

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 17th day of October 2022 at 7:00 pm.

**Town of Moreau**  
Planning Board Meeting  
Monday, October 17, 2022

**Planning Board Members Present**

John Arnold	Acting Planning Board Chairman
Meredith Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Erik Bergman	Planning Board Member
Adam Seybolt	Planning Board Member

**Also, present**

Jim Martin	Zoning Administrator
Katrina Flexon	Meeting Secretary
Nick Outterson	Applicant for Moreau Animal Clinic
Matt Huntington	Studio A Consultant for Moreau Animal Clinic
Sue Peters	Moreau Resident
Kristina Yelle	Moreau Resident
Kate Lively	Moreau Resident
Gianni Simione	Applicant for Cerrone Builders South Rd 4-Lot Subdivision

The meeting was called to order at 7:02pm by Chairperson Arnold

**Approval of Minutes** The minutes from May 12, 2022; June 20, 2022; July 18, 2022, were prepared and presented to the Planning Board in advance of the meeting for review, comment, correction, and approval.

**Chairperson Arnold** asks the Board if there are and comments, corrections, or additions regarding the May 12<sup>th</sup>, 2022, Meeting Minutes.

**Ms. Purdue** states she sent an email this evening regarding both May 12 and June 20<sup>th</sup> meeting minutes. She states because of the substance and nature of the additions she suggests she would like to see revised minutes before the Board approves them. In the May 12<sup>th</sup> meeting minutes, which is the public hearing for the Saratoga BioChar project she states it appears there is not much substance relative to the public comment that they had during that meeting. She said she understands there was a problem with the recording, but she is wondering if there can't be some additional effort made to rebuild that record. Ms. Purdue states she believes the public comments are important and should be reflected in the minutes.

**Chairperson Arnold** states there were written statements submitted.

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**Ms. Purdue** states she was under the impression the written statement was missing as well.

**Ms. Flexon** offers to attach the written comments submitted at the public hearing meeting to the May 12<sup>th</sup>, 2022, meeting minutes.

**Chairperson Arnold** states that is a reasonable option.

**Ms. Purdue** states she would like to see that revision. She adds there are several motions she made that need to be clarified. She states the minutes are very fuzzy and incorrect.

1. She made a motion to rescind the prior SEQR declaration. She states there is an attachment on the email she sent out earlier this evening for reference. She would like the minutes to refer to more specifically to the information she was relying upon as the basis for that motion.
2. She made a motion to retain an independent consultant to assist the Board in its review of the project. She adds there was discussion by other Board members, she cannot exactly recall who said what but there was a general consensus that the Board would retain an independent expert. She states there was a second and the motion passed unanimously. She states all of this information is just missing and she would like to see that information in the minutes. She recalls discussing it before and is not sure why it's not cleared up.

**Chairperson Arnold** clarifies that she wishes the Board to hold off on approval until they see the revision of the minutes. He adds this can be a motion to have the revisions done prior to approval.

**Ms. Purdue** states she would like to see them first and moves for revision for resubmittal of the minutes for review and approval.

**Chairperson Arnold** states there is a motion for corrections and additions for the May 12, 2022, meeting minutes. He asks if there are any other discussions.

Chairperson Arnold ask if all in favor say Aye.

**Results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>

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<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

All in favor, none opposed, motion carries

**A motion was made by Ms. Purdue to have the above states additions and corrections submitted to the Board prior to approval and seconded by Mr. Shaver.**

**Chairperson Arnold** requests that the written public comments be added to the bottom of the meeting minutes.

**Chairperson Arnold** asks the Board if there are any comments, corrections, or additions regarding the June 20<sup>th</sup>, 2022, Meeting Minutes.

**Ms. Purdue** states she has a couple adjustments, and she would like to see them revised before the minutes are approved.

1. She explains in the draft it is stated that Mrs. Buettner said noise, odor, and air emissions were not in the Boards purview. She would like it to be clear that she stated the Board did have authority to consider these items as part of the site plan review, and they should be considered as matters of concern.

