

A meeting of the Town of Moreau Planning Board was held on December 18, 2017 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Ron Zimmerman	Chair
Jerry Bouchard	Planning Board Member
Reed Antis	Planning Board Member
John Arnold	Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member
Erik Bergman	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary
Planning Board Members Absent: None.

The Board reviewed the minutes of the November meeting and made the following corrections: p. 2069 3rd down Mr. Shaver asked about the gravel vs. Blacktop says laptop. Following paragraph 'he feels that the requirement should be waived,' not 'agreement should be made.' P. 2069 2nd paragraph should say the developer 'runs the line to the house' instead of 'lot to the house.' P. 2072 Galusha 'between this and the Northway' should be clarified that 'this' is the proposed subdivision. p.2073 2nd paragraph applicant to review it- it is the town subdivision regulations. On p. 2070 plan will not move forward should be 'move' forward, p. 2072 2/3rds Mr. Hall signed should be signage or "a sign." On p. 2070 2nd paragraph 18th line map to mapper.

Motion was made by Mr. Arnold to accept the minutes as amended and seconded by Mr. Bouchard. All in favor Mr. Bergman abstaining.

#1 McKenna, Shawn
Route 32
Public Hearing
Final Review

Before opening the public hearing, Mr. Zimmerman asked for an update on the seven items required at the last meeting. The sign is up. Mr. McKenna believes everything is on except for from Laberge. They have not been responsive, so there is nothing Mr. McKenna can do. Mr. Martin just checked and there is nothing in his email about a problem, but he also doesn't have a clean approval statement either. Natural heritage letter from DEC was requested and Mr. McKenna thinks Mr. Martin should have it back. Confirmation of Perc tests- they have been added to the drawing, the statement about the driveway withstanding the weight of a fire truck is done, SHIPO letter was mailed and Mr. Martin has not seen the response but Mr. McKenna thinks it was received. He was directed to the online system. From the Water Dept., Mr. Fish approved the 4 curb stops for the water. Mr. Martin believes these things are procedural and there is nothing exceptional that should raise issues on this.

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Mr. Jensen recused himself because Mr. McKenna is using information he has provided, and will not be voting.

Public hearing was opened at 7:12pm. Mr. Zimmerman provided the ground rules. Beth Centerbar at 458 Gansevoort Road lives across from the project and asked whether the driveway will be where the sign is. Mr. McKenna said that it will. Terry Clark, 468 Gansevoort Road expressed concern about the shared driveway and what happens if the neighbors don't get along sometime down the road. The Board explained that in this case there is deed language that will provide for the maintenance arrangements. It is not a road built for the Town to take it over. Mr. Clark asked whether the driveway has been DOT approved and expressed concerns about the blind hill by Duell's garage. DOT is waiting for the project to be approved by this Board before issuing the driveway permit. Mr. Martin also pointed out that the agreement about the driveway is on the plans and is enforceable by either civil action between the neighbors or the Town can step in. It would then be treated like a Code violation. Mr. Arnold explained that the shared driveway eliminates having four driveways, which is less desirable. Mrs. Centerbar asked if they could have used the spot where trucks were going in and out and Mr. McKenna explained that it wasn't wide enough. She was concerned about it not being lighted there and that there might be an accident as it is a very busy road.

Mr. Arnold asked why there were no test pits listed on the other three sites and how the water management plan was made without looking at those, but he will be satisfied if the engineers sign off on all of it. Mr. McKenna said that the test pit was done on one of the lowest points but it was also a convenience point at the time, and that the soils have been checked and seem uniform. Mrs. Centerbar asked whether there is a stream or standing water back there and Mr. McKenna said he had not seen anything.

Mr. Antis asked about the area of surface water shown on Lot 3 on the map. There is an area of retention there. It has been dry when he is there, but it is darker. They are building above ground and that is three feet below and mostly off the property. Mr. Antis asked if they will raise it up, Mr. McKenna said they are not doing anything to it but will have raised foundations.

Mr. Arnold asked if that will be addressed by building permits process and Mr. McKenna agreed that it is, in-ground foundations near water are not allowed and they need a drain to daylight, he is avoiding that. Water lines will be separated at the roadside, utilities will be one line to a box where they will be split. Mr. Arnold asked whether the easement wording had been through review by legal and Mr. Martin said that it had.

