

A meeting of the Town of Moreau Planning Board was held on October 17, 2016 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Linda Riggi	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Jerry Bouchard	Alternate Planning Board Member
Ron Zimmerman	Acting Chairman
Dave Paska	Planning Board Member

Also present: Atty. Malcolm O'Hara, Attorney for the Town; Jim Martin, Zoning Administrator; Tricia Andrews, Planning Board Secretary

Not present: G. Peter Jensen, Chairman; Erik Bergman, Planning Board Member

Acting Chairman Ron Zimmerman called the meeting to order at 7:00pm. The minutes of the September 19, 2016 meeting were reviewed. P. 1942 2/3 down "Mr. Arnold what the surface..." five lines later I4 changed to Item Four. Large Campers, ..."And you're right" not 'it's your right.' Motion to accept the minutes as amended was made by Mrs. Riggi, seconded by Mr. Antis. Passed unanimously with no roll call.

#1 Snowball Tree Farm

Joe Pickering is the applicant. He has an uncle who has been in the Christmas Tree business for over 50 years, and he(Mr. Pickering) is taking over and wants to come into this area. He started in Glens Falls last year with one lot and he wants to have three in the area this year.

Mr. Antis: This is on the same property that Mr. Bill's had a site plan review for about three years ago, have you reviewed it?

Mr. Martin: I have not, I was not aware of that.

Mr. Arnold: Are the sheds going to be removed?

Mr. Pickering: He will move them if I ask him to.

Mr. Arnold: Are they for sale still?

Mr. Pickering: I'd have to check on that. I originally called the shed place, and he said when Mr. Bill's shuts down for the season, he (shed company) shuts down.

Mr. Antis: I am just curious what we agreed could be sold there.

Mr. Martin: I just looked at the Code schedule, and this would be allowed under the current zoning.

Mr. Arnold: This would be three businesses on one site. I don't see a problem with it, but it sets a precedent. I don't think he's actually selling them, but if someone called and wanted one he'd deliver it. I think they are complementary.

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Mr. Pickering: I just want it for a month.

Mr. Arnold: I think we should have a letter in place with the Town as to that the shed business is shut down when this is active. I am confused what you (Mr. Antis) are looking for.

Mr. Antis: I know we worked it out what was expected to be there.

Mr. Arnold: We have a full application for this, a whole new Site Plan.

Mrs. Riggi: I don't see what the problem is. Mr. Bill's is shut down and the sheds are shut down, so it's only one business in December, so what's the problem?

Mr. Arnold: As long as they get us a letter that the shed sales business is not operating.

Mr. Arnold: We didn't condition it that we only want sheds.

Mr. Antis: We said we didn't want used cars.

Mr. Arnold: That's a different business.

Mr. Martin: I thought it was an empty site.

Mr. Antis: I am asking, what did we agree to previous?

Mrs. Riggi: We shouldn't postpone this, it'll be January and he won't want it anymore.

Mr. Pickering: I talked to the shed guy and he wasn't in business, Jerry said he wasn't in business.

Mr. Arnold: You are proposing 10 parking spaces, but they are the ones at Mr. Bill's?

Mr. Pickering: Yes.

Mr. Arnold: There are 5 or 6 planned but not delineated.

Mr. Zimmerman: Where do the trees come from?

Mr. Pickering: My uncle's land, all over NY.

Mr. Arnold: You said you'd like to sell approximately 200 trees. That seems low.

Mr. Pickering: Well, my first year in the other place I sold 260 so I used that. I don't have a lot of exposure.

Mr. Bouchard: What sort of signage are you going to put out?

Mr. Pickering: Just that one banner, you have pictures of it.

Mr. Arnold: What size? Less than 4 ft. by 8 ft.?

Mr. Pickering: Yeah I might guess 3 x 5.

Mr. Arnold: Wreaths and kissing balls?

Mr. Pickering: A few.

Mr. Arnold: Music on speakers?

Mr. Pickering: No.

Mr. Antis: Is this one parcel or two?

Mr. Pickering: I believe it's two separate.

Mr. Hall (Ethan Hall, architect): Three actually. Bill Smith sold them to the guy who's doing Mr. Bill's now.

Mr. Arnold: The third one is in the back?

Mr. Martin: That rectangular part. So this is all over the three parcels.

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Mr. Arnold: Technically is this even a change of use?

Mr. Antis: Well, it's a different business entity.

Mr. Arnold: If the shed guy wanted to sell Christmas trees?

Mr. Martin: He'd still need to come in for Site Plan.

Mr. Arnold: I would be satisfied if I just had a letter that he wouldn't be open during the time while you are.

Mr. Martin: That's reasonable. Or that he's out of business altogether.

Mr. Bouchard: Does he need a lease to cover the parking spaces?

Mr. Martin: I think that's a reasonable request.

Mr. Pickering: Related to the parking spaces or the tree sales?

Mr. Arnold: Both.

Mr. Bouchard: We want to know that you are allowed to use those three lots.

Mr. Martin: We just need a January-April use for this site.

Mr. Antis: If in spring the present owner wants another business, he's going to have to shut the sheds down completely...if they stop selling anymore, he'd have to come before the Board again for another use.

