

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 16th day of May 2022 at 7:00 pm.

Town of Moreau
Planning Board Meeting
Monday, May 16th, 2022

Planning Board Members Present

John Arnold	Acting Planning Board Chairman
Meredithe 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
Josh O'Connor	GPI Consultant for applicant Drake Petroleum
Michael Cucchiara	representing applicant Nexamp
Liza Schepps	Consultant representing applicant Nexamp
Kristin Darrah	Representing applicant Shawn McKenna
Shawn McKenna	Applicant
Michael Fingar	Applicant
Chris Koenig	Consultant representing applicant U.S. Light and Energy

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

Approval of Minutes

Chairperson Arnold asks the Board if they have any questions on the November 22, 2021, meeting minutes. Are there any additions, deletions, or corrections.

Mrs. Mathias identified some typos and sent them to Ms. Flexon in an email for corrections.

Mr. Bergman makes a motion to accept the November 22, 2021, meeting minutes as amended.

Ms. Purdue seconds the motion.

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

Adam abstains from the vote

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Results as follows:

John Arnold	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Erik Bergman	Aye
Meredith Mathias	Aye

5 in favor, none oppose, 1 abstention

A motion was made by Mr. Bergman and seconded by Ms. Purdue to accept the November 22, 2021, Planning Board meeting minutes as amended.

**# 1 Alltown Fresh
Drake Petroleum Company Inc
1401 Route 9
Site Plan Final Review**

Project Description: Applicant is proposing redevelopment of the lot for construction of 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)

Mr. O’Connor of GPI presented site plan for Alltown Fresh, he states prior to seeking a final approval the Board needed some addressed outstanding comments from the traffic consultant Creighton Manning and also to circulate plans and get a response from the Fire Chief of South Glens Falls fire department, both he states have been completed. They received a letter from Creighton Manning stating they have no issue with the plan as presented and they got feedback from Mr. Corlew of the fire department stating they have no issues either. He is in front of the Board to ask for a final approval on the project.

Mrs. Mathias asks if the applicant is going with a sidewalk on the property, and she mentions seeing construction barrels on the site already. She also asks when construction is going to start.

Mr. O’Connor states they are putting in a sidewalk for the project and the barrels are on site to get people accustomed to them gearing up for construction on the property. He adds the construction for the project will start immediately, they are pending delivery of fuel tanks already and duration would be approximately 1 year.

Mrs. Mathias asks concerning drainage, once the pavement is pulled up if they think this will improve the drainage from the property.

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Mr. O'Connor confirms yes this would improve immediately.

Mr. Shaver asks about the entrance ways and what the outcome is for these details.

Mr. O'Connor states DOT rejects the proposal of an entrance and exit only plan, they are still signed for a truck entrance on the North end.

Mr. Martin states they have a SEQR negative declaration for this applicant, the public hearing has been held, the applicant went through the outstanding issues. He states he doesn't see anything else for the applicant.

Chairperson Arnold asks about the left-hand turn spoken about at the last meeting.

Mr. O'Connor states they are making striping changes, he clarifies it will be a bi-directional turn lane which will be extended up to the Lamplighter entrance driveway. The striping is now shown on the plans, there is a note on the plans referencing the DOT work in conformance with the permit.

Chairperson Arnold ask the Board if they have any further questions.

Mr. Bergman makes a motion to grant site plan approval for Alltown Fresh project located at 1401 Route 9.

Mr. Shaver seconds the motion.

Chairperson Arnold asks for a roll call.

Results as follows

Mike Shaver	Yes
Ann Purdue	Yes
Erik Bergman	Yes
Adam Seybolt	Yes
Meredithe Mathias	Yes
John Arnold	Yes

6 in favor, none oppose Motion carries.

A motion was made to grant site plan approval for Alltown Fresh located at 1401 Route 9 and seconded by Mr. Shaver.

Mr. Bergman makes a motion to have the Chairperson and one other Planning Board member sign the mylars of the approved final site plans.

Mr. Seybolt seconds the motion.

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Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

John Arnold	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Erik Bergman	Aye
Meredith Mathias	Aye
Adam Seybolt	Aye

All in Favor, none oppose, motion carries.

A motion was made to have the Planning Board Chairman and one member of the Board sign the mylar of the approved final plans for Alltown Fresh and seconded by Mr. Seybolt.

The Board thanks and dismisses the applicant

**# 2 Baker Falls Solar LLC
Nexamp
10-15 Electric Drive
Final Site Plan Review**

Mrs. Mathias removes herself while this application is in front of the Board, a quorum remains.

