

A special meeting of the Town Board of the Town of Moreau was held on December 21, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The special meeting was held in person as well as broadcast via Zoom.

The Supervisor called the meeting to order at 6:26 p.m.

**Town Board Members Present**

John Hogan	Councilmember
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
John Donohue, Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

**Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Councilmember Elect Mark Stewart; Others: TJ Ruane, Harry Gutheil Jr., Travis Mitchell, Joseph Dannible, Dan Davies, Jen Ball, Steven Cerrone, Luke Michaels, Mary Elizabeth Slevin, Gianni Simone

The Supervisor opened the meeting to the Board members for their thoughts and recommendations regarding the proposed Local Law 7 of 2021.

Councilmember Noonan stated that he was in favor of the moratorium to give the Town Board time to figure out land use regulations. He did state that he wanted to go on the record and say that if they can't get everything together within 6 months, he didn't think they should extend it.

Councilmember Donohue stated that he understood the responsibilities of the Town Board with regard to the moratorium. He stated that he wasn't for it. He stated that people have plans before the Planning Board right now. He stated that he couldn't support, in good conscience, the moratorium. He commented that Cerrone's project has been before the Planning Board since 2020. He suggested that they were stopping the clock and changing the rules and that it was wrong. He stated that he doesn't mind making rules and adjusting rules that need to be adjusted but wasn't in favor of changing the rules for people mid-stream.

Councilmember VanTassel stated that if the moratorium passes tonight, he wouldn't be in favor of extending it after 6 months. He stated that he had a high regard for business owners and is very pro on economic development. He stated that he did have a concern with the impact this decision might have. He stated that he didn't feel that they were changing the rules. He stated that with the great fortune of accelerated growth that they didn't anticipate, there's merit in taking a hard look at the impact. He stated that the County Planning Board strongly supported this. He stated that they just need a little time to take a look at the comprehensive plan. He stated that he's all for doing the right thing and suggested that the Board members have some tough battles. He stated that he was supportive of putting the moratorium in place in earlier discussions but stated that they need to move quickly. He stated that there was discussion this evening, that tied this moratorium with the Route 9 sewer corridor. He stated that the sewer project was geared around economic development. He stated, that when they had discussion relating to the moratorium, it had nothing to do with the Route 9 sewer project. His position was to move forward with the moratorium, but that they need to move quickly.

The Supervisor stated that he's served the Town for twenty years as Councilmember and now Supervisor. He stated that he was successful, in working with his colleagues, to put forward a sewer plan for the commercial corridor. He stated that he wasn't sure why that was part of the debate for the moratorium, which is nothing other than to give the Town Board time. The Supervisor had a response to Mr. Gutheil's comments on the growth of the commercial corridor. He stated that this year they're approaching an increase of \$10,000,000 in assessed value. He explained that the moratorium would be to buy the Town Board time to review the Town's existing regulations, to ensure that they're current and appropriate. He stated that there's verbiage in the Local Law, that will allow the Town Board to provide for a variance, if

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anyone wishes to apply. He also stated that the moratorium doesn't apply to approved projects. The Supervisor stated that it is the appropriate thing to do, to move forward with the moratorium. He stated that the Town Board does its due diligence to try and not extend its moratoriums. This one is for 6 months. He stated that it could be far less than that. He stated that it would depend on where the Board wants to go with their current regulations. He stated that he was supportive of the moratorium at this time and recommended that the Board take it up this evening.

Councilmember Noonan stated that the moratorium isn't just for the current projects, but for the future of the lands that are within a half a mile of the Town's soon to be working sewer line. He stated that it's the right thing for him to support.

Councilmember VanTassel stated that a portion of the Route 9 sewer project was tied to environmental reasons and not just for economic development reasons. He stated, that for that reason, they need to take a look. He suggested that they move forward with the moratorium and encourage his fellow Board members to do the same.

The Supervisor asked Attorney Buettner what the next step was, and she replied that they needed to do SEQRA.

Mr. Gutheil addressed the Town Board wanting to speak and the Supervisor explained that they already had the public hearing. He stated that the reason he brought up the Route 9 sewer was because it was in the language of the proposed law. He recited a portion of the proposed law, section 125-3. Another gentleman spoke from the audience and asked for clarification on this section as well.