**Chairperson Arnold** states he agrees with that point.

**Ms. Purdue**

2. She states that Mrs. Buettner also stated the Board was deemed to have approved the site plan as the Board failed to act on the application by February 14<sup>th</sup>. This is not in the minutes and should be. She would like to clarify that she disagrees with that position as others might have as well and pointed out as of mid-February the project application was still incomplete. The Board had discussed omissions and inconsistencies in the documents submitted to the Board at its meeting on January 24<sup>th</sup>. She continues Mr. Martin later reported that he conveyed those concerns to the applicant and requested that the applicant provide additional materials by the end of February in anticipation of further discussion and review of the Board meeting in March. She asked Mr. Martin and Mrs. Buettner at that time how could the Board overlook a deadline for approval, and what plans could have been approved of February 14<sup>th</sup> given the inconsistencies in emissions but there was no response.
3. She had some concerns regarding this discussion of the need for an independent review, she states the meeting secretary touched upon it, but she would like it to be clear that the Board did have a scope of work that had been reviewed and

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commented on by both Mr. Martin and Mrs. Buettner in anticipation on the meeting on June 20<sup>th</sup>. In her view the revised draft adequately reflected comments from the Board at the June 6<sup>th</sup> meeting as well as their own concerns so the revised scope of work was acceptable and should be sent to the consultants that the Board had identified at the meeting on June 6<sup>th</sup>. She would like attached a copy of the revised scope of work as an exhibit to the minutes.

**Chairperson Arnold** asks, considering the substantive nature of those revisions, that the Board does not move on to approve the June 20 minutes, until they see a copy of the revision. He adds this is his personal opinion, if the Board would like to approve them that is fine, but he would like to see a revision before they make a motion on it.

**Chairperson Arnold** asks the Board if anyone would like to make a motion on the minutes.

**Ms. Purdue** makes a motion to make the revisions stated above and for the Board to review the minutes again as revised when submitted again for approval.

**Mr. Shaver** seconds the motion.

Chairperson Arnold asks the Board if all in favor say aye

**Results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

All in favor, none oppose, motion carries

**A motion was made by Ms. Purdue and seconded by Mr. Shaver to make the revisions stated above and for the Board to review the minutes again as revised when submitted again for approval.**

**Chairperson Arnold** asks the Board if there are any comments, corrections, or additions regarding the July 18<sup>th</sup>, 2022, Meeting Minutes.

**Chairperson Arnold** states there is a typo. He is not sure where because the minutes are not in front of him at the moment, but somewhere there was a discussion about the

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level of clearing on a project. He believes it's the Stone project. There is a misspelled word that says TOE acres, he thinks it was supposed to be Ten or Two.

**Ms. Flexon** acknowledges the typo and will correct the TOE word in the minutes.

**Chairperson Arnold** asks if there is a motion to approve the July 18<sup>th</sup>, 2022, minutes as existing or with an amendment?

**Mr. Bergman** makes a motion to accept the July 18<sup>th</sup>, 2022, meeting minutes as amended.

**Mr. Seybolt** seconded the motion.

**Chairperson Arnold** asks If all in favor say aye.

**Results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

All in favor, none oppose, motion carries

**A Motion was made by Mr. Bergman to approve the July 18<sup>th</sup>, 2022, Planning Board meeting Minutes as amended and seconded by Mr. Seybolt.**

**Moreau Animal Clinic**

**Nick Outterson**

**2 Nolan Road**

**Public Hearing, Traffic Study Review, Final Review**

**Mr. Huntington** stated the latest update is the third-party traffic review which has come in from Labella. The Letter confirmed the majority of Creighton Manning's findings. The was one comment that discussed clearing along route 9 and Nolan Road, keeping the area clear of vegetation. He states they have proposed low vegetation growth near the infiltration basins which will all be below the car window view. He adds there are a few red maples that can be limbed to keep the area open.

**Mr. Shaver** asks if the test wells still out there.

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**Mr. Huntington** states they did test pits out there, but he didn't see any PVC test wells. He adds there is an old electrical pressure treated 2 by 4 panel.

**Mr. Shaver** states there were some test wells that have to do with the GE.

**Mr. Martin** states he doesn't have any information on it and didn't know that the site was under investigation.

**Mr. Outterson** states the test wells were there, they called DEC and states, and no one could tell them if they were active.