Mr. Martin: Change in use, yes.

Mr. Antis: And he's ok to come back year after year?

Mr. Martin: When do you open?

Mr. Pickering: The day after Thanksgiving.

Mr. Bouchard: So we get a letter saying there's no shed guy. This starts, they sell til the 25th of December, and then the shed guy is able to sell here?

Mr. Paska: This says January 1.

Mr. Bouchard: So next year on Black Friday we're okay with this starting up again? The letter has to say that whenever the tree sales are going on, there's no shed sales. You will lease this one year to the next?

Mr. Martin: You could also stipulate a letter be sent to the property owner explaining that.

Mr. Arnold: That makes more sense than making the shed guy come in here on January 1.

Mr. Bouchard: Should we possibly change the # of trees?

Mr. Arnold: Wouldn't change his site plan, he would refill the racks.

Mr. Martin: You'd better stipulate the number of racks.

Mr. Arnold: He's got 7 on the drawing.

Mr. Martin: That establishes everything.

Mr. Bouchard: This letter says 6 racks, 30 ft long but the drawing has 7 racks, 60 ft long.

Mr. Arnold: We're going to go by the drawing.

Mrs. Riggi: Do we have to do SEQR?

Mr. Zimmerman: It's here because it's a change in use...an additional use. We're here to sort out there being another use.

Mr. Arnold: So we're not going to look at drainage or anything.

Mr. Martin: What's the parking for the shed business?

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Mr. Arnold: We had six on the map off of the driveway but they were never lined. It wasn't manned. We've handled signage, lights...

Mr. Zimmerman: The lighting on the drawing is correct?

Mr. Pickering: Yes.

Mr. Arnold: I think it's a nice complementary use.

Mrs. Riggi: Do we motion to accept as a seasonal use subject to the stipulations?

Mr. Zimmerman: You can take it on face value and just ask that shed sales cease and a written agreement from the property owner for the use during that time. And Jim was talking about a letter.

Mr. Martin: From me to the property owner that says understand that we have shed sales spring-November and on Thanksgiving – January 1st there will be Christmas tree sales.

Mr. Arnold: Where are you placing the generator, and what type?

Mr. Pickering: It's a 2000 watt Yamaha. It's on the drawing.

Mr. Martin: Behind the first rack.

Mr. Arnold: It's a suitcase generator.

Mr. Martin: Is that on all day or just for the lights?

Mr. Pickering: Just after dark.

Mr. Arnold: So we need a letter about the parking lot, tied into a lease.

Mr. Zimmerman: Maybe we want to add a note on the drawing. The contract between the Town and this operation is this document.

Mr. Arnold: So would this all be filed in the same drawer?

Mr. Martin: I think the system in the office is by application number, not tax map location.

Mr. Antis: There should be a cross-reference note in there.

Mr. Martin: Do come in for a sign permit.

Mr. Pickering: I will try to get your letters this week.

Mr. Martin: I am in tomorrow and Thursday.

Mr. Zimmerman: One option is to take action now, or to wait for the letters, which I don't think would hurt him.

Mrs. Riggi: I think that's working it to death.

Mr. Zimmerman: We've never not had a public hearing.

Mrs. Riggi: We have to have a public hearing for another use on a property?

Mr. Arnold: Standard procedure. We can waive the break between preliminary and final approval.

Mr. Antis: I think we should do the public hearing and expect to waive the other separation.

Mr. Arnold: If we did, which I recommend since we always do them on Route 9, there shouldn't be any surprises, but boy that puts you tight.

Mr. Zimmerman: Malcolm, do you have an opinion?

Atty. O'Hara: It's at the Board's discretion if they want to hold a public hearing

Mrs. Riggi: Motion to waive public hearing for Snowball Tree Farm.

Mr. Zimmerman: Second?

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Mr. Paska: Second. I don't see us not approving this.

Mr. Arnold: What are the grounds for waiving?

Mrs. Riggi: I don't see why we need one to have a seasonal business for a month, and it makes it harder for businesses to open in this Town.

Mr. Antis: He should have come sooner than the last possible minute.

Mrs. Riggi: It's not about the timeline, I don't see the need for it. Many have moved in here and just given up on trying to get through things.

Mr. Arnold: I don't know if I agree with that, but the best grounds you have is that this is not a substantial change in business, it's still retail.

Mr. Martin: There's also no fixed structure or building.

Mr. Paska: No one had an issue with sheds, no one's going to have an issue with trees.

Mr. Arnold: Is there likely to be public resistance?

Mr. Martin: Are there traffic concerns?

Mr. Arnold: It's probably less traffic than when Mr. Bill's is open.

Mr. Martin: And we want business on the Route.

Mr. Pickering: I had a lot of positive feedback and support last year.

Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, No; Mr. Arnold, Yes; Mr. Bouchard, No; Mr. Paska, Yes; Mr. Zimmerman, No. 3-3 Because it's a tie, motion does not pass.

Mr. Arnold: So there's going to be a public hearing.

Mr. Bouchard: Could we move the meeting?

Mr. Martin: That's worth talking about.

Mr. Bouchard: Could we go to the 14th?