Mr. Cucchiara from Nexamp introduces himself and gives an overview on their last meeting with the Board. They met with the Town Board on May 10th and walked them through the decommissioning plan to get approval. This resulted in a resolution which was sent to Mr. Martin and the Planning Board. He states they reached an agreement with the Highway Superintendent and the Town's attorney that they would be allowed to construct the paper street up to Town's specifications and once completed it would be a public right of way without need for any easements. He states they are in front of the Board tonight in case there were any questions, they are seeking site plan approval.

Mr. Shaver asks them to clarify if after construction the paper street will be a public Town right of way or a public Town road.

Mr. Cucchiara states it will be a public Town road once opened and built.

Mr. Martin informs the Board he forwarded the Highway Superintendent Paul Joseph's sign off a few weeks ago.

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Mr. Arnold asks if the road will be a full road as in it will get a topcoat.

Ms. Schepps states in its current state it is deemed a paper street, they intend to go in and build it to the Town standard up until the top binder course, it's going to be a 28-foot-wide gravel 12-inch subbase which is where they stop for the majority of the road with the exception of the first 25 feet off of Farnan Road.

Mr. Cucchiara States their goal is to start construction for this site this fall. They need to clear trees off the site and immediately afterward road construction will begin.

Chairperson Arnold asks what the end result was with crossing the National Grid right of way.

Mr. Cucchiara states they have received technical approval and a license from National Grid, they are working through that license language to make sure they have the appropriate agreement in place. He confirms technically they have the ability to cross in the letter, but it will likely take the form of an easement.

Chairperson Arnold asks if the fire department is trained or up to speed on how to handle an emergency dealing with this facility.

Mr. Cucchiara he offered to make a condition to final approval, they can get the fire department up to speed. He adds they have done that sort of thing in the past.

Ms. Purdue asks if they have an operation safety plan, this is the kind of thing the fire department and emergency response would like to see.

Mr. Cucchiara states there was an operations maintenance plan submitted prior to this meeting. The project is monitored 24/7, safety is a priority, and they are following all guidance on everything regarding safety.

Ms. Purdue expressed concern that the proposed decommissioning plan and bond provided were in draft form, so it was not clear what the Town Board proposed to execute. However, she stated that the documents did not address her concerns that the decommissioning plan should be embodied in a legally enforceable agreement or that the security for the plan would be maintained for the life of the project.

Mr. Cucchiara states per the Planning Boards request they did get a full appraisal and scope of work, there is also an 11 x 17 sheet decommissioning page, for the civil permit set that goes into detail as what is going to be done. He believes the plan is there, the notes are there on how to decommission and the cost was a fair rate as estimated.

Mr. Shaver asks Mr. Martin if Karla has looked at this.

Mr. Martin confirms this have been to the Town Board, Karla has looked at it, it has gone through the process, and they have accepted it.

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Chairperson Arnold says 3 years from now if Nexamp decided to sell this off to someone else does the bond in the agreement go with it or is it only with Nexamp.

Mr. Cucchiara states it would be an asset of Baker Falls Solar and would go with them. Their business model is to own these projects long-term.

Chairperson Arnold asks if there is something in the decommissioning plan that requires Baker Falls Solar to have a bond.

Mr. Cucchiara states there is nothing in the decommissioning plan that states it is required.

Chairperson Arnold states he is not on board. He questions the value of the bond if it can be cancelled without any stipulation.

Mr. Cucchiara responds saying speaking from experience they have had the same bond company work with them and they are a reputable bond company.

Chairperson Arnold states that part of the decommissioning plan should be that the applicant is required to have a bond regardless of which company has that bond.

Chairperson Arnold asks if there is any reason why Baker Falls Solar LLC would not want to or be able to meet a stipulation that they are required to hold a bond.

Mr. Cucchiara replies there would be no problem with that.

Mr. Martin suggests if the Planning Board thinks the plan is inadequate then they should send the applicant back to the Town Board.

Mr. Bergman states the simple way forward is to give conditional approval, if the bond gets cancelled they pick it back up with another company.

Ms. Purdue repeated her concern that the documents provided were inadequate, that the outstanding issues could not be properly addressed in a conditional approval, and that the Board should defer action on the project site plan until those issues were addressed.

There was some discussion as to whether the Planning Board could require the Town Board to execute agreements. It was acknowledged that, while the Planning Board could not require the Town Board to execute agreements, the Planning Board could require the execution of agreements as a condition to the site plan approval.

Chairperson Arnold asks the Board if they would like to do anything at this time with the application in front of the Board.

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Mr. Bergman makes a motion to grant site plan approval to Baker Falls Solar LLC with condition that language be added that the decommissioning bond is in place for the life of the project.

