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MILLER, MANNIX & PRATT, P.C.  
ATTORNEYS AND COUNSELORS AT LAW  
ONE BROAD STREET PLAZA  
P.O. BOX 765  
GLENS FALLS, NEW YORK 12801  
(518) 793-6611

John C. Mannix  
Benjamin R. Pratt, Jr.  
Mark Schachner\*  
Jeffrey J. Friedland†  
Robert H. Hafner\*†  
Kellie A. Tripodi†  
Mark S. Del Signore\*

\*Also Admitted In Massachusetts  
†Also Admitted In Connecticut

John W. Miller (1908-1968)

Toll Free In N.Y. State  
800-421-6166

June 21, 1996

FAX (518) 793-6690

Gary Mattison  
Building Inspector/Code  
Enforcement Officer  
Town of Moreau  
Moreau Town Hall  
61 Hudson Street  
South Glens Falls, NY 12803

Re: South Park Project

Dear Gary:

Please find enclosed an Addendum to the special use permit application for the South Park Project which is scheduled to be reviewed by the Zoning Board on Wednesday, June 26th.

Thank you.

Very truly yours,

MILLER, MANNIX & PRATT, P.C.

  
Jeffrey J. Friedland

JJF:swe  
cc: Bob Baker  
P:19MATTI-L

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FAX (518) 793-6690

June 21, 1996

Joseph McPhillips, Esq.  
55 Saratoga Avenue  
South Glens Falls, NY 12803

Re: South Park Project

Dear Joe:

This is to confirm our telephone conversation today that we have agreed that the Stipulation will be revised so that the first paragraph under the bold language will read as follows:

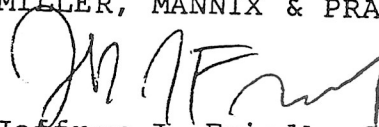
The undersigned Owner of South Park subdivision and Applicant herein hereby acknowledges that the Town requires the above as a condition of approval of the aforesaid subdivision.

A copy of the revised Stipulation is enclosed. Once the subdivision plat is signed and filed in the County Clerk's Office, we will have Mr. Baker sign the Declaration and Stipulation and file the Declaration in the Clerk's Office. The Declaration you sent us is stamped "DRAFT". Please send us a clean copy for signature or, if you wish; we can simply white out and recopy it without the "DRAFT" stamp.

Thank you.

Very truly yours,

MILLER, MANNIX & PRATT, P.C.

  
Jeffrey J. Friedland

JJF:swe  
cc: Bob Baker  
P:19MCPH-L

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## SOUTH PARK PROJECT ADDENDUM TO SPECIAL USE PERMIT APPLICATION

The special use permit requested is for a portion of a larger proposed project to be located on a ±51.4 acre site at the intersection of Harrison Avenue and Sisson Road. As shown on the overall site plan of the proposed project, the approximately 29 acres west of Sisson Road would be used as building lots for 22 single family residences. This area of the site is within the UR (Multi-Family Dwelling, One and Two Family Residential) zoning district which includes one family dwellings among its permitted principal uses. The approximately 22 acres east of Sisson Road, which are the subject of this application for a special use permit, would be used as building lots for 27 single family residences. This area is within the M-1 (General Manufacturing and Industrial) zoning district which permits residential uses by special permit.

This application was referred to the Town Planning Board which has conducted an extensive review of the project and recommended approval. The Planning Board has already granted preliminary and final subdivision and site plan approval.

The area of the M-1 zone in the vicinity of the project site is predominantly residential in character, containing single family residences interspersed with wooded and cleared open space. The boundary of the Village of South Glens Falls is located approximately one-third of a mile from the project site and the South Glens Falls Elementary School is located on Harrison Avenue approximately one-half mile from the site.

Based on the factors discussed below, the project meets the review standards set forth in the Zoning Ordinance for issuance of a special permit.

A. The residential use of the site would be in the public interest as it would maintain the existing character of the surrounding neighborhood. Many industrial uses permitted under the Zoning Law, such as a lumber yard, fuel supply depot and automobile salvage operation, would be completely incongruous with the neighborhood both visually and in terms of traffic, noise and other impacts. In addition, as it is anticipated that the homes to be constructed would be affordable housing, this project would make homes that are convenient to the Elementary School available to families with young children.