**Mr. Huntington** states nothing showed up on the SEQR analysis.

**Mr. Outterson** states there were stage 1 and stage 2 environmental studies with the bank, and nothing showed up.

**Mr. Shaver** states they were put there during litigation with GE.

**Mr. Martin** asks to get copies of phase 1 and 2 of the environmental studies.

**Mr. Outterson** confirms.

**Mr. Shaver** states he just wants to make sure they were cut off at ground elevation.

**Mr. Huntington** states he assumes its abandoned now.

**Mr. Shaver** asks how they are doing with the vegetation in the back with the neighbors.

**Mr. Huntington** states there are plants and trees along in the buffer area, heavily planting a buffer. He adds they plans to leave as much as they can behind the septic area.

**Mr. Martin** asks if they have the limits of clearing shown on the plans.

**Mr. Huntington** states it's the red dotted line. Basically, it's the red dotted corner that will not be disturbed. The rest is getting a buffer planting.

**Ms. Purdue** asks if they received a final letter response from LaBerge regarding the SWPPP.

**Mr. Huntington** states he believe that came in July.

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**Mr. Shaver** asks the applicant if they are all set with water, if they will tap in off Nolan Rd. He also asks if they intend to do a septic system. He also asks if special septic needed.

**Mr. Huntington** confirms they are all set with water. They will come off Nolan Rd. He states they are doing a septic system and there is no special system needed. The applicant does not flush medication or high strength waste to the toilet.

**Mr. Outterson** states the biohazard waste gets specialty shipped by a biowaste company.

**Mrs. Mathias** asked if they have contacted National Grid about the pole, and if there is any reason why the applicant couldn't plant any trees at the edge of the parking lot, where the retaining wall is. She adds there was a comment from a neighbor to plant that whole edge.

**Mr. Huntington** stated they have not contacted National Grid. He added usually they leave it on the contract. He states they have plans to plant ostrich fern that grows 3-4 feet in the air on top of the retaining wall.

**Chairperson Arnold** asks the Board if anyone else has any questions or comments for the applicant.

**Mr. Martin** states there was a public hearing left open on this application.

**Chairperson Arnold** states it was left open to get the results of the Traffic study and the Board doesn't have any questions on that.

**Chairperson Arnold** states, if the public hearing is still open, they can still take comments. He asks if there is anyone who wishes to speak regarding the application Moreau Animal Clinic Site Plan for Nolan Road.

**Sue Peters** introduces herself and states as the current neighbor of the Moreau Animal Clinic she assures the Board that they have made more improvements on the current building and surrounding area in the past 4 years than has been done in the past 20 years. She's lived there for 22 years, thinks the applicant is a conscientious neighbor.

**Kristina Yelle** – states the applicant has taken care of their pets for years and it would be a shame to see them leave. She adds they are just growing out of their space.

**Kate Livley** – states the folks at Moreau Animal Clinic have been professional, take very good care of their pets. Can't imagine anyone not wanting them as a neighbor.

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Chairperson Arnold closes the public hearing at 7:25 pm

**Chairperson Arnold** states he will move on to SEQR, He asks the Board if everyone has looked at section I of SEQR.

The Board replies yes.

**Chairperson Arnold** states the only issue he had, was he questioned the adjacent uses of forest. He adds the only forest he knows of at the site they are proposing for the project, and he wouldn't call that forest.

**Mr. Huntington** states that is a mistake on the form. He states sometimes while filling it out you can't uncheck something once you've checked it.

**Chairperson Arnold** states they will move onto section II of SEQR the short form. He states there are two answers, and it is Board participation. The choices are No to Small impact may occur or Moderate to Large impact may occur.

The Chairperson reads the short form questions.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?

The Board replies No.

2. Will the proposed action result in a change in the use or intensity of use of land?

The Board replies No.

3. Will the proposed action impair the character or quality of the existing community?

The Board replies No.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

The Board replies No.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

The Board replies No.



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6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonable available energy conservation or renewable energy opportunities?

The Board replies No.