Mr. Arnold: We need 30 days on the notice. So it doesn't help this applicant. It doesn't change anything, you can set it up, just come to the public hearing prepared.

Mr. Martin: This is an important meeting for you to be spot on.

Mr. Arnold: We need the letter that it's ok to use the property and his next door parking spaces. We need a letter from the shed business or the property owner stating that the shed business is not operating. The sign for the shed business has to come down.

Mr. Rogge (present for his own review): It's just an advertisement. I see that as too restrictive.

Mr. Arnold: It has to come down anyway, because it puts him over the sign limits. If the sign is still out there, he's still selling sheds.

Mr. Rogge: When was the last time one moved?

Mr. Arnold: He's selling sheds there. He has a business operating there and came before us to get it.

Mr. Pickering: Can I put my sign over his?

Mr. Arnold: Excellent.

Mr. Bouchard: Motion to waive the requirement for 2 ft. contour lines, and set scale at 50 ft.

Mr. Antis seconded.

All in favor, no roll call vote.

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Mr. Arnold: Are you using the curb cut?

Mr. Pickering: No.

Motion to set a public hearing for Snowball Tree Farm on Nov 21st at 7:01pm was made by Mr. Arnold, seconded by Mr. Bouchard. Roll call vote resulted as follows: Mrs. Riggi, Abstain; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes.

Mr. Zimmerman: Malcolm, do we need to do SEQR for this?

Atty. O'Hara: No.

Mr. Bouchard: I would just like it to show on the map that he's using Mr. Bill's parking spaces, since it's in the letter but not on the map.

Mr. Zimmerman: The part about the lights and the operating hours as well. Make sure the rack dimensions are correct.

Mr. Hall: When do you need the new drawings?

Mr. Martin: November 7th.

Mr. Zimmerman: Do we have to go to the County?

Mr. Martin: Yes.

#2 Stewart & Bovee Developers Site Plan Review

Terry Stewart, Stewart & Bovee had come before the Board recently. This is in a similar area, across the road further up. Two lots are proposed. They are conforming lot B & C-2.6 acres and 3 acres. I was hoping for a home office and residence in Lot C and a residential on Lot B.

Mr. Arnold: I think you are allowed that.

Mr. Stewart: With a special permit. So you have to determine whether it's Commercial because of some issues with the lines.

Mr. Arnold: So that bold dotted line is the demarcation between Residential and Commercial?

Mr. Stewart: Right.

Mr. Bouchard: Does this pre-date Zoning? How did that line get there?

Mr. Arnold: He's just creating the lots now. You are proposing two single family lots?

Mr. Stewart: Yes.

Mr. Arnold: Even with a little bit of Commercial zone you can have those with a home business. I don't think there's any further discussion.

Mr. Stewart: Even my surveyor wasn't sure about whether to use the 40 ft. for R-2 or the 50 ft. for C-1, which way do we go?

Mr. Antis: If he separates this now, he can't touch it again.

Mr. Arnold: The Town doesn't allow piecemeal subdivisions, you can make three lots and then you are done for 7 years. So you can't do anything with the rest of lot A, I think. We need Mr. Martin's opinion.

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Mr. Stewart: I was just waiting til spring to do the bigger picture because it's more involved.

Mr. Arnold: I think you might have to do this at the same time.

Mr. Stewart: We had a discussion about a lot line adjustment with Peggy Jenkins, joining the additional 27 acres. So Lot A is about 70 acres, because we took the northern part. This is like a 5-part thing on three roads.

Mr. Arnold: He's doing a 2-lot subdivision, but he can only do so many in 7 years.

Mr. Martin: That's the administrative type, where it's stamped by the administrator, once. The coming before the Board he can always do. But make sure you don't mess up the access to the larger parcel in the back.

Mr. Stewart: I want to make it cleaner by taking that peninsula off.

Mr. Martin: For example, on the edge of Lot C you have a separation distance from the intersection. Would there be any advantage to keeping that as access to Lot A?

Mr. Arnold: Lot C goes way down there. It's on a hill. He's right though, with wetlands especially.

Mr. Stewart: But it's 100% clear that B & C is the most you can do in that spot.

Mr. Arnold: He can't use Lot C for access anyhow with that wetlands there.

Mr. Antis: Maybe run Lot C to the line between McNaughton and have this a straight line so it's clean there, making C a little larger?

Mr. Stewart: I wanted to respect Mrs. McNaughton's property in the back, I didn't want people back there enclosing her. I want that with Lot A.

Mrs. Riggi: Did you lop off that top piece?

Mr. Stewart: That was 30-40 years ago. That's my property line. I have a big master plan here. I'm not sure what you said about 7 years?

Mr. Arnold: You can do one with the Zoning Administrator once.

Mr. Stewart: So maybe I will just come in with B and scrap C.

Mr. Bouchard: Residential Use is not a permitted primary use in C-1.

Mr. Stewart: That's why I brought it up right away.

Mr. Bouchard: That would be Zoning.

Mr. Stewart: I would like it to be Residential use.

Mr. Martin: You can do it by Use Variance or by a Zone Line shift by the Town Board. This Zoning Line makes no sense, I can't stand it.

Mr. Arnold: If they move that house to the other side of that line and it's sitting in the R-2, all that goes away.

Mr. Martin: Yes.

Mr. Arnold: Could you do that?

Mr. Stewart: It would be close.

Mr. Martin: There's a wetland.

Mr. Arnold: Once you do a 50 ft. setback for C-1, it'd be tough to build any commercial use in there.

Mr. Martin: This Zoning line did not track with anything I can see.

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Mr. Stewart: I will probably have to get the Zoning changed by the Town Board.

Mr. Martin: It's your choice, but Use Variance is a tough lift. And you will have a buffer requirement between uses.

Mr. Stewart: I will talk to you, Jim, about how to go about that. If we go to the Town Board and they make it R-2, can I subdivide?

Mr. Martin: I think you can still go ahead with it as you have it drawn here, because I think the lot sizes meet the Code, but it gets complicated. But I think you can.

Mr. Stewart: And I can still do the next one?

Mr. Martin: Yes, but there's some cleanup to do here.

Mr. Stewart: Yes, that will take a couple months.

Mr. Zimmerman: Jim, will you help with that?

Mr. Martin: Yes. I can subdivide two for you but can't do three.

Mr. Stewart: Can I do the one lot now, B?

Mr. Martin: You can subdivide B from A, yeah.

Mr. Zimmerman: Does that give you what you need?

Mr. Stewart: I think.

Mr. Antis: The lot that had Mountain Road Frontage, you put that together with Lot 3?

Mr. Stewart: I might be back with that. It's like 36 acres and I will come in January with that proposal to keep that one piece with the more involved commercial with the cul d sac.

Mr. Arnold: If you could get more creative with the name, we just completed the Stewart and Bovee, so it's the same name as the last one we saw and that's confusing.

Rogge, David
1433 Route 9
Site Plan Review

Mr. Rogge was present but the issue had not been advertised and so could not be heard without the public.

Mr. Zimmerman: Do we need a motion to set another public hearing?

Mr. Arnold: I suggest we hold it Nov. 21st.

Mr. Zimmerman: Can we open it and table it?

Mr. Arnold: It wasn't notified so why open it? Motion to schedule a public hearing for Route 9 Mini Storage on Nov. 21st 2016 at 7:10pm.

Second by Mrs. Riggi. All in favor, no roll call.

Mr. Arnold: Can we work on the parking spaces?

Mr. Zimmerman: I would settle as much as we can right now.

Mr. Arnold: We had some back and forth about the wording of the parking spaces.

Mr. Rogge: For outside storage.

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Mr. Arnold: That's the concern. I am comfortable with parking spaces but not with outside storage. At first it was going to be RV's cars and trucks. Some other options you said are too easy to steal, and then you said storage shed, and metal storage pods. Then it became nothing with tarps over it. Suddenly it became outside storage. I am fully in support of RV's and boats, and not comfortable at all with things that don't go down the road by themselves. I am even fine with a trailer full of stuff. It has to be on wheels with a license plate.

Mr. Zimmerman: So you are looking for us to say it has to be registered.

Mr. Arnold: That it can be registered, it doesn't have to actually be.

Mr. Paska: Still leaves the question of a snowplow.

Mr. Arnold: It can go on a truck and go down the road.

Mr. Martin: This is the email I wrote you about the storage.

Mr. Bouchard: I looked through the Code for guidance, and I am wanting to help you comply and not expand the code. Parking vehicles seems like a good use, but beyond that I am uncomfortable.

Mr. Rogge: My problem is with the new portable garages, once got put up while I was away on vacation and the gentleman wants to put his camper under it. It's a beautiful looking canvas tent that goes over his vehicle. It has a door that rolls up. I can't imagine anybody bringing in a shed to park their car in. If somebody moves their house and wants to store it for a period of time, they want to store their shed there too.

Mr. Arnold: You rent them a trailer to store their shed on in your parking space.

Mr. Rogge: I don't want to lose opportunities. My business is to rent them inside storage, I'm not going to rent them space for their outside storage. I want them to be able to put that shed there.

Mr. Arnold: Why didn't your guy put his RV in inside storage?

Mr. Rogge: I don't have one tall enough.

Mr. Arnold: Now there's a structure on the site. Sheds bigger than 100 sq ft need a building plan and a site plan. There's a limit. I wish I could come up with a better wording for it.

Mrs. Riggi: I have no problem with the sheds, you can't see anything from the road. I would like to vote. Motion to accept this statement that Jim wrote about what can be parked there or not.

Mr. Zimmerman read into record the statement, and today's date was added.

10/18/16

The following items may be parked or placed within the area as delineated on the site plan as approved by the Town of Moreau Planning Board.

1. Vehicles and vehicle-related equipment including:
 - a. Automobiles, pick-up trucks and single-axle medium duty trucks
 - b. Snow plows and trailers
 - c. All-terrain vehicles (ATV's)
 - d. Recreational vehicles -RV's) such as motor homes (Class A, B, and C) 5th wheels, travel/camping trailers, pop-up trailers, and pick-up truck mounted campers
2. Buildings and structures including:

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- a. Self-contained permanent buildings (with a roof and walls) such as sheds up to ten feet wide and twenty (20) feet in length
- b. Enclosed storage containers consisting of steel, aluminum, fiberglass or wood up to ten (10) feet wide and twenty (20) feet in length

The following items are expressly not permitted on the site:

1. Temporary storage facilities consisting of fabric or canvas such as tents
2. Bagged items or good sets on the ground and outside of buildings as listed under the permissible items above
3. Loose, small items (e.g. household goods, hand tools, clothing, etc.) set on the ground and outside of buildings as listed under the permissible items above.

Mr. Antis seconded the motion and Mr. Martin noted that the sizes he named for the parking spaces are to fit into a conventional parking space.

Mr. Antis: Dave, are you comfortable with this?

Mr. Rogge: Not with the canvas structure part. I looked at and got into one and I changed my lease to allow it as long as the fabric is in new-light condition, it can stay. The size of storage he would need, I am not sure I want to get into that yet.

Mr. Arnold: One thing that's missing is cabs- tractor trailers. Was that an oversight?

Mr. Martin: If you want to go bigger, you can.

Mr. Arnold: I would not object.

Mr. Zimmerman: It's not limiting, it says including.

Mr. Arnold: There's a need.

Mr. Antis: What wouldn't you allow?

Mr. Rogge: Points 2 & 3 on the bottom. Stuff outside a container.

Mr. Antis: Can we re-word 1 as "unless it goes over a vehicle that can be licensed."?

Mr. Bouchard: "able to be registered by NYS DMV."

Mr. Zimmerman: Need to motion and second with the amendment.

Mr. Martin read a new statement into the record. 3. Permitted temporary storage facilities consisting of fabric or canvas such as tents covering vehicles which are eligible for registration by NYS DMV.

Regarding a proposed amendment to move point 1 from the bottom up to make it point 3 on the top, roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, No. 5-1 Motion carries.

Mr. Arnold proposed an amendment to the current motion to move the newly approved item #3 to #2 and eliminate #2 "buildings and structures including..."

Mr. Paska seconded. Roll call vote proceeded as follows: Roll call vote resulted as follows: Mrs. Riggi, No; Mr. Antis, No; Mr. Arnold, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, No.

3-3 Tie; motion does not pass.

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Motion made by Mrs. Riggi to accept the amended statement, seconded by Mr. Antis. Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, No; Mr. Bouchard, No; Mr. Paska, No; Mr. Zimmerman, No.

Mr. Zimmerman: You probably want to know what's holding people up. I can poll the Board for you. Linda, issues?

Mrs. Riggi: No.

Mr. Antis: I could flip flop on the buildings and structures. It meets Mr. Rogge's needs. I thought we were trying to make it work for him.

Mr. Arnold: I've been clear.

Mr. Zimmerman: Me as well, buildings and temporary storage.

Mr. Bouchard: I am good with vehicles.

Mr. Arnold: Can we table this?

Mr. Rogge: Self contained permanent buildings? What if we said self-contained and not permanent buildings- like shipping containers?

Mr. Arnold: Nothing allows for container storage.

Mr. Rogge: Let's change that.

Mr. Arnold: In a Zoning discussion. As soon as it's on the ground it's a shed or garage.

Mr. Rogge: It's shipping container. Call it what it is.

Mr. Arnold: I'd use a building.

Mr. Rogge: You can't. These pods are the trend in the industry.

Mr. Arnold: The pod guy is not proposing to put those in our C-1. They are stored in a warehouse.

Mr. Rogge: They are store in parking lots also.

Mr. Zimmerman: Think about it and see what corrections and changes you can make between now and next month.

#3 Northway Animal Emergency Clinic Site Plan Review

Sierra Earl, management for the business at 35 Fawn Road, which is proposing to expand. Staff needs more room to serve patients. They want to expand the building. She is accompanied by Tim Northup North Woods Engineering and John Roger, General Contractor.

Mr. Northrup: This is a 1.54 acre lot on Fawn Road and Route 9. Additions are on north and south, total 2600 sq ft. Entrance off of Fawn Road would be maintained. Currently there are 20 spaces parking, 1 handicapped. Additional parking in dark gray, adding 10 and one more handicapped. Existing utilities, replacing onsite wastewater treatment because it's in the way, new system will be phased to limit operational disturbance. There is municipal water. They are relocating the power line to south end. Main entrance will be maintained. Two new entrances, north for employees, another with a bereavement room.

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Propane tank behind the building may be moved a little.

Stormwater is handled onsite. Silt fence will be used and a stabilized construction entrance. Not changing drainage, they are disturbing less than an acre. The site is on pure sand.

They have two dumpsters. Two pole mounted site lights. He thinks a pole light was put in assuming some sort of expansion. They have new LED fixtures, this one they are rerouting underground. There are also building mounted floodlights that will be moved to the new addition,

Mr. Zimmerman: Did you provide a lighting plan?

Mr. Northrup: No separate one, it's on the plan though.

Mr. Martin: Any new light fixtures?

Mr. Northrup: No, they were upgraded recently.

Mr. Arnold: No change in use?

Ms. Earl: Just a better use of space.

Mr. Bouchard: I was on Zoning when we did this, and I remember we went round and round about the location of that sign, and I don't remember why, but there's a reason why it is where it is.

Mr. Zimmerman: No changes to the sign, just want to move it?

Mr. Northrup: Correct.

Mr. Arnold: Is it setbacks to the intersection?

Mr. Bouchard: I can't remember. It was in front of ZBA for a Special Use Permit and they wanted to relocate the last one, and I don't know why.

Mr. Arnold: It's in the right of way any further north.

Mr. Bouchard: Just protect yourself. Look into that.

Mr. Zimmerman: With the parking that we have today and the addition, is that what we need?

Mr. Martin: Yes.

Mr. Antis: Thank you for your spreadsheet, that's helpful.

Mr. Arnold: What's the surface of the parking?

Mr. Northrup: Asphalt.

Mr. Arnold: You said it's handled on site. I don't see drywells.

Mr. Northrup: It drains naturally.

Mr. Zimmerman: Just sheet flow to the surface around the paving?

Mr. Antis: Should we be comfortable with that or should we expect more?

Mr. Arnold: I would like to see at least one drywell for when the ground is frozen but the snow melts or it rains. You are flat, but down in a pocket.

Mr. Martin: Can the engineers have a discussion?

Mr. Arnold: Yes, it doesn't have to be detailed, but it's got to go somewhere and not off-site. There used to be a big pond out front.

Mr. Martin: Do you see that?

Ms. Earl: No.

Mr. Arnold: It forms right where your proposed septic is.

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Mr. Zimmerman: I think we should refer it to Garry.

Mr. Martin: It's a little tight to the northern boundary and it might runoff to the neighboring property.

Mr. Martin: Is this flat or pitched roof?

Mr. Arnold: 3:12 roof.

Mr. Martin: Roof drains at the eaves?

Mr. Northrup: No.

Mr. Martin: Foundation drains?

Contractor: No, there's no where to send them. The basement has been dry. It was only wet from spilled beer.

Mr. Martin: Typically it needs to be viewed against DEC standards.

Mr. Zimmerman: We would have Garry look at it. We have Short Form SEQR, is that appropriate?

Atty. O'Hara: Yes.

Mr. Zimmerman: Board, what else do you need to see?

Mr. Antis: We've discussed stormwater, sign, lighting, septic.

Mr. Martin: Is the access point defined in curb or pavement?

Mr. Northrup: Yes. We want to add a small up- or down-lit sign at Fawn Road to further identify where it is and what it is. Currently a backlit sign on the building which will go away.

Mr. Arnold: That gives up a lot of visibility. It's your choice.

Ms. Earl: It's open for consideration, if the other sign can't move.

Mr. Arnold: There are sign ordinances.

Mr. Martin: It can be found online.

Motion for the Planning Board to declare lead agency was made by Mr. Arnold and seconded by Mr. Antis
Motion passed unanimously with no roll call.

Mr. Antis: Is this going to the County?

Mr. Zimmerman: Yes. It will go to them on Thursday the 27th so we should have it back by the next meeting.

Mr. Martin: You can ask Mike Valentine how they would look at this.

Contractor: Do you send it to County, or do we?

Mr. Martin: Municipalities are bound to do it.

Mrs. Riggi: Motion to set a public hearing.

Mr. Arnold: Do we have everything?

Mr. Zimmerman: What's your timing?

Mr. Roger: We'd begin as soon as permitted in December. It's something we can do in cold temperatures. Should take about 4-5 months.

Mr. Bouchard: Are you staying open?

Ms. Earl: Yes.

Mr. Antis: Would DOH be involved with upgrading the septic?

Mr. Zimmerman: No, and it's Town water anyway.

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Mr. Arnold: Did anyone observe your test pits?

Mr. Northrup: No. Pictures don't work?

Mr. Antis: It has to be done, right?

Mr. Martin: Schedule it with the building inspector or Garry.

Mrs. Riggi motioned to schedule a public hearing at 7:15pm on Nov. 21 for Northway Animal Emergency Clinic. Mr. Bouchard seconded. All in favor motion carried with no roll call.

#4 Mark Reynolds

Site Plan

NYS DOT has asked for some changes to the entrance plan. They wanted entrance and exit together so Mr. Nace redrew the plans with the parking lot going right up to the neighbors' and a truck could turn around in there. Talking to Mr. Nace, if there were further issues, he would move out back. It has taken a while to get back to the Board because Mr. Nace was busy.

Mr. Antis: Only from a tractor trailer going south could enter your parking lot.

Mr. Reynolds: Yes.

Mr. Antis: And DOT was happy with that?

Mr. Reynolds: Yes.

Mr. Arnold: Are you happy with that?

Mr. Reynolds: I'd be happy with anything. We have very limited truck traffic. It's an inconvenience to them, not me. We're working on the building. Trying to run out of there is difficult.

Mr. Arnold: You have good visibility but they come up fast.

Mr. Antis: Are you moving a pole?

Mr. Reynolds: Yes, I have to pay to move the pole. We'll be lucky to get it in this winter.

Mr. Arnold: You eliminated parking in front.

Mr. Reynolds: Yes. It's enough for us now.

Mr. Bouchard: My recollection is it's just a couple employees. Why do you need 10 parking spaces?

Mr. Reynolds: We just put them in because we had so much space there for trucks. And we may develop out to the back.

Mr. Antis: So the proposed addition is for, what, supplies?

Mr. Reynolds: Trucks and equipment, piping material.

Mr. Bouchard: That was all under the other plan. I just wanted to make sure you clearly needed 10 spots.

Mr. Zimmerman: A tractor trailer is going to want to unload where your addition is.

Mr. Antis: Is there a forklift there?

Mr. Reynolds: Yes.

Mr. Antis: Is that addition facing the main road?

Mr. Reynolds: Yes.

Mr. Martin: The vehicle entrance is on the east.

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Mr. Reynolds: We had to rewire the whole thing, no insulation, new sheeting.

Mr. Zimmerman: So we just need to validate the change?

Mr. Arnold: Motion to approve the amended site plan.

Mr. Paska seconded.

Mr. Antis: I am still not pleased that there's not a proper degree mark that a tractor trailer can do this. I am not pleased with that. It should have been delineated and it's not that hard to do.

Roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, No; Mr. Arnold, Yes; Mr. Bouchard, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes. Motion carries 5-1.

Mr. Bouchard motioned for the Chairman and one other member to sign the Mylars when they become available and Mrs. Riggi seconded.

Mr. Reynolds: I will present that when I get the DOT signature.

Fred Bartlett

Bartlett Doyle Site Plan. Mr. Martin explained that this was a non-conforming situation brought here by complaints from the neighborhood.

It is a Commercial Zone, bordered by a National Grid right of way. A driveway goes through the right of way where now you see a proposed structure, there is equipment, sheds, debris- was a roofing/siding contractor business. It's non-compliant in that it had no Site Plan Review. Additionally the wood frame house has its interior partition walls removed, and debris was stacked out in front of the house. We are trying to get this all cleaned up. He's hoping to hear that there is going to be some retail sales out of the place, that's what's allowed. He'd like to hear what's going to happen with the house, and I think this needs a public hearing, as the neighborhood is most interested.

Driveway has been closed off by National Grid. New one was cut and is labeled "earthen driveway" to access storage, and I have some comments about that. It's not an authorized curb cut and it needs to be rerouted to a singular curb cut. The other concern I have is with the ongoing conditions. Many vehicles stored, no fencing, no screening. House has been boarded up and secured, but the sheds and unregistered vehicles are still there. Roofing materials are stored. A lot of cleanup has to be done. There's a ways to go.

Mr. Antis: This is a C-1?

Mr. Martin: Just borderline, but wholly within.

Mr. Martin: If this one-story Commercial building goes through there has to be a commitment to build it and take care of this.

Mr. Bartlett: Once I build the building I won't need the sheds. (Fred Bartlett. Fred Bartlett Enterprises Incorporated)

Mr. Antis: How long has it been operating?

Mr. Bartlett: 8 mos to a year.

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Mr. Martin: Ben Marcantonio issued a cease in February, I issued one in July and another in August and was about to write a court appearance ticket, and the application is in here. There is a path to compliance. I am not trying to be punitive.

Mr. Bouchard: Walk us through what you are proposing.

Mr. Bartlett: House remains Residential. Separate structure for business proposed with its own driveway. I can work with you, I would like not to have one driveway because I don't want men in and out all day in front of my home.

Mrs. Riggi: You are living in it?

Mr. Bartlett: No, but remodeling it.

Mr. Martin: How long since it was occupied?

Mr. Bartlett: Year, 19 mos. tops

Mr. Antis: Last occupant?

Mr. Bartlett: Fred Burke.

Mr. Arnold: Do we allow Residential and Commercial in one place?

Mr. Martin: No, but there's a two year window on discontinuing the Commercial Use.

Mr. Bouchard: In my mind it becomes an Accessory Use, if he wants to keep Residential. R-5 uses are farm ponds, farm produce sales, and things from R-1 which names garages, private tool sheds and pools, and customary incidental use. I would think you'd need a Use Variance.

Mr. Martin: How critical is it for you to use this as a residence?

Mr. Bartlett: I own houses, but I don't want to kick anybody out.

Mr. Martin: There's plenty of acreage.

Mr. Arnold: To subdivide.

Mr. Bartlett: I lived on 10 Fuller and developed it nicely. This will turn out like that. But I need permission to go ahead and do this.

Mr. Antis: But if you want to subdivide and put a residential on the property, is that allowed?

Mr. Bouchard: It's pre-existing.

Mr. Martin: I think subdivision is... I wouldn't do that. It creates a strange configuration.

Mr. Arnold: It's unfortunate the way the house is centered.

Mr. Martin: Could call the house the Use Variance.

Mr. Bouchard: Is that the primary or the accessory?

Mr. Martin: As part of the Variance it's two principal uses.

Mr. Arnold: At the moment, it's a residential lot in the commercial district.

Mr. Arnold: Parking plan, etc. all the commercial use, is proposed.

Mr. Bartlett: Does having my office in the house impact it?

Mr. Arnold: Office is allowed in a residential use. You can have an office in the commercial zone too, but you can't have the residence.

Mr. Martin: The office would be permissible in the residence. We have one principal use. Office and equipment storage.

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Mr. Zimmerman: Do you envision selling anything from here?

Mr. Bartlett: Yes, roofing, siding & windows like Rich Aluminum.

Mr. Zimmerman: Would you have showroom?

Mr. Bartlett: Yes, in the commercial building.

Mr. Martin: And you are opposed to one curb cut.

Mr. Bartlett: It's cheesy to have people driving across your front lawn to get to the business.

Mrs. Riggi: Is it possible to have one curb cut in the middle?

Mr. Bartlett: Sure. Customers might not be sure.

Mr. Arnold: Your residence is part of the Commercial use because your office is in there. It makes sense to share a driveway.

Mr. Martin: You have to get a driveway permit from the County.

Mr. Bouchard: You need to take a good hard look at the tests for a Use Variance and make a good case. There's not much for this Board to do until that's done.

Mr. Zimmerman: Our obligation is to give you feedback. If you merge, you have one curb cut and some signage. I think that's the one thing we've given you substantively.

Mr. Martin: Clearly you need to store equipment.

Mr. Bartlett: I have one-ton dump trucks and a lift.

Mr. Martin: I'm talking about the trucks in the back.

Mr. Bartlett: I am working on getting rid of those.

Mr. Martin: If they are associated with the business that's fine. But this is adjoining a residential area so it needs to be fenced and screened.

Mr. Bartlett: Can I put a fence down my property line for that? I need room to maneuver.

Mr. Bouchard: Think in terms of you're gonna try and convince people you are a good neighbor. So a screened fence where it's not wooded. Eliminate dust, etc from leaving the site.

Mr. Bartlett: Screened fence?

Mr. Bouchard: Chain link with the slats.

Mr. Bartlett: I would build like the deli on Feeder Dam Road.

Mr. Bouchard: Mitigate the impact.

Mr. Bartlett: And I want to prevent stealing.

Mr. Bouchard: It's zoned for a commercial use and you have a right to put the business there. If someone bought next to it, caveat emptor.

Mr. Bartlett: I want it quiet and I don't want my neighbors pissed off.

Mr. Arnold: Nothing is existing at this moment. Is there any particular reason you are not putting the Commercial on the Route 9 side of the house, away from the residential area?

Mr. Bartlett: I never thought about that.

Mr. Arnold: It might be a better location for an enterprise. Make sure everything works with Jim. I would subdivide it.

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Mr. Martin: It's your property. I thought you were dedicated to this area for the building. If you can move it, the subdivision is doable.

Mr. Bouchard: There are difficulties with subdividing, too.

Mr. Zimmerman: You'd disturb more than an acre, you'd have to do stormwater. The right side won't make the best use of the property. We are talking about ways you might best utilize the site.

Mr. Martin: Both lots are more useable if you do that.

Mr. Zimmerman: You gotta make a plan either way; apply for a Use Variance or we are going to look at a Subdivision where you're building a lot at the same time. And we'd establish some timeline and phasing and that kind of thing.

Mr. Bartlett: I don't want to drag my feet. That will happen immediately.

Mr. Arnold: None of these options defer from the fact that the current situation is unacceptable. It's something you are going to want to move on.

Mr. Martin: A schedule has to be established and met.

Mr. Bartlett: I hope you can be reasonable. I will start on the fence first.

Mr. Martin: What's being suggested requires you to shift everything. If you do decide to go the subdivision route, I can see merits, but you have to get that debris out of there and gathered where the commercial use is going to be.

Mr. Bouchard: I can't say that what you are doing is going to be allowed in 3 months. If the ZBA denies you, your only option is the subdivision. If you move it, I am not certain what the best path forward is.

Mr. Martin: Do you have any hard evidence as to when that was last used as a residence?

Mr. Bartlett: I can find out from Mike Muller.

Mr. Martin: There's two years before the use is considered abandoned, If it's been 18 months, you have to get in there in 6 months and not lose that use. If we can establish that last date.

Mr. Bartlett: I can get that in the next couple of days.

Mr. Martin: You need a building permit for the house and we can establish that use.

Mr. Bouchard: And then the state of the business is a second issue. Is there business happening out of there now?

Mr. Martin: As long as he is actively engaged in coming into compliance I will withhold the appearance ticket, I can't be writing 3 nasty letters.

Mr. Arnold: Do you want him to fence it?

Mr. Martin: His priority needs to be on the date and the building permit on the house to reestablish residence, and in the meantime we will work on this. You got Charlie Scudder?

Mr. Bartlett: Don Pidgeon.

Mr. Martin: The three of you should come in and see me and we'll talk all this over.

Regarding the Harrison Avenue project for Mr. Schmerhorn and the updated traffic concerns, Peter Faith was out of the office and there is no traffic study movement so Mr. Schermerhorn is not happy. He was not present at this meeting.

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Motion to adjourn was made at 10:24pm by Mr. Bouchard and seconded by Mr. Antis. All in favor, motion carried.

Respectfully Submitted,

Tricia S. Andrews