

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Ron Zimmerman	Planning Board Chair
Alan Vantassel	Planning Board Member
John Arnold	Planning Board Member
Ann Purdue	Alternate Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member

Absent: Jerry Bouchard, Erik Bergman

Also present: Jim Martin, Zoning Administrator; Karla Buettner, Atty. for the Town; Tricia Andrews, Recording Secretary

The meeting was called to order at 7:03 pm by Ron Zimmerman, Chair. Chairman Zimmerman thanked Reed Antis for his years of service and welcomed Alan Vantassel to the Board. The Board reviewed the minutes of the December 16, 2019 Planning Board meeting. p. 2242 states 'there is a change to the exterior of the building' but they are adding the porch. Required and sprinklers were spelled wrong at the bottom of that page. p. 2243 1<sup>st</sup> line asked to "look for some similar breweries...about trafficking' should just be 'traffic'. p. 2246 quote from resident should say Hopler.

p. 2247 reference Mr. Oakley 3<sup>rd</sup> line as we Chairman Zimmerman food trucks- Mr. Zimmerman's comment was parenthetical and blends into Mr. Oakley's comments.

Mr. Arnold motioned to accept the minutes as amended, and Mr. Shaver seconded. All in favor, motion carried with Ms. Purdue and Mr. Vantassel abstaining. 4-0-2.

**Patten Property Development**  
**Maplewood Parkway**  
**3-lot Subdivision**  
**Preliminary Review**

Tom Center of Hutchins Engineering explained that this is a 3-lot subdivision. It is pretty straightforward. Flat parcel, city water & sewer. He would like to do preliminary and final tonight.

Signs were posted, and proper notice went out per Mr. Martin.

Correcting staff notes, Mr. Martin explained that the SWPPP is not going to be reviewed by the engineer as it is less than 5 acres. It will be an erosion and sediment control plan, so Matt can review it.

The Highway Dept. does have to sign off on the driveway details, Jesse Fish from Water will want specifications, they need driveway permits, they need addresses from the postmaster.

On Jan 16<sup>th</sup>, the County responded and found no significant county-wide or intercommunity impact. No other correspondence was received.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

This was listed as a Type 2 action, but an EAF was received.

Chairman Zimmerman opened the public hearing at 7:12pm. There was no public comment.

Mr. Shaver asked if this was going from residential to commercial property adjoining and asked whether there needs to be a buffer.

Mr. Martin stated that this concept is worth touching on. There is officially a request for a zone change over the Hall property. Mr. Martin met with Mr. Hall and the Supervisor, but it was not a formal application and he doesn't know which way it will go. He could apply separately, or it could be done during the re-draw of the Zoning changes that are coming up and Mr. Martin doesn't know which way Mr. Hall will go. It is typical when commercial uses adjoin residential there is some sort of buffer zone on the part of the commercial use. He noted there is a difference between setting aside a number of feet, and asking for certain plantings, fences etc as a buffer. But it is usually done by the commercial owner and not the individual property owner.

Mr. Shaver is concerned about six houses going in there conflicting with a commercial use.

Mr. Arnold pointed out that the light commercial zoning is more for professional offices and that sort of use, not heavy commercial uses. Mr. Martin said Mr. Hall is in heating and cooling. So if Mr. Hall applies for that use, the Board will have the opportunity to ask for screening at that time.

Mr. Shaver said he didn't want new people to move into the area and then be upset by what came in behind them.

Mr. Center said that they planned to leave trees and large back yards. He would not expect the new owners to clear.

Mr. Jensen stated that the Board has to look at it as it is, and not as it might be in the future. They can't begin to go down that road.

Chairman Zimmerman asked whether there were any environmental concerns, and there was no public comment. The Board reviewed the EAF.

There is a fire hydrant on one of the lots.

