

A meeting of the Town of Moreau Planning Board was held on May 18, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

G. Peter Jensen	Chairman
Linda Riggi	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member
Ron Zimmerman	Planning Board Member

Also present: Stephanie Dilallo-Bitter, Attorney for the Town; Tricia Andrews, Recording Secretary.
Assistant Code Enforcement Officer Ben Marcantonio
Planning Board Members Absent: None.

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the April 20, 2015 meeting were reviewed. Mr. Arnold motioned to approve the minutes with one correction and Mr. Antis seconded. Motion passed unanimously.

p. 1808 Should say County response to YMCA was not favorable 2 places mistakenly attributed to the State.

#1 Keefe, John
Mountain Lake Ent., Inc.
1638 Route 9
Site Plan Review

Mr. Keefe was present and told the Board that he would like to open a dollar book store on Route 9 near the corner of Bluebird Road.

Chairman Jensen: This is a commercial business?

Mr. Keefe: Dollar books.

Chairman Jensen: Will you own or lease.

Mr. Keefe: I am going to lease the property.

Mrs. Riggi: 200,000 books, when you sell those will you close?

Mr. Keefe: I have 30 ton a month coming in.

Mr. Antis: What type, new?

Mr. Keefe: Used. I have been doing textbooks for years and I have a place off Exit 15 in Saratoga and it does OK, so I want to try a place on a main road. 3000 sq. ft. of a 5,000 sq. ft. building

Mr. Arnold: How do the books get there?

Mr. Keefe: I have 2 or 3 vans and a 10 ft trailer. With DOT involved, having bigger trucks wasn't worth it.

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Chairman Jensen: Do you have access to this parking area between the fence and Route 9?

Mr. Keefe: Yes.

Chairman Jensen: Counsel, leasing a portion of a building, where there are homes that egress through this parking area. He doesn't hold title. Should we be thinking about that?

Atty. Dilallo-Bitter: It's just a lease, so there's no easement documentation required. It looks like those properties in the back are also leased, is that owned by the same? Yes. As long as there's an arrangement that they are not blocking it.

Mr. Arnold: I think there are only 2, the third I can't figure out where it exits.

Mr. Paska: It seems to be we say this has access off of Bluebird...

Mr. Keefe: No, the mobile home park has. I don't.

Chairman Jensen: Other question I had is when does County meet?

Mr. Antis: After us, third Thursday. In three days.

Chairman Jensen: Unless this is so minor that staff can do it...if it's less than 500 ft. from Route 9, we have to refer it to Saratoga County.

Mr. Keefe: I like the fact that it's close to the road.

Mr. Zimmerman: We had a guy come to us with an online store on the same place.

Mr. Arnold: The other guy didn't move in because they blocked access on Bluebird and he couldn't get trucks in.

Chairman Jensen: He is only leasing part of it. If someone else comes in to the rest they will have to come before us.

Mr. Paska: What do you have planned for signage?

Mr. Keefe: Two 5 by 4's.

Chairman Jensen: In accordance with the sign law for the Town of Moreau.

Mr. Keefe: Maybe on the building. I haven't thought much about it. There is a sign post out there, but I like the building.

Atty. Dilallo-Bitter: Is this on consignment?

Mr. Keefe: No, I started at colleges, but a lot of the books come from colleges, libraries, contracts, I've been doing it for 12 years. People that like it really do like it. It's a treasure hunt.

Chairman Jensen: Board, do you feel that you have enough information to move forward?

Mr. Antis: You've got the two curb cuts in front of the building, and one on the other side?

Mr. Keefe: Yep. Plenty of access.

Chairman Jensen: Do you desire to schedule a public hearing?

Mrs. Riggi: I don't think it's necessary. I don't see any concerns.

Mr. Arnold: It's an existing commercial building.

Mr. Antis: Can we make those two curb cuts the entrance and have the other be the exits, for safety reasons? It's really close to the corner.

Mr. Bergman: He's looking at an estimated 20 customers a day.

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Chairman Jensen: That is a legitimate concern. The applicant doesn't own it, he's just in a portion, so that would be placed on the owner. He can't do what he wants.

Atty. Dilallo-Bitter: Owner is authorizing this application, so it's within your purview to make those restrictions. If there's a co-lease you will evaluate again.

Chairman Jensen: So that should be a condition of approval.

Mr. Arnold: I make a motion to waive the public hearing on this application as it is not controversial and health, safety and welfare of the public will not be stressed by using a commercial property to run a commercial business in a commercial zone.