Mr. Seybolt Seconds the motion.

Chairperson Arnold asks for a roll call

Roll Call results as follows:

Mike Shaver	Yes
Ann Purdue	No
Eric Bregman	Yes
Adam Seybolt	Yes
John Arnold	Yes

4 in the affirmative, 1 oppose, motion carries.

A motion was made by Mr. Bergman and seconded by Mr. Seybolt to grant final site plan approval for Baker Falls Solar LLC project with the condition that language be added that the decommissioning bond is in place for the life of the project.

Mr. Bergman makes a motion for the Chairperson and one other member of the Planning Board sign the mylars of the final approved site plans when the are delivered to the Building Department.

Mr. Seybolt Seconds the motion

Chairperson Arnold asks all in favor say aye

Results as follows:

Mike Shaver	Aye
Eric Bergman	Aye
Adam Seybolt	Aye
John Arnold	Aye

Chairperson Arnold asks if anyone opposes

Ann Purdue **Nay**

4 in the affirmative, 1 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 mylars for the final approved sign plans for Baker Falls Solar LLC.

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The Board thanks and dismisses the applicant.

Subdivision 3-2022
McKenna 4-lot Subdivision
Shawn McKenna
444 Selfridge Road
Site Plan Review

Project Description: Applicant proposes a 4-lot subdivision of a 20-acre parcel to create building lots with a shared driveway located at 444 Selfridge Road, tax map no 77.-1-55.11.

Ms. Darrah introduces herself and updates the Board on changes in the plan such as the length of the driveway from 1400 feet to 860 feet.

Mr. Martin asks if the project will be under an acre of disturbance now.

Mr. McKenna confirms yes the project will be under 1 acre of disturbance.

Mr. Martin clarifies with the applicant they have installed all the recommendations and prevention measures LaBerge mentioned which are all in the plans.

Mr. McKenna confirms that's correct.

Mr. Martin states he is going to confirm with LaBerge that they are satisfied with the review for this project. He adds if that is the case they just need a sediment and erosion plan which is subject to Matt Dreimiller's review. He informs the Board the next meeting is June 20th if they'd like to schedule a public hearing for this application.

Chairperson Arnold asks if someone walked the property to determine there are no wetlands, he believes there are wetlands in the area and wants to know how they've come up with no wetlands on the property. He asks if DEC came to take a look.

Mr. McKenna states DEC did not walk the property. He states the houses will be build so far off the road the elevation goes up to 15 feet and anywhere that has moisture they will be able to stabilize it with topsoil and gravel.

Chairperson Arnold asks if a perc test has been done.

Mr. McKenna confirms but on his own there was no engineer to witness.

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Mrs. Mathias makes a motion to set a public hearing for the planning board meeting on June 20, 2022, at 7:01pm.

Mr. Bergman seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

John Arnold	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Erik Bergman	Aye
Meredith Mathias	Aye
Adam Seybolt	Aye

All in Favor, none oppose, motion carries.

A motion was made by Mrs. Mathias to set a public hearing for McKenna Subdivision on June 20, 2022, at 7:01pm and seconded by Mr. Bergman.

The Board thanks and dismisses the applicant.

PUD 1-2022
U.S. Light And Energy
65 Reynolds Road (NY - 197)
Planned Unit Development - Sketch Plan Review

Project Description: project proposes the re-zoning of three parcels of land totaling 203 acres from R-3 to PUD. The site is the location of the former Tee-Bird South Country club and is currently vacant land. The PUD will allow a mix of commercial and residential uses that will be appropriately planned and districted. Potential allowable uses include ground mounted community solar farm, residential development, campground, agriculture, a community garden, and a data center. Other land will be designated for resource protection and will be left undisturbed. The project will enable the property to be engaged with a mix of uses across its entire acreage.

Mr. Fingar introduces himself to the board and gives an overview on the proposed project. He states they are here tonight to ultimately seek a recommendation for the Town Board.

Mr. Koenig introduces himself and gives further details on the site and the proposed designated uses of the parcel. He emphasizes this is a conceptual sketch plan and their goal tonight is to

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figure out if there are any particular uses the Board would not recommend to the Town Board for advancement before they dive into the engineering aspects.

Mr. Martin states this property is the beginning of the R-3 district. He informs the Board and the applicant that what they will ultimately end up with is a separate piece of legislation that is a district section in the code covering this PUD in terms of uses and setbacks. Essentially they are setting forth a new zoning district in the code. He adds what's needed here is more detail in terms of what the uses are, a project this large could involve phasing, he states there's a lot of details to work out before a recommendation can be made.

Chairperson Arnold asks why these proposed uses on this particular parcel.

Mr. Fingar states it's a solid opportunity to put their solar ray in a place with the least impact.

Chairperson Arnold states the PUD process was set up to create unique things, mainly for applications that don't fit anywhere else in zoning. He states it seems like they are only interested in the solar portion mainly and using the other uses to get a PUD passed. He asks again why they would like to re-zone the R-3 district as a PUD other than wanting to put solar here.

Mr. Fingar states they believes by doing the PUD it is maximizing their development of the property.

Chairperson Arnold states he likes this layout better than the last one and believes they have taken into consideration the Boards comments, but he asks if their proposal meet the requirements of the PUD.

Mr. Fingar states these questions are what they are looking for, but he wants to add the property has been vacant for many years before they purchased it, other uses could have been proposed in the meantime. He states what he is getting from the Board is that they need to add more detail to the proposal to get to a level for recommendation.

Mr. Martin states from a zoning administrators' standpoint and a planner, the applicant meets the threshold but there is a lot more specifications needed to get them to the next level of the process.

Mr. Fingar states one of the reasons why they are looking to make this parcel a PUD is the fact that it is sitting vacant, he offers to add more detail and re-imagine some areas, they are invested in this property and are looking to make this work, if the Board has direction on how to improve the application then they are willing to take their direction and address those items.

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Ms. Purdue asks the applicant why a solar development located there and why it should be good for the Town.

Mr. Fingar states the solar aspect can be taken advantage of by all members of the community, they are welcome to sign up for the solar array. He believes that would give the residence a sense of pride in their community, the power goes to the local electric grid it's a benefit to the Town and a testament to the sustainability, they believe this parcel is an area that's beneficial from an electrical infrastructure standpoint as well.

Ms. Purdue states she can understand that as an alternative energy source but when you look at it from the PUD one of the primary considerations is whether it promotes the general welfare interests of the town.

Mr. Fingar states part of the proposal was a funding source for the park, he's aware that it didn't come through during the presentation, he believes there would be an economic benefit to the town which also supports well begin in a way. He asks the Board if they would consider the solar development area powering the community, an activity between solar and residential.

Mr. Martin states he would be intrigued to see that analysis to see how that would all work out. He advises the applicant to go through their plan and provide greater detail, a public hearing would be the next step for this, and the application is not where it needs to be in terms of a more refined and complete plan.

Mr. Fingar asks if the Board would provide an opportunity for them to revise the submission for their consideration before the Board holds a public hearing and makes a recommendation to the Town Board. He states he believes the uses they've proposed are on the right track.

Chairperson Arnold recommends it would be a good idea next to have specific details, be committed to the builder and the potential build out of these proposals. He states he believes the Board is comfortable with the Solar aspect of this project, he is not so sure about the rest of the proposal as it doesn't come together as completely as the solar area.

Mr. Martin states there is preference to financial wherewithal, which is speaking to John's point. A demonstration of commitment, a well thought through plan.

Mr. Fingar states they have identified partners, they would like to bring them on for commitment but would like to hold off to get more sense for the direction they are headed beforehand.

Chairperson Arnold asks the applicant if they would like to be on the agenda next month or if they need more time to revise.

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Mr. Martin states the applicant knows the regular meeting times of the Planning Board, third Monday of every month and doesn't advise to rush the process. When they are ready, he invites them to send in their next submission and he will put them on the agenda.

Mr. Fingar states in order to get the level of detail the Board is looking for he will need more than a month, he would like to take the time to have a refined plan for the Board next time they are in front of them.

The applicant thanks the Board and is dismissed.

Chairperson Arnold suggests for future subdivisions, that stormwater management be handled on HOA owned property only or have the developers place a deed restriction on the properties with stormwater on them. He also brings up during the June meeting there was a task for the Board to give Jim a list of items they were interested in having a private consultant look at in regard to the BioChar applicant. He believes this is something they should discuss as a panel as to what they would like to move forward instead of it being all up to Jim.

Mr. Martin suggests if the Board can provide their proposed lists by the agreed upon date which is the Friday before Memorial day, they would have it available for a discussion for the June 6th meeting.

Mr. Bergman makes a motion to adjourn tonight's Planning Board meeting.

Mr. Shaver seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

John Arnold	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Erik Bergman	Aye
Meredith Mathias	Aye
Adam Seybolt	Aye

A motion was made by Mr. Bergman and seconded by Mr. Shaver to adjourn the Planning Board meeting of May 16, 2022.

Meeting was adjourned at 9:30 pm.

Respectfully submitted,

Katrina Flexon

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