7:00 pm.

Mr. Dannible I don't know. If you're going to develop an industrial park I would assume that you have power, gas, and electric.

Mr. Martin I'm going to try to pull the old GEIS on this, its down in the files. I've seen it, its several books I just need to see if it's there.

Mrs. Mathias Do you need natural gas?

Mr. Cerrone No, mostly growing facilities will use electricity, I mean maybe for heat or something like that.

Mr. Dannible It's basically a general 30,000 light industrial building, don't think of it as a specialized environment for the plants.

Mr. Martin what's your time frame, are you looking to advance on a preliminary next month or the month to follow.

Mr. Dannible We will need more then a week or two for full detailed plans so probably late January.

Mr. Shaver I like the idea of creating jobs down there.

Mr. Arnold Absolutely.

Mr. Martin I think its ideal.

Mr. Arnold I would like to commend the applicant, to take the extra step and looking into the industrial park. Sometimes applicants get like "This is what we propose" and it becomes an argument instead of a process and this is really good.

Mr. Cerrone It would be a shame for this tenant to leave this town, creating jobs would be great.

Mr. Dannible As long as the Planning Board approves it in January.

Mrs. Mathias So Anthony, you get approval spring 2022, would you start building without your license or would you wait?

Mr. Cerrone Spring 2022, yeah I don't know. I would love to jump on the gun on that but I mean it would be so risky so I don't think we would.

Mrs. Mathias Okay.

Mr. Martin I don't know how you could do that without knowing all the requirements.

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 22nd day of November 2021 at 7:00 pm.

Mr. Arnold Especially looking at extending.

Mr. Dannible There is a lot of infrastructure other than just the site plan like building roads, that can take a year in itself just to get those in. So I think at the most you could get the place ready and wait for the building permit.

Chairperson Jensen As it is consistent with the other residents in the park, we're going to ask you to contact the state for an update on any change to their endangered animals and plants.

Mr. Cerrone Okay.

Chairperson Jensen Contact them, they have to acknowledge it.

Mr. Arnold Yeah, I don't think any historical stuff has happened since this has come up in front of the board last time but just in case something moved in.

Mr. Cerrone How advanced in their plans in BioChar?

Mr. Martin they are going to be a while, they've indicated 4-6 months for technical review for the air permit. So I think the earliest they could have an air permit approval would be June or July. One of the things they have to do in their air permitting is to get a complete application which includes their SEQR complete. So if the board does SEQR next month then they've got a complete application and the time clock starts.

Mr. Cerrone I think it's going to be busy on Farnan Rd.

Mr. Martin I think the property owner certainly has the equipment to do the work.

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

Chairperson Jensen Do you have any further questions for us?

Mr. Dannible No I think I'm all set, I know what the Board is looking for and we look forward to coming back. Thank you Happy Thanksgiving.

The Board dismisses the applicant.

Mrs. Mathias I'll make a motion to adjourn this meeting.

Mr. Arnold I'll second it.

Chairperson Jensen A motion has been made and seconded all those in favor say Aye



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 22nd day of November 2021 at 7:00 pm.

<b>John Arnold</b>	<b>Aye</b>
<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Peter Jensen</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>

**A motion was made to adjourn tonight's Planning Board Meeting for the November 22nd, 2021 by Mrs. Mathias and seconded by Mr. Arnold.**

**All in favor. Motion carries**

Meeting was adjourned at 8:09 pm.

Respectfully submitted,

*Katrina Flexon*