No edits were made to Part I. Part II, all answers were no. Motion to make a negative declaration on the EAF for Patten Property Development was made by Mr. Arnold and seconded by Mr. Jensen. Roll call vote resulted as follows: Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion to grant preliminary approval to Patten Property Development Site Plan Review was made by Mr. Arnold and seconded by Ms. Purdue. Roll call vote resulted as follows: Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion to waive the requirement for 30 days separation between preliminary and final approval was made by Mr. Arnold, noting the non-controversial nature of this appeal, and seconded by Mr. Shaver. Roll call vote resulted as follows: Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold motioned to grant final approval for Patten Property Development on Maplewood Parkway, subject to details with drainage being approved by the Town building inspector, water connection details by the water department, reception of highway access permits, and seeing the assessor and postmaster for mailing addresses; and Mr. Vantassel seconded. Roll call vote resulted as follows: Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion that the chair and one other member sign the mylars when they are available was made by Mr. Arnold, seconded by Mr. Jensen, no roll call, all in favor, motion carries.

**Chet Sanders**  
**Route 9**  
**Site Plan Review**

This Site Plan was last seen in October. Mr. Sanders has joined the two lots into one, shown employee and customer parking, shown the location of the correct septic, shown a lighting plan for wall-mount lights and chosen a light fixture. This would usually have a public hearing because it is on Route 9, and if the Board would like one of those, they should set one tonight.

Mr. Sanders asked whether he was required to post a sign, but that is only required for subdivision applications.

Mr. Arnold asked and the business name should say 'Chesand' with one 's'. Mr. Arnold stated that his impression of the grade was incorrect, and having driven by, it is more like Mr. Sanders described. Mr. Arnold asked why there were not lights shown on the end of the building and Mr. Sanders said they weren't settled on the orientation of the building, but they would light the parking end.

Ms. Purdue asked whether any signage was planned and there is nothing new.

Mr. Arnold reminded the applicant that if he did want a new sign he would need to come to the Town for a permit.

Mr. Jensen moved to schedule the public hearing for Chesand Inc. for the 4<sup>th</sup> Monday of February, which is the 24<sup>th</sup>, at 7:01pm. Ms. Purdue seconded. Mr. Arnold asked about the orientation of the building and Mr. Martin said this would have to be looked at more as approving a building envelope. Mr. Sanders said he would have it located more specifically for the public hearing next month. All in favor, motion carried.

The building is 40'x60', this will be a Type II action. It does go to the County. Other involved agencies: none. As this is a Type II action, no need to declare lead agency. Mr. Martin recommended that the Board resolve that it is a Type II. Mr. Jensen motioned to uphold the Zoning Administrator's determination that the Chesand Inc. Site Plan is a Type II action, and Mr. Shaver seconded. Roll call vote

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

resulted as follows: Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

**John Smith**  
**Absolute Auto**  
**1569 Route 9**  
**Site Plan Review**

Mr. Smith appeared and explained that they purchased a half acre parcel to be added as a display area. That was not included in their Site Plan. This was before the Board in 2017. Since then, Mr. Martin explained, it came up as an enforcement action. The applicant has cooperated with cleanup, and is now storing junk vehicles at an out of town yard. There was concern about the number of junk cars, and that the new parcel was not part of the original approval.

The nature of the business has evolved. There are vehicles that come on site that are used as parts and are not road worthy. There is a period of time where vehicles in transition are stored in the back and being used to make saleable cars. There are also sales of RVs on site, which was not part of the original approval. Mr. Smith didn't realize this would be considered differently.

Mr. Martin stated that there are no non-allowed uses, just uses that had not been considered in the original plan.

Mr. Jensen asked whether an easement had been received from National Grid and Mr. Martin said that it is on the plan. They had speculated about changing it, but that is not possible and they have accepted what they have. National Grid has not had anything to say about the use of this right of way and whether it is compliant or not. They should not have cars parked in the right of way, technically, but the utility has not complained. Mr. Smith stated that National Grid has thanked him for keeping it clean of brush so that they don't have to. Mr. Smith stated that if you look down the length of it, there are other permanent structures built on it that are more of a problem than his parked cars.

