

A meeting of the Town of Moreau Planning Board was held on July 20, 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
Charlene Endal	Alternate Planning Board Member

Also present: Stephanie Dilallo-Bitter, Attorney for the Town; Tricia Andrews, Recording Secretary. Joe Patricke, Code Enforcement Officer

Planning Board Members Absent: Dave Paska, Ron Zimmerman, Erik Bergman, Planning Board Members

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the June 15, 2015 meeting were reviewed. Mr. Arnold motioned to approve the minutes with corrections and Mr. Antis seconded. Motion passed unanimously. Corrected: p. 1819, 4 lines down refers to Mr. Pigeon as Don, will be changed to Mr. Pigeon.

**#1 KJNZ Enterprises, Inc.
Zeke's Deli and Catering
Site Plan Review**

Chris Lanfear of KJNZ: I would like to put a barbecue/take out grill in at what was Bean's Country Store South.

Mr. Antis: The only thing he's going to change is under the gasoline canopy?

Mr. Lanfear: I am going to put in a 4 by 18 concrete base with fire brick inside, cosmetic brick on the outside.

Mr. Patricke: He'll have a building permit.

Mr. Arnold: It may fall under the Health Dept., but can you cook food that close to a state highway?

Mr. Lanfear: It's being done near the Broad St.

Mr. Arnold: Are there still tanks?

Mr. Lanfear: There are no tanks there. That was one of my first questions, too.

Mr. Antis: Have you been inside?

Mr. Lanfear: Once, with the realtor. It's in very good shape, everything is in good working order. Beans had a hard time moving beer, etc. so I am not going to bother with any of that.

Mr. Antis: We took care of any parking issues when we approved it for Beans?

Mr. Patricke: We'll want to address that, because he had a retail store and a restaurant probably requires less.

A meeting of the Town of Moreau Planning Board was held on July 20, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Lanfear: I will have a few picnic tables but mostly take-out.

Mr. Patricke: No seating inside? Bathrooms?

Mr. Lanfear: Yes, the inside will be the same.

Mr. Arnold: The application says deli/catering -Are you planning to cater from there, or will you have trucks with bbq grill trailers on the back?

Mr. Lanfear: No, from the restaurant.

Chairman Jensen: We have submitted with this packet a Short EAF.

Mr. Arnold: Motion to accept Short EAF for project.

Mr. Antis: Second.

Motion was approved unanimously with no roll call.

Chairman Jensen: This is a site plan review. DO you desire a public hearing for the project?

Mr. Arnold: I don't see where this is controversial, the use changes from one deli to another, it's still a restaurant, it's not necessary.

Mr. Patricke: We've always had public hearings on Route 9 Commercial district, everything. It has to go to the County, so you have some obligations there. You at least need a Site Plan that shows where the grill will be and how that is going to affect parking.

Mr. Lanfear: No parking, it's in and out.

Mr. Patricke: You can use the survey previously made, don't be extravagant, but show us your traffic flow patterns.

Chairman Jensen: We should keep in mind that when we talked about our leanings, we agreed to always hold site plan reviews. We should establish our method of operations, not only do it when we see fit because it opens us up to more problems.

Mr. Arnold: I don't want to unnecessarily belabor it. But as Joe said it's on Route 9 and has to go to the County, so we will advertise for next month and it will come from the County and we will do it then.

Mr. Antis: County will probably meet after us in August though. It's too soon.

Mr. Patricke: What will happen is it might be reviewed by staff and we will get a no impact letter, which is what I would expect.

Chairman Jensen: What information are you lacking?

Mr. Arnold: Barbecue pits- do you have plans to design features to keep smoke from being on Route 9 and causing a problem?

Mr. Lanfear: It's slow rolling, it will have stacks on it and will roll out.

Chairman Jensen: You want to see a Site Plan with parking on it, adequate number of parking spaces shown.

Mr. Arnold: Just put in whatever design features you are changing.

Mrs. Riggi: There are some questions unanswered in the EAF.

Chairman Jensen: Next time.

Mr. Patricke: You also need a floor plan of the restaurant. Give to us the same plan you are giving the Health Department for their approval. That's the one we need.