Mr. Bouchard asked whether the easement was on the map, and Mr. McKenna said it will be in the deeds. Mr. Martin agreed that it has to be added to the map.

Mr. Martin said that there is still a request to waive separation between preliminary and final review. The Board reviewed the EAF. 3.89 acres is the size listed and it should be 3.91.

Part II- no comments. Motion was made by Mr. Bergman to make a negative declaration regarding SEQR and seconded by Mr. Arnold. To the motion, roll call vote resulted as follows: Mr. Bouchard, Yes; Mr.

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Antis, Abstain; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Abstain; Chairman Zimmerman, Yes. Motion carries 5-0-2.

The public hearing was closed at 7:34pm. Motion was made by Mr. Arnold to grant preliminary approval to McKenna Gansevoort Road Subdivision on the conditions that legal approved the easement language, engineering approved the SWPPP, SHIPO Letter is received, Natural Heritage letter is received, and the easement language is added to the map. Separation of water will not get a letter because it is on private property so Mr. Fish won't provide one. Mr. Bouchard seconded.

To the motion, roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Abstain; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Abstain; Chairman Zimmerman, Yes. Motion carries 5-0-2.

A request to waive the requirement for separation between preliminary and final review was made in November. Mr. Arnold motioned to waive the requirement for this project, and Mr. Bergman seconded. Under discussion, Mr. Arnold said that the Board has seen this project several times and had two public hearings, so they have had ample time to examine it. To the motion, roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Abstain; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Abstain; Chairman Zimmerman, Yes. Motion carries 5-0-2.

Mr. Bergman motioned to grant final approval to McKenna Subdivision on Gansevoort Road with the conditions cited on the preliminary approval and Mr. Shaver seconded. Under discussion, Mr. Antis said that this is not the best use of the property and he strongly believes there will be trouble down the road and that adding a shared driveway again in the Town is a bad idea. He feels that the Board shouldn't keep allowing them. To the motion, roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, No; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, Abstain; Chairman Zimmerman, Yes. Motion carries 5-1-1. Motion that the Chairman and one other member sign the mylars when they become available was made by Mr. Arnold and seconded by Mr. Bouchard. All in favor, motion carries with one abstention.

Mr. McKenna has 60 days to get everything in order and signed.

#2 Gerard McKenna Site Plan Review

This application is for 22 VanBuren Street, a 4- apartment building. This is a new site plan. The location is zoned UR. This had gone to the ZBA for an Interpretation of the Zoning Administrator's Decision because it was a pre-existing non-conforming lot. In August 2016 the ZBA heard the interpretation question and supported the decision for an exception. Mr. McKenna's reasons for appealing and asking for a setback variance he received were financial, not based on engineering.

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This will have public water and sewer. The Water Department asked him to run the water main through to the other side of the property. The tying into the sewer must go through the Town Board. The building will be on a slab foundation.

Mr. Antis asked what the view will look like from the road and Mr. McKenna said it will be two windows and a rock wall.

This has been to Emergency Services and the letter from them is signed and dated Oct 4, 2017. There are no concerns. Mr. McKenna said there was a letter from Fire also, but Mr. Martin didn't have it in the file. It will have to be provided before final approval.

Mr. Arnold asked about being 6 ft from the boundary line and where the patios would be. They would be 1 ft. from the line. Mr. Martin said he doesn't think patios are subject to the Code because there is no elevation. If they build it up beyond slab, it would need a variance.

The driveway is 18 ft wide. Mr. Bouchard was asking whether it has to be 20 ft, but the lot is not that deep. The light fixtures need to have a cut sheet and specs provided, and since the sign says it will be illuminated, they will need to see the specs on those, too. Mr. Arnold pointed out that it doesn't say illuminated. Mr. Martin asked for clarification on the nature of the trash enclosure. It does say stockade fence or equal. There was discussion about wood vs. plastic for the enclosure.