Mr. Arnold stated that if it is not allowed by the Site Plan, it is not allowed. The contractors who cut the brush don't really have any say in it. They should not park on it. Mr. Arnold asked about the comment in the notes that vehicles deemed un-repairable are moved off-site. He asked if this is the triage site. Mr. Smith explained that donor vehicles are shipped to Schuylerville. They don't take parts off there. They are storing vehicles on salvage titles.

Mr. Martin stated that there is far less density being stored now. There were over 100 at the time of the original complaint. Mr. Martin would like the conclusion to frame in how many cars there can be, so that it will be enforceable.

Currently Mr. Smith has indicated 82 spaces on the rear lot. There is a graphic on the map indicating a sloped area that actually can't accommodate cars, and has not been graded, but they could if they needed it.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

The uniform parking area at the back as shown on the original site plan is not that highly developed. It drops off drastically at the back and they are staying away from that.

There are 91 spaces shown with a potential addition of 30.

Mr. Arnold asked whether the salvaged cars had been drained of fluids and they have not. Mr. Arnold asked whether DEC oversees this to prevent contamination. Mr. Smith stated that it is no different from any body shop that takes in a damaged car, with the exception that his have already sat somewhere for a while, so anything that is leaking has already leaked. DEC has been on site, there were no problems identified. Chairman Zimmerman asked if he would be comfortable with a note stating that nothing can be leaking and Mr. Smith verbally said that he would be. It is not to his benefit to contaminate the site, as he owns it.

Mr. Arnold asked about disposal of scrap metal, and they do have a container but it isn't shown on the plan. It is on the end of the building. They also put in a recycling rolloff container. They pick up as soon as it's full. Mr. Arnold asked if it could be stored behind the building. He asked about the tires. Mr. Smith said that they actively get rid of them and do not store them up. The company that comes for the tires wants about 100. Mr. Arnold asked if the tires could be stored out of site from the road. Mr. Smith suggested a swinging gate. Mr. Arnold stated that he would love to see a stockade fence on the back of the display area, but the Board can't require it. It would be a good screen. Mr. Smith didn't think the land was elevated that much. They did lose an 8 ft section of fence in the wind, that he wants to put back up. Mr. Arnold asked for lighting to be designated. Mr. Smith pointed out that most of it is on the old plan, he can update the new one. Mr. Smith asked whether they wanted ten new copies.

Mr. Jensen suggested that the Board could approve subject to additions made just to the mylars.

Mr. Martin asked that since this is a Site Plan revision, did the Board need a new public hearing.

Mr. Arnold stated that the additional display space is the change, that is superficial; there is not even a drywell under it.

Chairman Zimmerman asked where on site they were planning to have RVs and campers. Mr. Smith would like to have permission to put as many as there is space for, and they are on two spaces per one car. Mr. Arnold asked if the RVs and boats are salvage and they will repair them, or are on consignment. Mr. Smith stated that he bought them at auctions with clean titles. He does not plan to get 45 broken RVs. He does think he might potentially have one back there that he intended to work on. It's not going to become the mainstay of his business.

Mr. Martin thought that an upper limit of non-roadworthy vehicles needed to be agreed upon. Chairman Zimmerman wanted a limit on salvage vehicles. There was some discussion on the definition of a salvage vehicle.

Ms. Purdue asked whether they follow the vehicle dismantling facility regulations of DEC, and Mr. Smith said that he operates that in Schuylerville, but that is not what happens at this site.

Ms. Purdue stated that having a certain number of end-of-life vehicles is what makes a site subject the DEC regulations, which is to receive 25 per year and to store 50 at a time. So she suggested any regulations the Board set should keep in mind avoiding that designation.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Smith stated that vehicles aren't end-of-life until they leave the site.

Mr. Martin read the regulation. If this were one, Mr. Smith would have to file a report annually. Mr. Smith stated that he does that at his Schuylerville location.

Mr. Smith argued with the term end of life vehicle, because he believes it is when it is going to be crushed. Atty. Buettner stated that if it given or sold as salvage, it is end of life.

Mr. Smith tries to put together 8-10 cars a month, and he has to collect about 7 to make a determination about how to go about it. When Mr. Arnold asked, Mr. Smith said that 20% of the cars become parts and 80% are repaired. So if there were 100 cars on site, 20-25 would be potentially salvage material.