A meeting of the Town of Moreau Planning Board was held on July 20, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: Motion to schedule a public hearing for KJNZ Enterprises Site Plan Review for August 17th 7:00.

Mrs. Riggi: Second.

Motion passes unanimously with no roll call.

Mr. Patricke: You need to declare Lead Agency because DOT and the Health Dept will be involved.

Motion was made by Mr. Arnold and second by Mr. Antis.

Motion passes unanimously with no roll call.

Mr. Patricke: Paperwork for SEQR has to be in two weeks prior to meeting, Aug 3rd.

#2 Atherton's Auto Sales, Inc.
Site Plan Review

James Atherton: Would like to open a used car lot on Route 9 next to Combs's automotive with inspection and fixing there (at Combs) once they come from the auction.

Atty. Joshua Silver, Murray Law firm: This site has had used car sales in the past, I asked about a Special Use Permit, the previous owner never followed through with an application that was made. So he would like a Special Use Permit and is here on the way to that. No proposal to change anything on the site. Sign on Route 9 would be changed and that is all.

Mrs. Riggi: I can't picture where this is.

Mr. Atherton: Right across from the Aquawood pools.

Atty. Silver: Combs and Auto Sales are on one tax lot, we are leasing a portion from this line over.

Mr. Atherton: Demonstrates map to Board.

Chairman Jensen: Not a subdivision, just leasing?

Mr. Patricke: Which is two businesses on a parcel that is ...

Atty. Dilallo-Bitter: .6 acres.

Mr. Patricke: And the application knows they have to go to the ZBA to get the Use approved.

Atty. Silver: It has always been used this way, even though it was a single property.

Mr. Atherton: We are trying to start off on the right foot, do everything right.

Mr. Patricke: It's all true, they have tried to do everything by the Code.

Atty. Dilallo-Bitter: Is the right of first refusal this parcel or the portion?

Mr. Arnold: Whole parcel.

Mr. Patricke: Any auto fueling sales etc., needs Special Use Permit.

Mr. Antis: Can we limit number of vehicles on the lot?

Mr. Patricke: The permit can.

Mr. Antis: I have seen it taken advantage of where a lot is overfilled with cars.

Atty. Silver: That's a legitimate concern, we anticipate three rows, plus some parking for clients and employees too.

A meeting of the Town of Moreau Planning Board was held on July 20, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Antis: You might migrate towards Combs garage.

Mr. Atherton: That's his property. And we want room between cars for people to walk around and see, and presentation is everything,

Chairman Jensen: The building you will work from, does that already exist on the site?

Mr. Patricke: To address Reed's point, you need a Site Plan that shows where display is going to be, where the employee parking is going to be, all those details.

Atty. Silver: This was blown up from a smaller map and we did show that.

Mr. Antis: Can't really see it.

Atty. Silver: The inventory is in this 70 by 80 area.

Mr. Antis: Are there 2 curb cuts?

Mr. Atherton: Not sure if that's a full curb.

Mr. Antis: Should be on the map.

Mr. Atherton: We can add that before the public hearing.

Mr. Arnold: One is shared, we will need to see those accurately. And the building, is that a mobile garage or is it on a foundation?

Mr. Atherton: I think it's a modular.

Mr. Arnold: It's 6 feet from the back boundary so that would need to be relocated, see if that's accurate.

Atty. Silver: I don't know if that moves.

Mr. Arnold: You'd need to address that with the ZBA. I am not sure how far but more than 6 ft.

Chairman Jensen: It's a pre-existing non-conforming lot.

Mr. Patricke: I would suggest that we meet at the site. It's there, it's been there, it doesn't comply. Front is 50, back is 30 but the Lot is only 100 deep. So let's meet down there one morning and find facts. But it's been there.

Mr. Arnold: If it is a problem, and you have to move it, that 30 feet can be parking area. It's not lost area.

Mr. Antis: Does this go to County?

Mr. Patricke: Oh yes.

Mr. Arnold: No repairs on site?

Mr. Atherton: Goes to Combs.

Mr. Arnold: On your map, note your location of your signage.

Atty. Silver: We're also talking to the DMV about their regulations this week.

Mr. Arnold: You said something about inspections. Is that at Combs?

Mr. Atherton: Yes.

Atty. Dilallo-Bitter: Where would the cars get washed?