Mr. Antis asked about the snow removal area and Mr. McKenna said it would be cleared and grassy. This plan is not large enough to require a SWPPP. Mr. Antis asked that it be thought out more and Mr. McKenna said he didn't want to have to put a drywell on this tiny lot. Mr. Arnold reminded him that he could not plan on water going to the neighboring lot, whether that lot is vacant or not. Rain and snowmelt has to be managed on site. Mr. Martin asked for a note on the plan about grading to handle snow and stormwater runoff. Mr. Arnold stated that gravel is considered impervious. Mr. Bouchard asked what he is doing with fencing, he plans to fence the west side and do nothing on the east. A landscape plan was requested. There was discussion about whether to put the fence on the plan, and Mr. McKenna said that he wasn't sure about it, so he was advised to leave it off. If he decides to do one, he has to come in for a fence permit, which he would have to do anyway. Mr. Bergman said that even shed from the roof so close to the line would be an issue if gutters were not used. Mr. Martin said that he should be very careful with water in such a tight space. Mr. McKenna did not get soils information because the lot is less than 3 acres. Mr. Zimmerman asked whether the Board wanted to get them and Mr. Bergman said that they just need to see an effort being made. Mr. Bouchard pointed out that the lot will be cleared completely so he has the opportunity to put in some swails, etc. The Board encouraged him to draw that in and do it while the excavation was under way. He said he would like to run it to the center of the parking lot and then out. Mr. Arnold suggested a berm in the back to keep it on the property.

There is no room for a fire escape.

Entrances are on the opposite side from the gun club. Mr. McKenna has tried to contact the gun club to buy that property but can't get a hold of anyone as they have not answered his letters.

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Mr. Bouchard asked whether he needs a dedicated handicapped space. Mr. McKenna said he doesn't have to be ADA compliant on a project this size. It has to be over 3,000 sq. ft. to start having elevators, and that's in office buildings.

He was not sure which regulation he was citing, and Mr. Martin said he would check with the building inspector Matt about that. Mr. Arnold didn't think they had dedicated handicapped spaces at other apartment complexes.

The Board discussed whether this needs a public hearing. Mr. Zimmerman asked whether the Board would like to see this list done before scheduling a public hearing. Outstanding items include a letter from fire, details on a trash enclosure, lighting specs, utility hookups, a water drainage plan, landscaping plan, and he needs to visit the Town Board about the utilities.

Mr. McKenna would rather avoid a 6 inch main through three properties, but Mr. Fish has indicated he will need one. The Board agreed that for a 4-unit apartment building he would need one. Mr. McKenna wasn't sure he could be back for January, especially since he needs to go to the Town Board.

Mr. Bouchard asked the applicant to tabulate the impervious area of the lot- the driveway, sidewalks, etc. Mr. McKenna asked whether he can get something conditional for when he gets to the point of Town Board. Mr. Arnold didn't think that would work. Mr. Jensen thought it could be done. It would save Mr. McKenna a trip back but it would be risky for him.

Mr. Bouchard asked whether they should waive the requirement for topo lines for a stormwater plan and made a motion to waive the requirement for 5 ft. topo lines on the site plan. Mr. Jensen seconded. Asked why, Mr. Bouchard said that the application will give indication of the general grade and a survey seemed too much. All in favor, motion carries with no roll call.

An EAF has been received for this project. The Board doesn't have copies of that.

Involved agencies: NO- DEC, DOH, County, State YES -Town Board, City of Glens Falls, schools.

Mr. Jensen motioned that the Board declare Lead agency status and Mr. Bouchard seconded. All in favor, motion carries with no roll call vote.

Mr. Bouchard asked how the interested parties will know that there has been a Lead Agency declaration and Mr. Martin will send out a letter tomorrow and they will have 30 days to respond.

#3 Snyder Drywall Update

They have reason to believe that the survey is incorrect. A second survey is being sought to clarify whether the building is over the line. That is the latest information Mr. Martin has.

#4 Habitat for Humanity Site Plan Revision

A meeting of the Town of Moreau Planning Board was held on December 18, 2017 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Tami DiCara representing. Ms. DiCara is the president of the Board of Directors for the local chapter of Habitat for Humanity.