7. Will the proposed action impact existing: A. public / private water supplies? B. public/ private wastewater supplies?

The Board replies No.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

The Board replies No.

9. Will the proposed action result in an adverse change to natural resources ( e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)?

The Board replies No.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

The Board replies No.

11. Will the proposed action create a hazard to environmental resources or human health?

The Board replies No.

**Chairperson Arnold** asks the Board if anyone would like to make a motion for SEQR Part III.

**Mr. Bergman** makes a motion for a negative declaration on the Moreau Animal Clinic EAF.

**Ms. Purdue** seconds the motion.

**Chairperson Arnold** asks for a roll call.

**Roll call results as follows:**

**Meredithe Mathias Aye**

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<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

All in favor, none oppose, motion carries

**A Motion was made by Mr. Bergman for a negative declaration on SEQR for the Moreau Animal Clinic and seconded by Ms. Purdue.**

**Mr. Bergman** makes a motion to grant site plan approval for the Moreau Animal Clinic application.

**Mr. Shaver** seconds the motion.

**Chairperson Arnold** asks if there is any discussion on the site plan approval for Moreau Animal Clinic.

**Mr. Martin** asks what the date is on the final drawing.

**Mr. Huntington** states he doesn't think its changes since July. He believes that was the last submission they had which was a July submission with LaBerge's comments.

**Mr. Martin** suggests the motion reference the July site plan as the official plan for signature.

**Mr. Bergman** amends the motion to indicate the July site plan.

**Mr. Shaver** states he is good with this.

**Chairperson Arnold** asks the Board if all in favor say Aye.

**Roll call results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

All in favor, none oppose, motion carries

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**A Motion was made by Mr. Bergman to approve the July final site plan for the Moreau Animal Clinic and seconded by Mr. Shaver.**

**Chairperson Arnold** asks if there is any other motion the Board would like to make at this time.

**Mr. Bergman** makes a motion for the Chairperson and one other member of the Board to sign the final plan mylars for Moreau Animal Clinic project when presented to the Building Dept.

**Mrs. Mathias** seconds the motion.

**Chairperson Arnold** asks the Board if all in favor say Aye.

**Roll call results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

All in favor, none oppose, motion carries

**A Motion was made by Mr. Bergman for the Chairperson and one other member of the Board to sign the final plan mylars for the Moreau Animal Clinic project when presented to the Building Dept.**

The Board thanks and dismisses the applicant

#### **4-Lot Subdivision South Road / Rt 9**

**Cerrone Builders**

**South Rd, Route 9**

**Final Review**

**Mr. Simone** introduces himself and states they came in front of the Board to get 4-lots approved to be built on South Road. He reflected on the Board's decision to not build driveways on Route 9. Due to this, the applicant places 4 driveways on South Road.

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They went in front of the Zoning Board to receive a variance for relief of the minimum lot width.

**Mrs. Mathias** asks if this was approved originally in 2021?

**Mr. Martin** states no, it was submitted in 2021 and it's been in for a sketch plan, and they had to go in for a variance.

**Mr. Simone** states they has so much work they put the project on hold until they got closer to the site to continue, now that they are working in the Preserve subdivision they have begun work again on this project.

**Mr. Martin** explains the Town didn't get anything for months, and when the project did come back it needs to get the variance application process which was done he believes two months ago. The approval was given for the minimum lot width, so they are back to restart the subdivision review process. He adds they are formally at preliminary stage, there hasn't been a public hearing yet. He believes the Board has a lot layout that has been finalized.

**Mr. Martin** states from a staff standpoint he agrees with the Planning Board whole heartedly about the driveways not being on Route 9.

**Ms. Purdue** states her recollection was the last time this project was in front of the Board they only had the sketch plan stage. She asks if there are other documents associated with this like Mr. Martin's staff notes.

**Mr. Martin** states he does not have staff notes on this project just yet, but he will have them in time for the public hearing.

**Ms. Purdue** asks if there is a sketch plan application.

**Mr. Martin** states no, there is a sketch, preliminary and final, the applicant has submitted the preliminary and final.