Mrs. Riggi seconded.

Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Mr. Zimmerman, No; Chairman Jensen, Yes. Motion carries 6-1.

Chairman Jensen: We need to send this to County, so we can't make any decision til we hear from County. If it is heard this week he can come back in June but if not, he can't have a decision or reappear til July.

Atty. Dilallo-Bitter: Only because you are listed as the owner instead of Evergreen Communities, LLC, they will need to demonstrate the lease on the file so I will get you an authorization. You will have to have a signature from them that you have permission to be here before the Town. I'll get it to you.

Mr. Keefe: Do I come back on the 21st?

Chairman Jensen: I should hope so.

Mr. Arnold: It's on the 15th. We meet again June 15. The County meets on the 21st of May.

Chairman Jensen: Update on The Drop?

Atty. Dilallo-Bitter: I had a question as to whether the Special Use Permit that ran with the land from the Y. I asked Mr. Patricke about it. It is mercantile and the YMCA permissions have been abandoned. Mr. Rogge & the Thomas's need to clarify/identify the use. If it is Indoor Recreation that would require a Special Use Permit at ZBA, with recommendation from the Planning Board, but we are waiting for a letter from Rogge about the exact use.

Mr. Arnold: I understand it's already functioning so if there's concern that it's not appropriate maybe they should be visited.

**#2 Sweet, James
Reservoir Road
Preliminary Plat Review**

Atty. Dilallo-Bitter: We need to talk about application of Town Law 280a regarding the shared driveway. Over 500 ft. is a road. The concern that I have is that the length of the road proposed exceeds 500 ft. and is remaining private and servicing houses.

Don Pigeon: There's houses all over in there. Every lot is developed. We are not asking for a whole lot more.

Atty. Dilallo-Bitter: Concern relative to fire access.

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Mr. Pigeon: It's in good shape.

Atty. Dilallo-Bitter: We need an expert from the Fire Dept, etc to tell us whether there are improvements that need to be made.

Mr. Pigeon: I put a large turn-around at the end of the road.

Mr. Zimmerman: Who owns and maintains?

Mr. Sweet: I do.

Mr. Pigeon: There's a maintenance agreement that's been in place for years.

Atty. Dilallo-Bitter: We will need you to submit a copy of that.

Mr. Sweet: There are others longer than what I have.

Atty. Dilallo-Bitter: I understand there are a couple of precedents. The Preserves, Cobble Creek have private roads.

Mr. Arnold: Are these all houses or vacant?

Mr. Pigeon: Houses.

Atty. Dilallo-Bitter: All of these houses are included in the maintenance agreement?

Mr. Zimmerman: You are proposing three additional houses?

Mr. Pigeon: Yes. All in a small area.

Chairman Jensen: We need to address a couple other things.

Mr. Arnold: Can we go back to the beginning and get an introduction?

Mr. Pigeon: We want to do this three lot subdivision. Existing barn and pole barn on lot 2, 1 & 3 are vacant, wooded, want to add on to already existing in the area.

Mr. Arnold: Map may not be correct. Your ingress and egress from Reservoir Road is not on your property?

Mr. Sweet: 39 ft. of it is. This was established years ago.

Mr. Arnold: On the Map, the Road doesn't meet Reservoir Road on your property. It crosses National Grid.

Atty. Dilallo-Bitter: Do you have a license to cross that?

Mr. Sweet: No. I have 39 feet where it meets.

Mr. Arnold: The road that you are using isn't on that 39 ft.

Mr. Sweet: I own that all the way back.

Mr. Pigeon: 20 years it's been used that way. He has 17.5 there.

Mr. Arnold: That's what I'm looking at. 17.5 feet of frontage on the public highway. It's existing, it's been there. You've set aside 39 feet for this parcel?

Mr. Sweet: It's 50 ft. when you get back off Reservoir Road.

Mr. Arnold: How many parcels use this for access?

Mr. Sweet: I think 14.

Mr. Arnold: My concern is, you built for family, friends, etc. 80 years from now you won't be in that house. What portion do you own?

Mr. Sweet: The whole thing.

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Mr. Arnold: When someone buys the house on Lot 2 they assume maintenance for all these other residences?

Mr. Sweet: All of it.

Mr. Arnold: We have tortured other applicants about 2-3 residences, it's no longer a driveway, it's a ROAD. You say you are just finishing it off. Is there any way to make this a public road?

Mr. Sweet: No, it costs too much to bring the road up to Code.

