

A meeting of the Town of Moreau Planning Board was held on February 24, 2014 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Present:

G. Peter Jensen	Chairman
Linda Riggi	Planning Board member
Reed Antis	Planning Board Member
John Arnold	Planning Board member
Erik Bergman	Planning Board Member
Dave Paska	Planning Board Member
Ron Zimmerman	Planning Board Members

Absent:

None

Also present: Joe Patricke, Building Inspector and Code Enforcement Officer; Tricia Andrews, Recording Secretary

Chairman Jensen called the meeting to order at 7:00p.m.

The minutes of the January 27, 2014 meeting were reviewed.

Mr. Arnold motioned to approve the minutes of the January 27, 2014 meeting as written and Mrs. Riggi seconded. Motion carried unanimously, with abstentions from Mr. Zimmerman and Mr. Paska.

#1 Jackowski, Steve

Baymax Holdings

Site Plan Review

Mr. Jackowski appeared and explained that he owns Baymax's holding company. This site had a DEC cleanup record and that cleanup was completed in 2011. That is in a monitoring phase. To help financially, he would like to lease out some of the building to another company, but two businesses require Planning Board appearance. The entity they are talking to about renting is a father and son with two different businesses, one is in construction and the other not sure, possibly landscaping. He's basically parking some equipment and behind the building.

Chairman Jensen: Two businesses or potentially three?

Mr. Jackowski: I own Kitchen Dimensions and Cut-Rite Counters, those two are already there. We design and assemble. We would be adding an additional two.

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Mr. Arnold: So they are legally separate but the same business?

Mr. Jackowski: Yes.

Mr. Arnold: Do you have a site plan?

Mr. Jackowski: Yes, a site plan was filed in 2008, but I am not making any changes.

Mr. Arnold: You said the new renter will be parking equipment. Do you have loading doors?

Mr. Jackowski: There's a ramp and a door.

Mrs. Riggi: How much property is there?

Mr. Jackowski: I don't know...

Chairman Jensen: 1.89 acres. We, as a Board, have a problem. I think it can be overcome. According to C-1 Zoning, each business should have one acre available. We would need two acres. It has 1.89. A variance from the ZBA would not be a great difficulty in this case, but on our end we should err on the side of caution and stick with our zoning regulations.

Mr. Patricke: If we looked at it as rental of a building, one building on 1.89 acres, and if it were a shopping plaza, he could have 5 businesses without a Variance. The two there now are closely associated, but if one moved out, he could still move another into the building.

Mr. Antis: But he's mentioning two other.

Mr. Patricke: Potentially.

Mr. Antis: And totally separate. Will he be doing maintenance in there?

Mr. Patricke: I am suggesting what you could do.

Mr. Arnold: It depends. Is he going to be doing business as a landscaper out of there or just parking some equipment on his son's area?

Mr. Jackowski: I believe he is doing business.

Mr. Patricke: Now you've got chemicals that may be stored there, etc.

Mr. Arnold: It would be different if a landscaper and designer wanted to have an office with someone to operate phones, etc.

Mr. Jackowski: That's the son. And that's what we do. We have countertop facilities, and we have a Kitchen Dimensions showroom, design space etc.

Mr. Arnold: I know other contractors that have design facilities separate.

Mr. Patricke: What you are saying is without the landscaping guy, you'd still want to have this part of the building rentable to whoever came in that you felt was acceptable. So I think we are looking at the division of the building, renting to a tenant.

Mr. Arnold: That's what I am looking at, not concerned with who the tenant is but the idea that you have more in the building.

Mr. Zimmerman: So if one goes out and another wants to come in, they don't have to come back here.

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Mr. Patricke: With some exceptions, we don't want to have to evaluate every time a new tenant comes in.

Mr. Zimmerman: What kind of foot traffic do you have, and what will you have with the new business?

Mr. Jackowski: Not as much as we'd like, we don't even have a cash register, and the new guy not much either, just occasionally. We get 2-3 customers a week. We thought we'd utilize the building and we can't.

Mr. Zimmerman: How big is the tenant part?

Mr. Jackowski: About 3,000 sq. ft.

Mr. Zimmerman: Out of 12,000 sq. ft.?

Mr. Jackowski: Right.

Mr. Arnold: How many parking spaces?

Mr. Jackowski: We have two areas. The Drywall Center uses one, 7 spaces, on the other side we can get 9 there and still have trucks be able to turn around, and there's much more land there than that.

Mr. Zimmerman: Is 16-ish what was on the Site Plan?

Mr. Jackowski: Yes. Not making any changes to that. We don't want to until the DEC is done monitoring. From what I have been told, they have done 2 rounds of cleanup and they are very satisfied and going through the process of closing it out. It was massive. Holes went way down. They are happy, but can't give me guarantees.

Mr. Arnold: You are well on track if they are happy.

Mr. Jackowski: June 20, 2011 DEC closed out remedial action. It's just sand there now.

Mr. Arnold: They dug up tanks and traps?

Mr. Jackowski: Right, more than they realized.

Mr. Antis: What was it?

Mr. Jackowski: Northeast ...1994 they identified chromium.

Mr. Antis: Coming back to what he said about two businesses on less than 2 acres, do we want them to go to ZBA?