B. The project would be in harmony with the appropriate and orderly development of the district. As it is the same use as that for which the adjacent UR district is intended, and where approximately half of the project would be located, it would not be detrimental to the orderly development or reduce property values in that district. The proposed residential use would be located along the boundary of the M-1 district and would occupy only a small fraction of the area available for industrial uses. Unlike

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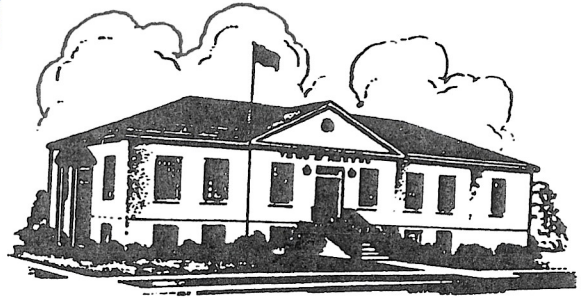
prohibited uses which would require a variance, residential uses are specifically allowed in this zone with a special use permit. It seems quite appropriate to permit a residential use in this portion of the M-1 zone which is residential in character and located in close proximity to the Village of South Glens Falls and the Elementary School. In addition, development of a residential use in the context of a larger project offers the Town an opportunity to review details of the development plan during the review process which would not be required for random construction of single family homes. Therefore, the project would be consistent with the appropriate and orderly development of the districts and would not reduce property values.

C. The development of a residential project at this site would be consistent with existing uses and traffic patterns and would not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. As this area is currently residential in character and located near the Elementary School, existing traffic is likely to be mostly passenger vehicles. Consequently, a residential project such as the one proposed would be less disruptive to this neighborhood than many industrial uses which could result in significantly increased truck traffic. In a letter to Planning Board Chairman Peter Jensen dated December 27, 1995, the Glens Falls Urban Area Transportation Council stated that the traffic impacts of the proposed project would be "negligible". Therefore, development of the project would be consistent with the normal traffic of the neighborhood and would not be hazardous or inconvenient.

C:\south.add

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**Town of Moreau**  
SARATOGA COUNTY, STATE OF NEW YORK  
**TOWN OFFICE BUILDING**  
P.O. Box 1349  
South Glens Falls, NY 12803  
PHONE (518) 792-1030



November 20, 1997

Joe Ammirati  
North Builders  
1711 Harrington Hill Road  
Warrensburg, New York 12885

Re : South Park Subdivision

Dear Joe :

It is late in the construction season and I know you are working hard to get your project prepared for winter, however, I want you to take a few minutes and review what work must be completed. In particular I want you to address the " dry sewer " system that is to be installed for South Park.

I know that you and I have discussed this subject and, additionally, you have had discussions with Steve Barody and Mike Shaver. I am not going to address the areas of roadways or water because I know Steve and Mike will coordinate with you on their individual responsibilities.

I only want to cover the details of the sewer system. The complete " dry sewer " system that was approved by the town of Moreau Planning Board must be installed. This means the sanitary lines, the forcemain and the pump station. The system must be tested and accepted prior to any roadway paving.

If you require any further clarification on this subject, please let me know.

Sincerely,  
*F. Joseph Patricke*  
F. Joseph Patricke  
Building Inspector

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## Meeting Notes

**Date:** November 2, 2000  
**Location:** Moreau Town Hall  
**Subject:** Discuss abandonment of South Park Phase I  
**Participants:** Joe Patricke, Martin Auffredou, Steve Barody, Mike Shaver and Jim Mitchell.

**Notes:** The purpose of the meeting was to discuss concerns arising from the possibility that the property is being sold and the buyer does not intend to complete the subdivision.

The following concerns were identified:

### Drainage:

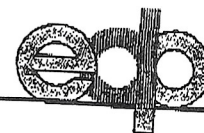
The drainage conditions along Sisson Road are not good; water sometimes backs up on both sides of the road and there is no surface release (ditch). In the future it may be necessary to install drywell(s) and improve the ditch along Harrison to drain the intersection of Harrison and Sisson.

The completion of an acceptable drainage system within the subdivision would have provided a solution for the drainage along Sisson but it was noted that to date, the developer's engineers have not presented an acceptable drainage solution. The installation of two recharge basins was proposed by the developer's engineers after the original drainage plan failed. However the recharge basins did not function properly and have also failed.