Mr. Pigeon: According to the Code book we can get two lots there, the third one is the only one we need permission for.

Mr. Arnold: You are asking for three additional houses.

Mr. Pigeon: They are already there, we just need permission for the third.

Mr. Arnold: We have concerns for roads. You are a long ways in.

Mr. Pigeon: It's been there.

Mr. Arnold: There's a lot of things that have been done for years and over years the Code changed and they are no longer done. I know people with 4 houses on a driveway, you can't do that today, and we are here today.

Mr. Pigeon: We already have a subdivision.

Mr. Sweet: It's recorded by the County as a subdivision. 5 lots, back to 2, now I want to subdivide the third piece again.

Mr. Antis: Start from the beginning.

Mr. Sweet: Back in the 80s, 5 lot subdivision went on the record.

Mr. Antis: Which 5?

Mr. Sweet: Clute, all this back in here. Points out on map. Then Joe and I went back and joined it back together with the rest of this.

Mr. Antis: So lot 5, how do they get in?

Mr. Sweet: I reclaimed this.

Mr. Antis: Is this a property line? How do they get in?

Mr. Sweet: This is landlocked.

Mr. Antis: You want to get three lots out of this one lot that was changed.

Mr. Arnold: We don't allow people to subdivide, without 40 ft. frontage on a Town road. Lot 3 officially created a landlocked parcel with no access to the driveway.

Mr. Paska: It was landlocked before.

Mr. Arnold: Drawing this line, did it create this? No, someone owned this land that can't have anything done with it?

Mr. Sweet: Yes.

Mr. Antis: Is there a structure on it?

Mr. Sweet: No.

Mr. Arnold: Distance to Lot 3 driveway?

Mr. Zimmerman: 1092 ft.

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Mr. Arnold: How many residences are serviced by this driveway?

Mr. Sweet: Six.

Mr. Arnold: How many acres?

Mr. Sweet: 7.

Mr. Arnold: I don't even know how this happened when it did. Even in 1970, emergency services would not allow something like this.

Mr. Pigeon: We have a major subdivision right behind it.

Mr. Arnold: That doesn't change what is legal today. Codes today say that yes, it's only 3 lots and less than 4 acres, etc. but it doesn't seem fair to ok this and tell someone elsewhere that they can't do the exact same thing.

Mr. Pigeon: That's what you're telling me.

Mr. Arnold: No. 1,000 ft. That's huge.

Chairman Jensen: Is this R2 or R-3.?

Mr. Marcantonio: I believe it's R-2.

Mr. Arnold: Minimum lot size in an R-2?

Mr. Marcantonio: 32,500 sq ft without water.

Mr. Arnold: Lot #1 is undersized, .72 acres. Code says 32,500 which is .74 or .75 acres. It has the required road frontage. The one next to it is 186 by 175. So you could move that line by 6 ft.

Atty. Dilallo-Bitter: We need to get this back to Zoning to look at questions regarding lot size and Zoning to make sure there are no additional concerns before we proceed.

Mr. Sweet: What do you need answered?

Atty. Dilallo-Bitter: Interpretation of Town Law 280a, and the Fire Code section ten which would require sprinkler systems for something of this size and location. Whether lot sizes are correct for an R-2 zone.

Mr. Sweet: Houses recently built, do they have them? Are they anywhere else in town?

Atty. Dilallo-Bitter: Are you talking about Mr. Clute, 1980?

Mr. Sweet: Modulares down there, do they need sprinklers?

Atty. Dilallo-Bitter: There's a distinction- if you wanted to built on Lot 2 as it is, the entire acreage, it's pre-existing. Planning Board wouldn't be reviewing it, you'd get a building permit. But you are asking for additional which brings these questions up.

Chairman Jensen: So refer to ZBA?

Atty. Dilallo-Bitter: No, to Ben and Joe.

Chairman Jensen: You recommend we not proceed until we get review?

Atty. Dilallo-Bitter: Correct. I feel there are a lot of questions.

Chairman Jensen: Board, informally, are you comfortable, is anyone not happy with that? (no comments from the Board)

Chairman Jensen: Questions of us?

Mr. Sweet: I just wanted to be treated the same as everybody else.

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Mr. Arnold: Some of the ones you are referring to have not been something that had to come before us, so we can't speak to that. We never saw it.

Chairman Jensen: Anything further? Thank you.

Motion to adjourn was made at 7:55 by Mrs. Riggi and seconded by Mr. Arnold. Motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

Tricia S. Andrews