Mr. Atherton: Not there, there's no water.

Mr. Antis: Don't do it there, due to drainage.

Mr. Arnold: Ever been a drainage plan there?

Mr. Patricke: No.

A meeting of the Town of Moreau Planning Board was held on July 20, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: We can't keep grandfathering mistakes just because they've been there. It should be on the map where drainage is, it is well drained I don't need concrete retention ponds or anything but we should know. I know it's always been a car lot, but we are going to clean some of this up and I commend your efforts to do so.

Chairman Jensen: So we are going to send this to County. Motion to assume role of Lead Agency?

Motion by Mr. Arnold and second by Mrs. Riggi. Motion passed unanimously with no roll call.

Chairman Jensen: Is it your opinion that the Short EAF is accurate?

Mrs. Riggi: There's not going to be any oils, etc that would require a longer form?

Mr. Atherton: No repairs on site.

Mr. Patricke: Even if there were, it wouldn't require a long form.

Mrs. Riggi motioned to accept the short form EAF and Mr. Antis seconded. Motion passed unanimously with no roll call.

Atty. Silver: So we are clear, I can modify this map to show drainage, curb cuts and signage?

Mr. Patricke: You are going to lay out where the cars will be where the employees and customers will park.

Mr. Arnold: Motion to set a public hearing for Atherton Auto Sales on August 17 at 7:10pm.

Mrs. Riggi: Second.

Motion passed unanimously with no roll call.

Mr. Patricke: This is all contingent on successful completion at Zoning Board.

#3 McKenna, Shawn
Sketch Plan Review
Site Plan Review

Chairman Jensen: I would like to disclose that I have had a contractual relationship with this applicant in the past that has nothing to do with this issue.

Mr. McKenna: I am here to subdivide into 2 lots.

Chairman Jensen: Where?

Mr. McKenna: 7-17 Sisson Road.

Chairman Jensen: This is going to be three lots?

Mr. McKenna: Yes.

Chairman Jensen: Access is from?

Mr. McKenna: 50 ft. road frontage that I have an easement for.

Mr. Arnold: Where do the lots make contact with a public road?

Mr. Antis: In our Code, a lot has to have 40- ft of frontage on a public road.

Chairman Jensen: Did we see this site before?

Mr. Patricke: I don't think so.

A meeting of the Town of Moreau Planning Board was held on July 20, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold: Who owns the 50 ft on the Sisson Road where the driveway is? It comes from the corner and meets that, and there's another that comes over the lands of Clear,

Kristen Darrah, Darrah Land Surveying: An easement is already existing.

Mr. Arnold: I need to see where any of it contacts a public road.

Ms. Darrah: It doesn't. Just that corner.

Mr. Arnold: It's landlocked.

Mr. McKenna: There's another 20 ft on the right of #17 with Proust. That has a right of way to the back parcel.

Mr. Patricke: It is essentially landlocked. The 50ft with the existing easement is it.

Mr. Arnold: Is it a separate parcel?

Mr. Patricke: It is, but he owns them both, he's going to use that 50 ft to make a shared driveway that services three lots.

Mr. Arnold: We've always wanted 40 ft.

Mr. Patricke: He's landlocked.

Chairman Jensen: The parcels and the landlock already exist. Who owns this?

Mr. McKenna: James Greenwood.

Mr. Arnold: Has that easement been filed with the County?

Ms. Darrah: It's included in conveyances already recorded.

Mr. Patricke: Do you have it?

Ms. Darrah: No but I can give you the book and page.

Mr. Patricke: I want the document.

Atty. Dilallo-Bitter: Can I have the book and page? Is this overhead wire an easement?

Mr. McKenna: Yes.

Mr. Arnold: Does the person who owns the 50ft have a right to cross it?

Mr. Patricke: National Grid has requirements for what can go through there.

Mr. McKenna: There's 30 ft coming, National Grid is building access, but I don't want to wait for them so I want to build access to my land.

Mr. Antis: The shape of the lot has to be decided before we can do anything. Is this property on one too? Right now my concern is, to change it would they need a PUD to put residential homes in an M1?