Mr. Arnold asked why they couldn't do all of that in Schuylerville, and Mr. Smith cited transportation costs since the majority are going to get fixed.

Ms. Purdue asked if the parts cars are dismantled on this site, and Mr. Smith said that they are disassembled in Schuylerville.

Mr. Vantassel asked to be brought up to speed on the history of the site, and Chairman Zimmerman explained that it was originally approved in 2004, but came to be something that did not resemble what was approved. There was a dismantling facility before they purchased the site in Schuylerville. They are trying now to configure something that can be approved and enforced.

Mr. Arnold stated that he feels that 82 salvage title vehicles on the lot is a junkyard, but that he is trying to find a way to fit it into the Code if the vehicles are not disassembled there, if they are not leaking fluids, and if they are screened from view.

Mr. Vantassel asked for clarification on what percentage of the vehicles have salvage titles. Mr. Smith guessed it was about half.

There are ten or fifteen that should not be there now, but with weather and staffing issues he has not moved them yet. Chairman Zimmerman asked if he agreed that there were 50 for repair, 50 for sale and 20 that need to be moved right now and Mr. Smith agreed and stated that of the 20, some were set to be wholesaled.

Mr. Martin stated that he wanted to avoid enforcement arguments by having specific upper limits. Years ago, they had used a spreadsheet with the cars listed by VIN to track the movements, and 82 would be pushing the limits of the space.

Mr. Arnold stated that on the north edge they could fairly use the Route 9 corridor, but the property line has gotten blurred. He would like to see a setback or screening there so that they are not right on the boundary with EMS.

Mr. Martin suggested that south of National Grid be only vehicles for sale. Mr. Smith agreed that anything cosmetically unattractive would be in the rear. That is actually accurate to the original plan. He also needs 20 parking spaces for employees.

Mr. Vantassel stated that he is in favor of these plans but still hasn't heard a good number.

Chairman Zimmerman suggested that north of the easement has repair, south of the easement for display, and an area for staff.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Smith stated that the original had three cars in a state of repair near the garage so they don't have to tow them all the way to the back for half an hour that they are out of the garage.

Chairman Zimmerman stated that temporary parking +/- 2-3 cars in the display area would not be a problem, but 50 cars more than the 82 spots would be.

Mr. Martin asked if they could use the term 'vehicles under repair'. There is also space directly behind the buildings, which would not be visible from the road. The final issue is the total number of under repair vehicles in the rear area. Chairman Zimmerman asked if Mr. Martin had a number and Mr. Martin wanted a number from the Board. Mr. Arnold thought that if there were more than for sale, that would redefine the place as a junkyard. Since there are 107 in the front, they should not have more than 107 in the back, which is more than the 82 currently shown. Mr. Smith wanted the 82 for vehicles under repair. Chairman Zimmerman proposed a display area of 107 max, 2 for 1 for boats, rvs, trailers, 82 under repair north of the easement, nothing parked on the easement, and 20 staff places anywhere, subtracted from the 107.

Ms. Purdue asked if they could state that this would not be used as a dismantling facility (for parts). No leaking fluids at any time. Plans should show a rolloff for damaged parts, a tires storage area for 100 tires. Mr. Smith asked if he could have time to confirm that number, as he doesn't handle it and doesn't know how many the company they sell to wants them to accumulate. Additional requirements were a chain link fence with screening for the damaged parts bin and tire storage area, indication of wall and pole-mount lighting fixtures, having some indication that two spaces are required for trailered vehicles. Chairman Zimmerman asked whether there should be a limit to the number of those. Mr. Arnold stated he would be uncomfortable with 41 rvs back there. Mr. Jensen stated that the Board should not micromanage the business for him as long as it looked nice.

Chairman Jensen asked what the enforcement mechanism would be. Would that be up to the Town, would he submit reports? Mr. Vantassel asked whether other businesses are required to do that, and Chairman Zimmerman said that they are not, but this has been an enforcement problem site. Mr. Arnold stated that this is a very visible site, and the regular enforcement habits would be sufficient. Septic needs to be located on the map.

Mr. Martin recapped the listed items to be added to the mylars. Vehicles under repair would be located north of right of way or behind the buildings. There may be Employee parking area within the area marked for repair. Permanently disabled or for salvage vehicles are moved off site. No vehicles are permitted in the utility right of way. This site will not be operated as a vehicle dismantling facility per the definition in DEC regulations. There will be a designated area for a rolloff debris storage container and used tires to SW (left) corner of building. Maximum number of tires allowed will be set on the plan. Screening of the collection area and tires storage is required but a fence type is not specified. Lighting, septic must be shown on the plan. This amounts to 10 conditions for the mylars.

Mr. Arnold mentioned the notations about 91 spaces and spaces 'after excavation...', all those notes need to come off (about 91 and 30 additional).

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

There was discussion about the visibility from the road of the cars at the north end of the property. Mr. Smith thought maybe a little. Mr. Martin thought no. There are no topos on the map.

After he submits the number of tires and the minutes are available, Mr. Martin will issue a notice to Mr. Smith listing the changes he needs to make. Mr. Smith will make edits with Mr. Rourke, and submit two mylars.

Mr. Jensen moved to waive the requirement for public hearing since this is a minor modification, and Mr. Vantassel seconded. Roll call vote resulted as follows: Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion to approve with the listed conditions was made by Mr. Jensen and seconded by Mr. Vantassel.

Roll call vote resulted as follows: Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Mr. Jensen moved that the Chair and one other member sign the mylars was made by Mr. Jensen and seconded by Mr. Arnold. No roll call, motion carried.

**Rachael McDermott and James Czub**

**Z-Farm Brewery**

**Old West Rd**

**Site Plan Review**

Atty. Teresa Bakner stated that they have made changes as requested about the size of the parking spaces, food truck parking, etc. and they understand that there would be a condition related to not having livestock within 50 ft of the well and adding a safety seal to the well. State Liquor Authority approval is still outstanding.

Mr. Martin stated that they had one more piece of correspondence from a neighbor and gave a copy to Ms. Bakner. They are concerns from Mr. Hopley. The applicant's engineer has looked at it, but it is being raised again. Atty. Bakner stated that sight lines are shown on the plan and are engineered sufficiently.

Mr. Martin reviewed the issues. Max Occupancy has been set. The waste transfer area and turning radius are shown. Parking spaces are ok, and hours of operation are on the plan.

Non amplified music was raised as a concern and there is no requirement per Ags and Markets, Per Atty. Bakner there are specific regs in the existing Town Code which they will comply and it allows both amplified and non amplified. That is in Chapter 105 Section 100-5. Event status is the other outstanding item. Atty. Bakner said they are still in early stages but a list of potential events was provided two meetings ago which is not exhaustive, it is a framework. They may have a wedding. That would overwhelm the bathroom, they would have portajohns.

Chairman Zimmerman asked where they would have parking for an event like that and there are plenty of open fields. Ms. Purdue wanted to set a limit on the size of events to minimize impacts to the neighborhood. Atty. Baker stated that they are clearly allowed to have weddings per Ag and Markets law. Farmers are allowed some flexibility to do business.



A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Atty. Bakner indicated that there would be no restaurant and no catering. A taproom really is for distribution and retail. How are they hosting a wedding if they don't have those things? Chairman Zimmerman stated that someone could bring in a tent, food, portajohn, and a cake, they could do that. Atty. Bakner stated that in some Towns they could apply for an event permit. What would the Board like them to do? They want to get their approval tonight.

Mr. Shaver was worried that there would be parking on the side of the road and Ms. Czub stated that it would not happen. Mr. Jensen said if there were a bigger event they would have to call for law enforcement.

Atty. Buettner stated that other pubs have holiday events and they come to the Town Board for a permit.

Atty. Bakner stated that they agreed that might be necessary for a bigger event, and they needed a threshold for special events. Chairman Zimmerman said it would be anything that exceeds the current parking and occupancy of the space as shown on the current site plan. The applicant at that point tried to take weddings off the table. Mr. Arnold said he wanted to allow events, but that Ag and Markets isn't an open ended law.

Atty. Buettner stated that Ag and Markets gave them a letter stating the Town can't prohibit a farm brewery. That same permission allows them to have weddings and the Town can't regulate it as they would elsewhere. She would not want to defend that in court.

Ms. Purdue argued that exceeding their Site Plan would be a reasonable trigger to go to the Town Board.

Mr. Martin agreed. It is not a Special Use Permit, it is a Special Event Permit.

Mr. Arnold argued that Ag and Markets allowed more freedom but it is not completely open ended. He wanted the Board to remember that they are approving a site plan, not an event list. There are avenues to go through if something happens on the site that is not acceptable, including to Ag and Markets.

Atty. Bakner stated that they want to develop organically, and they will cooperate with any Town rules that say when they need to get an event permit. Mr. Jensen thought they could agree with anything that exceeded the site plan.

Mr. Martin thought that there is a way around almost every physical limitation they currently have (a stage could be constructed, portajohns brought in, food trucks, etc).

Mr. Arnold asked and food trucks are temporary, this is not a workaround to having a kitchen on site. They are on site for a matter of hours.

Chairman Zimmerman asked Mr. Arico about where the truck route went, and the Board does want trucks to pull out from the top of the hill, having come up from the lower end. Atty. Bakner asked for that to be a condition so that they can finish tonight.

The resolution to the event question is that if event or activity light, sound, or parking will spill off site, the Town Board permit will be sought.

Atty. Buettner asked and the definition of event was in the 305a.

Ms. Czub asked whether all Ag businesses in the Town are subjected to this level of scrutiny. They plan to follow the 305a guidelines and this feels like it is stalling her business. Does everyone supply a parking plan? Her neighbor has ag tourism and she doesn't have this.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Arnold stated that the neighbor doesn't now, but they will if anyone ever complains about it. This is a new use, and that requires a new site plan.

Ms. Czub asked if she would have to do all this to sell Christmas trees or pumpkins. Mr. Arnold explained that his kids sell produce at his farm because it is Agriculture. They can't cook it and provide a table to eat at. Then he would need a Site Plan.

Atty. Bakner stated that Ags and Markets have reviewed pumpkin launching and allowed it. Mr. Arnold stated they would still want a Site Plan for that.

Atty. Buettner stated that there are guidelines under Ag and Markets law that explain events and has concluded that weddings, charity events, tastings etc all are protected. The department interprets in 301-11 all these events to be part of agriculture business, and meet special conditions. The Board could say they must meet the conditions of Ag and Markets. The Board can ask for event permits, but the applicant could complain back to Ag and Markets that those are overly restrictive. She recommends that the condition the Site Plan on compliance with Ag and Markets law guidelines for events. This protects the Board.

Atty. Bakner stated that they have no objections.

Ms. Purdue stated that the Board can still impose reasonable restrictions beyond the Ag and Markets law.

Atty. Buettner stated that all the incidental uses already have guidelines.

Mr. Martin thought that stating that law would be sufficient.

Mr. Arnold said there are allowed uses that the Board still sets limitations on. Should it fall on the applicant to make sure everyone could fit? Every applicant may have great intentions but if they are hugely successful, they will come up against limitations.

Atty. Buettner suggested putting overflow event parking on the site plan.

Ms. Purdue felt that from a safety standpoint, they have to prepare to handle traffic, etc. Atty. Bakner reminded her that this is a Manufacturing Zone. It could see heavy industry. They farm 300 acres.

Neighbors' concerns are understood, but a whole lot more is allowed on-site than what they are planning.

Chairman Zimmerman asked about language "any events hosted on site remain compliant under Ag and Markets law, subject to those guidelines, and parking that exceeds the site plan will be provided onsite."

Atty. Bakner argued that an Event permit requirement should not be set by the Planning Board, it should be set by the Town Board and apply equally to everyone.