**Chairperson Arnold** asks the Board if they have any questions.

**Mr. Martin** asks the applicant how much acreage they will be disturbing.

**Mr. Simone** states it's in the application he's not sure.

**Mr. Martin** states its 61,000 which requires having a SWPPP review. They do not have that yet.

**Mr. Simone** states yes.

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**Ms. Purdue** asks what the lot size is here.

**Mr. Martin** states its an R3 the minimum lot size is 60,000 acres or 1.5 acres. He adds his immediate observation is that the limits of clearing are realistic in light of the amount of excavation that will have to be done.

**Chairperson Arnold** asks if the applicant will have the SWPPP in by the submission deadline to be on the agenda for November 21<sup>st</sup>.

**Mr. Simone** states he will get to work on it tomorrow. He would like to be ready to work in the spring.

**Chairperson Arnold** asks the Board what they think on the matter. Do they want to schedule a public hearing?

**Mr. Bergman** makes a motion to schedule a public hearing for the 4-lot subdivision on South Road for 7:02pm on Monday November 21<sup>st</sup>.

**Mr. Seybolt** seconds the motion.

**Chairperson Arnold** asks if all in favor say Aye.

**Results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Aye</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

All in favor, none oppose, motion carries

**A Motion was made by Mr. Bergman to schedule a public hearing for the Cerrone 4-lot Subdivision on South Rd at 7:02pm on November 21<sup>st</sup> and seconded by Mr. Seybolt.**

**Mrs. Mathias** asks if the applicant will update their SEQR form as they get closer to the final review.

**Mr. Simone** confirms they will.

The Board thanks and dismisses the applicant

**Chairperson Arnold** states there is a clerical item that needs to be addressed from the previous meeting back in August. He explains at the end of the approval process the

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Board did not make a motion for the Chairperson and one member to sign the mylars once presented to the Planning Dept for the Saratoga BioChar project. He asked if someone would like to make that motion.

**Mr. Bergman** makes a motion to have the chairperson and one-member of the Board sign the mylars for the Saratoga BioChar project one presented to the Panning Department.

**Mr. Seybolt** seconds the motion

**Chairperson Arnold** asks the Board if all in favor say Aye.

**Results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Nay</b>
<b>Mike Shaver</b>	<b>Nay</b>
<b>John Arnold</b>	<b>Aye</b>

4 in favor, 2 oppose, motion carries

**A motion was made by Mr. Bergman and seconded by Mr. Seybolt to have the Chairperson and one member of the Planning Board sign the final mylars for the Saratoga BioChar Solutions LLC project once presented to the Planning Department.**

**Chairperson Arnold** states that is all the business they have to discuss this evening, the updated code will be discussed at a later meeting when Mrs. Buettner can attend.

**Chairperson Arnold** asks the Board if there is anything else for discussion before they adjourn.

**Mr. Shaver** states yes, he spoke with Mr. Martin prior about items that planning board is approving and now being met, this involves code enforcement.

**Mr. Martin** states he will speak with Mr. Bachem the Town's code enforcement officer and get him to attend the next meeting to discuss with him doing a monthly report for the Board to review.

**Chairperson Arnold** asks if anyone would make a motion to adjourn the meeting, with a view toward further discussion of enforcement issues following adjournment.

**Mr. Bergman** makes a motion to adjourn tonight's planning board meeting.

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Ms. Purdue objected to discussion of record.

**Mr. Seybolt** seconds the motion.

**Chairperson Arnold** asks the Board if all in favor say Aye.

**Results as follows:**

<b>Meredithe Mathias</b>	<b>Aye</b>
<b>Adam Seybolt</b>	<b>Aye</b>
<b>Erik Bergman</b>	<b>Aye</b>
<b>Ann Purdue</b>	<b>Nay</b>
<b>Mike Shaver</b>	<b>Aye</b>
<b>John Arnold</b>	<b>Aye</b>

5 in favor, 1 oppose, motion carries

**A Motion was made by Mr. Bergman to adjourn the planning Board meeting of October 17, 2022, and seconded by Mr. Seybolt.**

Meeting was adjourned at 7:52pm

Respectfully submitted,

*Katrina Flexon*