Steve Barody noted that the drainage along Sisson Road is not presently connected to the drainage system within the subdivision and if the subdivision is not completed, the existing conditions along Sisson Road will not change.

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It was the consensus of those present that the land owner should be required to plug the storm sewer pipes, fill the catch basins with gravel and fill-in the recharge basins (in the event that the subdivision will not be completed) to prevent overflow onto the neighbors' property during certain periods of the year.

The owner of Phase II of the subdivision (Baker) should be advised that the drainage solution for Phase II will have to be designed without reliance on drainage through Phase I.

#### Roads / Right-Of-Way:

Restore topsoil and grass within the Appletree Lane, Cherry Tree Lane and Peachtree Lane stub streets from Sisson Road to the rear of the lots (approximately 130 linear feet each).

Determine the status of the Cherry Tree Lane stub street as it represents the only access to Phase II.

#### Water:

The hydrant located on the east side of Sisson Road at the intersection with Appletree provides fire protection for the existing homes on Sisson Road. The Town should either acquire a bill of sale and easement for this hydrant or have the hydrant moved to the west side of Sisson Road. The hydrant located on the east side of Sisson Road at the intersection with Peachtree Lane is charged from mains within the subdivision streets. This hydrant should be moved to the west side of Sisson Road.

The water mains within Appletree and Peachtree should be abandoned. This will involve the removal of short sections of pipes and installation of plugs at the tees on Sisson Road. The water mains within the subdivision streets can be abandoned in place.

#### Sewers:

The sewer system within the subdivision was never connected to the town system. The manhole covers should be secured with tack welds and the system could simply be abandoned in place.

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Zoning

The subdivision was approved under a special permit because the underlying zone was manufacturing. If the subdivision is abandoned the zoning could revert to manufacturing and potentially impact property values. This issue requires further consideration.



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RECORDS AUTHORIZATION

TO WHOM IT MAY CONCERN:

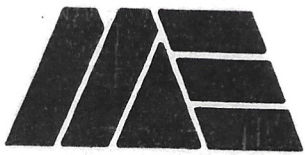
In regard to the development of a residential subdivision in the Town of Moreau known as "South Park" from 1997 to 1999, I, HARRY GUTHEIL, JR., a duly authorized officer of the undersigned, hereby authorize any engineer or other professional person who had any involvement in the planning or permitting or inspecting of the "South Park" subdivision to furnish THE CLEMENTS FIRM, or their representative, with any and all information which may be requested regarding that subdivision, and to allow THE CLEMENTS FIRM, or their representative, to examine any records which you may have regarding that subdivision.

TOWN OF MOREAU
By: Harry Gutheil, Jr., Town Supervisor

STATE OF NEW YORK )
) ss.:
COUNTY OF SARATOGA)

On the \_\_\_ day of August in the year Two Thousand and Two before me, the undersigned, personally appeared Harry Gutheil, Jr., Town Supervisor personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC



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RECEIVED OCT 25 1995

MORSE ENGINEERING, P.C.

99 Lower Dix Avenue / Queensbury, NY 12804

October 19, 1995

Mr. Michael Sullivan  
Supervisor  
Town of Moreau  
61 Hudson Street  
South Glens Falls, NY 12803

Re: Sisson Road/Harrison Avenue - Baker Subdivision

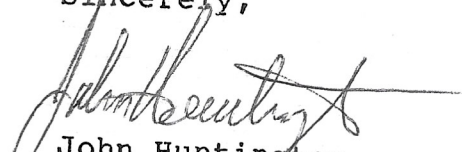
Dear Mr. Sullivan:

Morse Engineering has been retained by Mr. Joseph Ammirati to provide engineering services for the above project. As part of the process of gaining approval from the Town of Moreau Planning Board, we are required to provide the Planning Board with written assurance that the project will receive a municipal water supply.

It is our understanding that the water line on the north side of Harrison Avenue is owned by the Town of Moreau, but the water is supplied by the Village of South Glens Falls. If this is so, please advise us of the proper method of gaining this assurance so the project can proceed.

Should you have any questions, do not hesitate to contact me.

Sincerely,

  
John Huntington  
Senior Designer

JH:dea