This is an amendment to the Site Plan stemming from an enforcement action. They have not conformed with Site Plan since they opened. There is far greater volume in traffic and materials than anticipated, and they have lost a storage facility which resulted in emergency need to bring items to this store and have them in tents in the back. A more permanent steel storage unit was also added and they would like to have permission to keep those. They have also made arrangements with Mr. Vittengl next door for storage in his buildings, which would also require review. They have been very cooperative with Mr. Martin.

It has been very hard to project the volume they have had. Mr. Martin thought this was more household goods oriented, building materials, but the public has used it as a place to drop stuff off at 2 am. That kind of use is very hard to plan for.

Mr. Antis asked whether they have representation and Ms. DiCara said that they have. Mr. Antis asked whether they had been advised that they were in violation of the Code and Ms. DiCara said that they had not.

Mr. Antis expressed that he was disappointed in the way this was presented last year and the Board had been very cooperative, and that the present application seems inappropriate for the commercial zone.

Mr. Arnold said it was very specifically stated that there would be no dumpster, trash would be kept inside because having a dumpster would encourage leaving things after hours. Mr. Antis said it was supposed to be a quiet spot, and now it is loud. Mr. Zimmerman stated that the applicant had specifically said that there was no need for outside storage and that it is important for her to understand why the Board is upset.

Are parking spaces striped out? Yes, the same ones as on the map.

Will there be sales out of the storage pods? No, it is only storage. They had warehouse sales trying to move this stuff so they wouldn't have to bring it down.

Mr. Arnold said that the Post-Star wrote about how nice the tents were, and said that there is no tent sales allowed in the town. Ms. DiCara said that was an error of ignorance.

They have only been open since Oct2nd and they never projected the volume they have had. There is Zoning for warehouses in the district and it has to be 300 ft from the road.

Mr. Arnold asked about the sign. The Code states that the area of all signs combined can't be more than 40 sq ft, or 5% of the area of the façade if the façade is 80 sq ft. This is in Chapter 117-04 B2. She will have to get a total of what is on the building to subtract that from what's allowed. There is also a sign on the trailer. That sign is just not allowed according to Mr. Arnold. Ms. DiCara explained that that is a building trailer that goes to a spot where they are building a house. The Board advised her that it could easily be stolen from where it is. Some Board members thought that a truck or trailer parked there could be used for advertising, and there was disagreement.

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Mr. Zimmerman asked about the storage at Autoworld. It is the same type as in the pods, and they hope to scale down and not use that, just the pods. They want to come to the Board in the spring about a building expansion. Mr. Martin stated that they are short of parking spaces for the retail space based on the amended site plan. That is not including the requirements of the office space in the loft. So to expand the building would cause further parking issues. The allocation of the space needs to be very detailed in order to come up with parking spaces, and Mr. Antis read the amounts on the plan. Ms. DiCara said that was right, and Mr. Martin said if it was, there was a problem. When he was on site, it seemed the retail space was larger and happening in space currently marked as storage. Ms. DiCara said it is a 2 acre lot and they can build more parking. Mr. Arnold noted that people are parking next door.

Mr. DiCara was asked about the dumpster plans. One is scrap metal for recycling and is donated. They screen things when people drops things off, they won't always take everything. Something like a filing cabinet in good condition, if it isn't selling, they will eventually recycle it instead. It is not a scrap yard. That is the middle dumpster. After hours, is a different story.

The store is staffed Tues- Sat., and people do drop things when they are not open. They have talked about cameras and a security system as well as a sign in the area saying no dumping. She asked and that sign would be handled differently because it's not advertising-it doesn't have to come off their allowed sq ft. Mr. Martin asked for more detail on the intake process. What if there is a big delivery, high volume at closing time with no time to go through it. How long will it sit there? The processing area is storage at the last garage bay. It has shelving and volunteer staff. Big trucks don't come in. They pick up. They make appointments. Drop offs are smaller because it comes in a car. It is a steady stream of small things all day. They don't accept items that will go straight into the dumpster. Mr. Shaver observed that the inventory just keeps growing and he thinks they need to shut it down, they have overgrown the building. If they had legal storage arranged that would be different.

Mr. Antis said it was misrepresented what was going to be accepted because the lawyers said it would be building materials. Grills, other items were not indicated. Mr. Arnold asked Mr. Shaver whether he wanted to put a stipulation on when the storage at Autoworld should be ended. Mr. Vittengl doesn't have permission to use that building that way and would have to redo his Site Plan. He could, but the Board feels he most likely won't. They have to either rent a storage area or reduce their stuff.