Attorney Buettner stated that section 125-3 states specifically that you can't apply for a building permit or a site-plan, or special use, or subdivision, or municipal approval for development of subdivisions. Not for an individual home in an already approved subdivision. With respect to Mr. Michaels' comment about November 23, 2021, that was to exempt anyone who had already received their permits prior to November 23<sup>rd</sup>, or the issuance of C.O.'s prior to November 23<sup>rd</sup> within any of those subdivisions. She stated that any subdivision that has full and final approval from the Town of Moreau, this will not apply to them. She stated that this applies to any subdivision that doesn't have full and final approval.

The Supervisor stated that the County Planning Board either approves or disapproves these projects. He stated, that for some time, they've strongly recommended that the Town of Moreau, with these large projects, take advantage of any sewer infrastructure or municipal water if it's available. They encouraged development of subdivisions with municipal sewer. The Supervisor stated that it's not just the Town looking at it, but the County as well. He stated that this was another reason for the Town Board to take this issue very seriously, and promulgating a moratorium, so they can ensure that they're doing what's best for the Town of Moreau's interests.

The Supervisor asked Attorney Buettner to lead them through the SEQRA process. Attorney Buettner stated that they had parts one, two and three before them. She stated that they had part one before them when they set the notice of public hearing. She stated that part one merely indicates that this is for the adoption of Local Law 7. She stated that question number one has to be answered yes and then the Supervisor signs on the last page. She stated that part two has to be reviewed to determine if there are any environmental impacts. She asked the Supervisor if he wanted her to read the questions aloud. He asked that she read them. Attorney Buettner read questions #1 through #11 of part two aloud and all answers were recorded as "No" or "Small Impact". She stated that part three is the determination of significance. The Town Board makes the determination if there will be a significant environmental impact based on the responses in part 2. It was the Town Board's determination that this proposed action will not result in any significant adverse environmental impacts. She stated that the box would be checked to reflect their determination. She asked if the Town Board wished to issue a negative declaration. The Town Board members stated "yes". Attorney Buettner stated that the negative declaration was included in the resolution for adoption.

The Supervisor asked the Town Clerk to read the following resolution aloud:

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**Resolution #2021-378**

RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU

ADOPTION OF LOCAL LAW 7 OF 2021, ADDING CHAPTER 125 TO THE CODE OF THE TOWN OF MOREAU ENTITLED "A TEMPORARY MORATORIUM ON BUILDING PERMITS, SUBDIVISION REVIEW, SITE PLAN REVIEW OR OTHER REVIEW OF SUBDIVISIONS OF MORE THAN TEN RESIDENTIAL DWELLINGS LOCATED WITHIN ONE-HALF MILE OF AN EXISTING SEWER MAIN WITHIN THE TOWN OF MOREAU"

WHEREAS, the Town Board of the Town of Moreau ("Board") is considering the adoption of Local Law No. 7 of 2021, which, if adopted as proposed, adds Chapter 125 entitled "A Temporary Moratorium on Building Permits, Subdivision Review, Site Plan Review or other Review of Subdivisions of More than Ten Residential Dwellings Located Within One-Half Mile of an Existing Sewer Main Within the Town of Moreau."; and

WHEREAS, the Board finds that the adoption of Local Law No. 7 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 7 of 2021 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 7 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on December 21, 2021, at the Town Municipal Complex; and

WHEREAS, the Board has considered the public comments provided before and those made at the public hearing; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, the Saratoga County Planning Board has issued a determination of no significant county-wide or intercommunity impact associated with this local law; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 7 of 2021; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 7 of 2021, which amends the law as stated above; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

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BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

MOTION: Councilmember VanTassel

SECOND: Councilmember Noonan

	Aye	Nay
Councilmember Donohue		X
Councilmember Hogan	X	
Councilmember Noonan	X	
Councilmember Van Tassel	X	
Supervisor Kusnierz	X	

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to close the special meeting for the evening at 6:55 p.m.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk