

A meeting of the Town of Moreau Planning Board was held on March 17, 2014 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

Peter Jensen	Chairman
Reed Antis	Planning Board Member
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member

Also present: Joe Patricke, Code Enforcement Officer

Tricia Andrews, Recording Secretary

Absent: John Arnold, Linda Riggi, and Ron Zimmerman, Planning Board members, Charlene Endal, alternate

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the February 24, 2014 meeting were reviewed. Mr. Bergman motioned to approve the minutes of the February 24, 2014 meeting as written and Mr. Paska seconded. Motion carried unanimously.

**#1 Jackowski, Steve**  
**Baymax Holdings, LLC**  
**Public Hearing**  
**Site Plan Review**

Applicant has submitted plans showing the parking, as requested at the last meeting. Mr. Patricke asked for clarification about the parking requirements.

Mr. Bergman: We left it that because they don't have need at this time for what's required by the Code, that instead of making them pave it and delineate it, which would be somewhat wasteful, they are only requiring the applicant to show that he has the land available if necessary in the future.

Mr. Patricke wants it on the record that other than delineating it on the plan, the applicant doesn't have to do anything. The Board agreed.

Mr. Paska noted that the requested elevations are there as well as parking spots.

Mr. Patricke also stated that the Code asks for parking spaces that are 10ft. x 20ft. for 200 sq. ft. and these are 9ft. x 18ft. The YMCA had that already approved, Chairman Jensen said.

The Board moved to the SEQR review.

#9 The applicant checked that it meets or exceeds requirements because he is using insulation and energy efficient lighting. The Board had him describe the design features. Mr. Patricke said that he doesn't exceed anything and that the applicant should mark no. They aren't doing anything to the building. Further questions: He is on municipal water and there is a septic system. Regarding question

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20, the DEC has completed a hazardous waste cleanup on the site. At 7:15 pm the public hearing was closed. Chairman Jensen recalled that evidence was supplied that previous environmental concerns have been addressed, according to information from NYDEC.

Mr. Paska motioned to issue a negative declaration regarding SEQR, and Mr. Bergman seconded. Roll call vote proceeded as follows: Mr. Antis, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes.

Mr. Bergman motioned to grant final Site Plan Approval for Baymax Holdings, LLC and Mr. Antis seconded. Mr. Antis pointed out to that applicant that future changes in the parking should be addressed before the Board. The County stated that there was no County-wide impact.

Roll call vote proceeded as follows: Mr. Antis, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes.

Mr. Bergman motioned that the Chair and one other member sign the drawings when they are presented. Motion was seconded by Mr. Paska. Motion passed unanimously. The applicant will apply for a building permit.

**#2 Halliday, Jason**  
**Moreau Marketplace**  
**Site Plan Review**

Jason Halliday, of Moreau Marketplace, presented the vendor/flea market they have would like to be outdoors, weather permitting. Currently the have a vendor market inside where people rent space to sell crafts, antiques, etc. It has been popular with the public and some vendors would like to go outside, they have a plan for additional parking if necessary.

Chairman Jensen asked about provisions for safety from cars.

All of the vendors are against the building and the entrance goes straight to the back. Anything is possible in terms of accidents; there is no barrier there.

Mr. Bergman asked if he was referencing parking through the gate at the back of the property and Mr. Halliday said that it's available if needed. Chairman Jensen advised Mr. Halliday that counsel would want to see that agreement written out.

David Rogge, the owner, owns both properties- the gates are his, and they have discussed that both gates can be open. It is all gravel. There would be a 4 ft. walkway to separate it from where people are driving.

Chairman Jensen asked whether there is a legal agreement between Mr. Rogge and Mr. Halliday.

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Mr. Patricke agreed that this would be requested but also that he would like to see it designated and restricted on the plans so that Mr. Rogge can't put storage in where he has already allowed Mr. Halliday's use. A letter from Dave might suffice.

Chairman Jensen asked where the Code allows outdoor sales. Mr. Patricke says it's not a permitted use anywhere.

Mr. Paska asked how often this is going to happen. Mr. Halliday said they plan to do it on intermittent weekends, once or twice a month, in summers. People would bring their own 10 x 10 tents. Nothing would remain on Monday morning, but possibly overnight Saturday to Sunday.

Mr. Paska asked whether it had to do with space shortages or just an attempt to attract more people, and the applicant said it was both. They are working their way into the part that was a gym.

Mr. Patricke said that the property is a conversion from YMCA to a covered mall.

Chairman asked whether the vendors would have peddler's permits, but those only allow a vendor to stay in place for 10 minutes. They are retail outdoor space. It is similar to a flea market.

Mr. Antis asked how many people are visiting the location.

Mr. Halliday said they don't take count, but Mr. Patricke said they have a nice crowd of 20 shoppers in an hour, maybe 30.

It is going to be open Monday-Friday indoors. It is Wed. -Sun. now.

Mr. Antis asked and was told that there are 115 parking spaces total according to Mr. Rogge. This change will leave 60+ spaces before using the overflow.

Mr. Paska asked and was told there will be people doing traffic direction, but there is no plan to erect a barrier. They plan to ask the vendors to park in front of the tents, to form a barrier. There will be aisles. There will be no cars in the hashed area on the plans. There was discussion of a snow fence or some other barrier on the outside of the vendor car lot to keep people from cutting between the cars and interrupting traffic flow.

Chairman Jensen reminded the Board that this action would set precedents because it has never been done before. The Board should see a SEQR, which is not in the present packet. If they desire to carry on it should be referred to Saratoga County. Stormwater planning would remain unchanged.

Mr. Patricke pointed out that the fire exit has to proceed all the way to a public area, and there is one that is behind the vendor area. The path to a public area should be marked on the plans. The 4 ft. sidewalk is acceptable but it has to be labeled and the vendors should know it has to be kept clear.

Mr. Bergman wondered whether this action should have a Special Use Permit, so that it is revisited periodically, so that it stays in the form that it is now.

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Mr. Rogge said that his agreement is that it can only be used for vendors. If it changes into something huge, he will open up more area in the back. Right now it is just the gray space. Growth would bring them back before the Board.

Mr. Patricke said he doesn't know that it's necessary to have a Special Use Permit in place, as the dimensions are on the plans and they would have to come back if it grew.

Mr. Bergman wanted to be sure that times and days could be indicated on this plan and Mr. Patricke said that it can. The parking lot should be cleaned at the end of the day and a dumpster will likely be required. The ground will be a mess at the end of the day.

Chairman Jensen said that the Site Plan should reflect the dumpster and Mr. Patricke said barrels might be sufficient.

Mr. Antis asked for clarification that there is no Zoning for outdoor markets, and there is nothing in the new zoning, so this is a gray area. Mr. Patricke agreed.

Mr. Paska asked what happens in the event of a windstorm if items are left up overnight.

Mr. Halliday said that if there were a storm in sight people would take their things home, common sense. Whether they leave items out overnight is up to them.

Mr. Laroque said he doubted that.

Most people bring their own tables and any that belong to the facility will not be stored outside.

Mr. Antis asked for more information about the layout of the vendor area.

Chairman Jensen said that the pedestrians will circulate between the two sets of spaces in the hashed area.

Mr. Patricke asked to have the overflow parking delineated on the map and Mr. Antis asked for the individual vendor spaces to be marked. The applicant wants some flexibility to the size of spaces and Mr. Antis wants to see the flow of traffic and how the people will travel to the overflow area on foot.

Chairman Jensen asked if the hatched area is a retail space, then are they going to have to change the calculation of number of parking places for handicap spaces.

Mr. Antis asked whether fire services will be looking at the plan. That is not required at this time, there is a wide drive all the way around the building.

Mr. Antis said that he thought fire services would be concerned, and Mr. Patricke encouraged Mr. Antis to contact them, and said he will show the fire department.

Mr. Rogge pointed out that the building is sprinklered.

Cutoff date for the meeting on the 21<sup>st</sup> is the 7<sup>th</sup> of April.

Mr. Bergman read to the applicant the list of requirements that had been discussed. The Board wanted: Delineation of overflow parking lot and a written agreement with Mr. Rogge that they can use that area.

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Discussion with Joe Patricke on whether the additional retail area means that they should increase the number of parking spaces and handicap spaces.

Written SOP with hours of operation, rules, procedures, etc. to guarantee it doesn't become an eyesore.  
Dumpster placement if there is going to be one.

Delineation of fire escape routes/fire zones on the plan.

The plan should elaborate on how the vendor area will be delineated, whether snow fence or some other method.

Topo or a statement that the parking area in the back is mostly flat.

Biggest concern is the SOP.

Delineation of where pedestrians will walk safely.

EAF is also required for every approval given in the State.

Mr. Patricke added that in 17 years, some of these guys 30, that promises are made but often not kept and that is why all that has to be written.

Signage: Mr. Patricke wants them to take some down.

Mr. Halliday said that they were waiting to make sure this would work, they are getting quotes now for nicer signage.

Mr. Bergman asked whether counsel should review any of this. Chairman Jensen felt that the agreement for the use of the additional parking area should be reviewed.

Mr. Halliday asked whether there was any way to get approval ahead of the actual meeting and Mr. Patricke said that he would take a good look although he couldn't speak for the Board, and that more information is better than less.

The Chairman asked that the issue be forwarded to Saratoga County when all the updated docs are received, because it is within 500 ft. of County Road. If Mr. Patricke gets it all by the 7<sup>th</sup> of April he will have to forward it to the County for the 9<sup>th</sup>.

Mr. Bergman wanted to clarify for the applicant that if they do it all, it will then be scheduled for a public hearing the following month, May 19<sup>th</sup>.

Mr. Bergman motioned to adjourn, and was seconded by Mr. Antis. All in favor, meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Tricia S. Andrews