Mr. Zimmerman said that other applicants have had a time frame set to get their property cleaned up. He wondered how long they could push this back and forth while they decide what they want to do. Mr. Zimmerman wonders what the best path forward would be, and Mr. Martin said that they should stipulate what the issues are, what is not acceptable. It is currently hard to regulate. Nothing should be stored outside. There are stacks of boxes of unused tiles outside. Mr. Arnold referred him to the space up the road that had all sorts of guidelines over the use of it.

Mr. Arnold said that the display area with the patios and grills is retail space and has to be counted. It made sense as an outdoor display, but it will go against parking. Mr. Martin thought that a contained outdoor display area could be entertained, with careful guidelines in place and not counted as storage.

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Mr. Martin said he would like to see something they could use for enforcement, an operations plan. The Board should list what is objectionable, and she should design an operations plan.

Mr. Zimmerman asked where the snow went last week, and she said it was pushed into the low space between them and the Suzuki space. It should be on the site plan. How would that be accommodated if the building were expanded? Mr. Zimmerman recommended that the engineer who did the planning should come to meetings in the future.

Mr. Arnold thought the operations plan should say that things are processed immediately. Maybe they could say stuff won't be there 24-48 hours. Mr. Martin says no overnight, but if the Board wants to be more generous, they should still limit it. Leaving stuff outside just encourages dumping. Mr. Zimmerman said that it was stated on the original plan. Mr. Martin said that the manager probably never saw the notes that were on the plans and needs to be informed. Mr. Arnold pointed out that the representatives for the original application had been very rushed and high-pressure and that is why so many things were left off. And those representatives are not the ones running the store now.

Mr. Martin asked the Board to specify what won't fly. The storage at the Suzuki dealership which would have to be approved as a change in use, the outdoor storage, retail sales from tents which the County already said no to for someone else.

Mr. Zimmerman said he would be inclined to let them keep the storage pods for a limited time, but they don't belong there long term. Mr. Arnold suggested one year. After discussion Mr. Arnold shortened that. They will have to explore alternative storage. There is a vacant industrial park. Mr. Martin suggested vertical space.

Mr. Arnold wanted to address control of items coming onsite. There is space in the back to fence the parking lot to discourage people from dumping at night. People will dump in front of the dumpsters, but if it's fenced in the front and there is a sign, video monitored, etc. They could also secure the building materials trailer behind the fence for security.

Dumpsters- second large one and the small one are just regular garbage. Mr. Martin feels the location is good, but Mr. Arnold doesn't like that they are visible from the road. Mr. Antis felt that if they got the inventory under control, they wouldn't need them that much. Mr. Shaver agreed. Ms. DiCara explained that the amount of trash is not related to the condition of the items, it is supply and demand and they did have to throw out good stuff. Mr. Antis asked if they could be more selective. Ms. DiCara said they would rather get a new warehouse, but they ran out of money because they had to build a certain number of houses for consecutive years to get the store, and then paid for the store and the staff so they don't have much cash on hand. As the store does well, they will figure out their needs.

Mr. Bouchard proposed allowing the storage containers through June 30 2018. He feels the business plan would help resolve the dumpster issue. He would like to not see them, and they should be enclosed. A fence across the parking lot or at Route 9 would help. Mr. Zimmerman asked whether an enclosure around the dumpsters would work, and the Board expressed that a screen of some sort was good and the engineers could work it out.

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Mr. Arnold suggested that the operations plan include that the police would enforce no dumping policies if they were asked, especially if there were video monitoring on it.

Ms. DiCara asked how long they can use the space at Suzuki- right now it is non-conforming. Mr. Martin said January 30th would be an appropriate length of time to resolve that issue, whether the owner comes for a Variance or they discontinue the use.

This should all come in for January 8th an update by email. This can be heard at the February meeting but the January date for getting out of Autoworld stands.

Motion to adjourn was made at 9:50 pm by Mr. Antis and seconded by Mr. Bergman. All in favor, motion carried with no roll call.

Respectfully Submitted,

Tricia S. Andrews