Mr. Patricke: They are allowed by ZBA Special Use Permit in a M1. The lots he's creating are well in excess of the minimums. He would comply, if he doesn't get the approval he still will comply with Zoning for a 1 & 2 family home in M-1. I have a comment. They did Zoning in 1989 and someone drew a line through the middle of lots and made one side residential and one side manufacturing. The way I see the drawing, he's doing the best he can to have his business on the lot. The issues before the Planning Board are not that complicated.

Chairman Jensen: If he were creating a landlocked parcel, we would send him away. But he's trying to deal with one he's already got.

Mr. Arnold: But he's trying to subdivide a landlocked parcel.

A meeting of the Town of Moreau Planning Board was held on July 20, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Chairman Jensen: Which he is allowed to do.

Mr. Antis: What's the easement for?

Mr. McKenna: Service equipment.

Mr. Patricke: There's no access for National Grid; well there is, but it's distant. They've got a project to rebuild all the way down to the Battenkill from there, putting in new poles, fixing stormwater, etc., they have a dam back here that needs to be taken down. That road that they are putting in wouldn't meet our 40ft minimum anyhow, we really only have this entrance to talk about.

Mr. McKenna: On the National Grid easement I can traverse it for personal use, drive on it, plow it maintain it, from them. I don't know if I will use it.

Mr. Antis: Any elevation issues we should worry about it?

Mr. McKenna: It's flat, there's a ravine by the power lines. There's no visual to what we are going to do from my home or the proposed residence I want to build.

Mr. Patricke: You will see that better when the 2ft intervals go on the map.

Mr. McKenna: This is preliminary, for your opinions.

Mr. Arnold: Is this 50ft. being used to access the "formerly of Clear" properties?

Mr. Clear: No.

Chairman Jensen: We should look to do the best we can with the circumstances we have to deal with.

Atty. Dilallo-Bitter: We will have to talk about what the easement says to make sure that there's maintenance and crossing in place.

Mr. McKenna: I understand that shared use of storage use and residence are not allowed. It would be good for me to know in advance whether that's the case so I can prepare for next month.

Mr. Arnold: I'm still struggling with why we are still discussing proposed subdivision of two more lots that don't have frontage on a public highway. Is this going to go to Zoning for that? I don't understand how we can do that. We've forced other people to get 40 ft.

Mr. McKenna: I think I have sufficient acreage on the shared driveway.

Mr. Arnold: We've had each lot have 40 ft. They've had one driveway, Rourke's and Garcia's. We discussed this last week too. It's in the Code that they have to have 40 ft of frontage to subdivide.

Atty. Dilallo-Bitter: I think we should meet and try to discuss what we are looking at for that application. Because there's a disconnect and it's an easement area and not a continuous frontage.

Mr. Arnold: If it's required by the Town, it could be handled by buying from Mr. Clear to get the 40 ft he needs for his lot. It doesn't fit within the Code.

Mr. McKenna: That's why we're here.

Mr. Arnold: If each had 40ft., and you wanted a shared driveway we would do that, with agreements, and crossing, etc. But you have to shape them with 40ft of frontage on a public road.

Mr. McKenna: So it's a question for Zoning.

Mr. Endal (of ZBA): I have a problem with what's the difference between a shared driveway and a private Road?

Mr. McKenna: We've got your opinions and we'll work on it from here.

A meeting of the Town of Moreau Planning Board was held on July 20, 2015 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Antis: A public road has to meet standards to be handed over to the Town.

Chairman Jensen: You need to schedule with a likely discussion with Counsel and Code Enforcement for interpretations.

Mr. McKenna: We know we're going to be here a couple of months.

Mr. Antis: I would like to add that the present look is just messy, where you are trying to shoehorn everything in to make it work. Because of the easement and the way this map is.

Mrs. Riggi: You could change the lots somewhat so the lots and the driveway come together better.

Ms. Darrah: It was ugly to begin with, leftover from other subdivisions.

Chairman Jensen: Have we heard from the dollar bookstore?

Mr. Patricke: No. We'll put a call in to him and see what he's planning to do.

Mr. Antis: Have we heard from The Drop?

Mr. Patricke: He's getting a Special Permit on Wednesday from the Zoning Board if he succeeds, he will be back here.

Motion to adjourn was made at 8:06 by Mr. Arnold, and seconded by Mr. Antis. Motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

Tricia S. Andrews