Atty. Buettner stated that the process by which other facilities have gotten their event permits is not in Town Law, she is not sure what it is, but it does exist.

Conditions: add tractor trailer access directional arrow, coming in through visitor entrance, out through house drive.

"Any events hosted on site will remain compliant under Ag and Markets law and be subject to the guidelines of Ag and Markets law, and parking that exceeds the site plan will be provided onsite."

On-site noise must be compliant with Town noise ordinances.

Ms. Purdue asked and limitations on food and not having a kitchen are from State Liquor Authority.

There is no need to state that they are not allowed a kitchen as they have not applied for one.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Mr. Purdue was still uncomfortable with the question of large events and Mr. Arnold explained the recourse via Ags and Markets that the Town would have. State Liquor Authority would be another avenue for remediation. They will not want to run into difficulties with those. Atty. Bakner reminded the Board that the applicant lives on the site with her family and it isn't intended to be a party site.

Atty. Buettner stated that the Event Permit actually comes from the State Liquor Authority, and they reach out to the Town, EMS, law enforcement or whomever else they decide should be made aware. This Board does not need to get involved. The applicant is stating that they will comply with all SLA rules. They have a memo from the SLA with all the requirements for a farm brewery license.

Events in conformity with SLA and Ag and Markets guidelines.

Atty. Buettner reviewed the conditions the Board had discussed placing on the approval: 1.) Safety seal placed on the existing well. 2.) No livestock within 50 ft of the well 3.) No operation until proof of State Liquor Authority License is provided 4.) Events shall be held in conformity with State Liquor Authority license, Ag and Markets law and any guidelines promulgated by Ag & Markets and Overflow parking for events will be on site. 5.) noise in compliance with the Chapter 100 of Moreau Town Code, 6.) one-way traffic for the wastewater truck.

Mr. Arnold suggested removing the safety seal requirement as that is already being required by DOH. This left 5 requirements. Atty Bakner asked whether they meant parking on the north side of the road within the M2 portion of the property owned by the applicant. Mr. Arnold didn't want to include an area not on the Site Plan being reviewed. The applicant wanted to limit to the same side of the road. There was more discussion about an appropriate parking area.

A letter from Saratoga County Planning Board date January 16<sup>th</sup> found no County-wide impact. Ms. Purdue indicated again that she is uncomfortable without limitations on large events, although she wants the applicant to be successful.

Motion to approve the Site Plan for Z-Farm Brewery with the above listed conditions was made by Mr. Arnold and seconded by Mr. Vantassel. Mr. Arnold stated under discussion he doesn't want to approve overflow parking on an area not included in this review. Ms. Czub offered to amend the site plan to include an additional area when they are ready to have bigger events. Mr. Arnold asked for the bullet point about over flow parking off this site plan be removed, stating instead only that parking would be handled on-site. Applicant was ok with that to start. Mr. Martin pointed out that demolished barns will leave slabs that could be used, within the 3.97 acre work area. That should be delineated on the site plan before approval. Mr. Martin suggested within the 360 contour.

Mr. Vantassel expressed concern about the traffic in the area and will ask the Town Board to look at the residents' concerns about it.

Mr. Arnold proposed an amendment to the motion; eliminate point 5 about the M2 zone and instead limit parking to the area north of the site bounded by the 360'countour line to the east edge of the eastern barn to be demolished. Second Mr. Vantassel.

A meeting of the Town of Moreau Planning Board was held on January 27, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

To the amended motion for final approval with conditions stated above, roll call vote resulted as follows:

Mr. Vantassel, Yes; Mr. Arnold, Yes; Ms. Purdue, Yes; Mr. Shaver, Yes; Mr. Jensen, Yes; Chairman Zimmerman, Yes.

Motion that the Chair and one other member sign the mylars when they are ready was made by Mr. Jensen, seconded by Mr. Arnold. All in favor, motion carried.

Chairman Jensen reminded the Board members about the training event on Feb. 5 th.

Motion was made by Mr. Arnold and seconded by Mr. Vantassel to adjourn at 10:58 pm.

Respectfully Submitted,

Tricia S. Andrews