Mr. Patricke: I debate that, because renting out for two spots can be his business.

Mr. Arnold: There's a distinction between commercial and retail uses, as far as comparing it to a mall.

Mr. Patricke: The mall would have more traffic.

Mr. Arnold: It would also have less commercial use.

Mr. Patricke: Consider Home Improvement Gallery. He has offices and rented space next to it. You can argue it forever either way. He could put 4 things in there, it's a huge building.

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Chairman Jensen: We need to address parking requirements. What do you want to see and have accounted for? In 149-47 if we consider this industrial manufacturing, the Code requires 1 space per 400 sq. ft., and if we call it an office building it's 1 for every 300.

Mr. Antis: We've been burnt on parking.

Mr. Arnold: That gives us a deficiency of 15.

Chairman Jensen: But without retail traffic, we determined it adequate.

Mr. Jackowski: We don't use the North parking at all.

Chairman Jensen: Are we going to use 30-31, or something less, do we have justification for it, or not?

Mr. Arnold: What's been proposed, 31 sounds well in excess, but if it doesn't work out and he rents to someone else it could be less than what he needs. It wouldn't come back to us to adjust it.

Mr. Patricke: If it were a like use.

Chairman Jensen: Is the space, we should ask, is the space available and if it's really needed, could he put in more?

Mr. Jackowski: Likelihood of finding another tenant, there's got to be an acre back there and it's all cleaned up.

Mr. Zimmerman: You could bank that.

Mr. Arnold: So the potential is there.

Mr. Patricke: I thought you couldn't use back there.

Mr. Jackowski: After they completed the cleanup, we can. There are testing wells, but we can go back there.

Mr. Arnold: They did haul everything away.

Mr. Patricke: Can I have a copy of that?

[Mr. Jackowski supplied Mr. Patricke with a copy of what is available on the web regarding the site.]

Mr. Jackowski: The only stipulation we have is that we can't use well water there. It is under Class A residential standards. We can't have a day care there.

Chairman Jensen: Anything further we would like to see?

Mr. Arnold: We came to the conclusion that there is potential for more parking if needed.

Mr. Antis: The last two businesses that have said to us they didn't need parking space weren't totally truthful in my opinion.

Mr. Jackowski: I would love nothing more than to have that much business there.

Chairman Jensen: Do you want to see the site plan?

Mr. Arnold: Yes.

Mr. Zimmerman: We would like to identify the contingency parking so we can demonstrate how you comply with the Code. Just in case someone did come in and needed it.

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Mr. Patricke: We have talked about it before, it needs ZBA approval. The project we talked about doing it on never happened.

Mr. Arnold: How was it (this site) passed in 2008?

Mr. Patricke: I don't recall.

Mr. Arnold: Would you go to ZBA?

Chairman Jensen: He can demonstrate that he has it. Nothing in the regulations says he has to pave it.

Mr. Jackowski: My tenant wants to move March 1. Can I have contingency approval?

Chairman Jensen: We said we wanted to see a site plan.

Mr. Arnold: Even if we had everything, we couldn't act tonight.

Chairman Jensen: Yes we could, it's not a subdivision. Do you want a public hearing?

Mrs. Riggi: Why would we need one?

Mr. Patricke: Everyone gets one, past 15 years.

Mr. Arnold: Technically this isn't even a change of use.

Mr. Patricke: Sure it is.

Mr. Antis: We did that with the pizza place at Exit 17.

Chairman Jensen: Do you desire a public hearing?

Mr. Bergman: Yes, for sake of consistency.

Chairman Jensen: Motion?

Mr. Bergman: I make a motion to schedule a public hearing.

Mr. Patricke: Maybe we should ask the applicant if he wants to go forward.

Mr. Jackowski: I have got to do something, so if I lose this tenant because of timing, I still have to be ready for another.

Mr. Arnold: I remember your site plan, but others here who weren't on the Board then, don't.

Mrs. Riggi: He has 12,000 sq. ft. building and 80,000 sq. ft. land, I believe that's plenty of parking.

Mr. Bergman: We can't start picking and choosing who we do and don't ask for public hearing.

Mr. Arnold: The Site Plan isn't a sticking point anyway if we are doing a public hearing. Can he get it done in time for third Monday of March? I see zero controversy in this but we have to go through the motions we always do. You will have approval on the third Monday of March, the 17th. If your tenant is itchy, it's three weeks.

Mr. Jackowski: I am out of Town on the 17th; can I have someone else represent me?

Mr. Arnold: Yes.

Mr. Jackowski: Is there a chance I will have to go to Zoning Board?

Mr. Arnold: Not if you just draw in designated reserve parking. If you decide to build the parking you might need engineering, but not to set it aside in this way.

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Mr. Jackowski: What is the submission deadline?

Mr. Patricke: March 3rd. We're late in Feb. and Jan. every year.

Chairman Jensen: Motion was made for March 17th at 7:00pm.

Mr. Arnold seconded, all in favor unanimous with Mrs. Riggi abstaining.

Chairman Jensen: Do you have any questions of us?

Mr. Jackowski: I will work with Mr. Patricke.

Mrs. Riggi motioned to adjourn, and was seconded by Mr. Antis. All in favor, meeting was adjourned at 7:38 p.m.

Respectfully Submitted,

Tricia S. Andrews