

A meeting of the Town of Moreau Planning Board was held on April 20, 2015 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 Member

Also present: Stephanie Dilallo-Bitter, Attorney for the Town; Tricia Andrews, Recording Secretary.

Absent: None.

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the March 16, 2015 meeting were reviewed. Mr. Arnold motioned to approve the minutes with one correction and Mr. Bergman seconded. Correction: Erik Bergman was listed as both absent and present when he was in fact present. Motion passed unanimously.

**#1 Thomas, Paul and Heather**  
**Route 9**  
**Site Plan Review**  
**The Drop**

David Rogge: The YMCA was set up for gathering and anything the Y wanted to do. After the Y left, we got Use for mercantile, and now we want to do gathering again. I am confused about what the difference is between mercantile and gathering, because if you are selling something, people are gathering to buy it. I don't want to lose mercantile, but want to add gathering.

Chairman Jensen: You can have two functions in one location as long as you follow building codes for separation of those uses. That's not a problem, but there may be others. I read 500 people?

Mr. Rogge: We probably would not let more than 500 in, although we were told 750 was allowed. We wouldn't want to know what to do with them, and don't anticipate that happening.

Chairman Jensen: Have you investigated whether your septic can handle this?

Mr. Rogge: The YMCA was built for more than 500 people.

Chairman Jensen: Even if you add 500 to the mercantile that's already there?

Mr. Rogge: I would say yes.

Chairman Jensen: Of course you would, you want your project.

Mr. Rogge: But the Y was built for 1000 people and with showers in use, which the youth won't be using.

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Mr. Arnold: With the occupancy theme, I don't remember 500 when we did the YMCA. You are talking 500 occupancy with 110 parking spaces. This is a drop off?

Mr. Rogge: Hence the name.

Mr. Arnold: Hours of operation?

Heahter Thomas: 7p-11p.

Mr. Arnold: When?

Mr. Rogge: Saturday night.

Mr. Arnold: Size of area you are using, because you say that you are keeping the mercantile?

Mr. Rogge: Just the gym, which is 3200 sq. ft.

Mr. Arnold: What's the bathroom situation?

Mr. Rogge: Mens 1 urinal 2 commode, ladies 3 stalls.

Mr. Arnold: You will upsize?

Mr. Rogge: Wasn't planning on it, it was built for more.

Mr. Arnold: Can we deal with the other side also, or is it off limits? This is one site?

Chairman Jensen: We can look at what impact this would have on the balance of the rest of the building. If you don't like the Marketplace, you can't deal with that now.

Mr. Arnold: No, I want to ask a question. There was one response from Saratoga County on the outdoor flea market.

Mr. Antis: They thought it didn't meet Code.

Mr. Arnold: Is the flea market part of this site still valid?

Mr. Rogge: Yes, indoor.

Mr. Antis: It said the indoor wasn't approved of either.

Chairman Jensen: This will go to Saratoga County anyway.

Mr. Antis: Live music, bands?

Mr. Rogge: Not imagining that at this point in time. We've done tests. You can't hear it outside the building if you are outside the fence, and anything else would bother the residents at Lamplighter.

Mr. Antis: Is someone monitoring the situation?

Mr. Rogge: We will have at least 2 employees at the door and snack bar, and 3 -4 security guards.

Mr. Antis: I am concerned about traffic safety.

Mr. Rogge: It's the same as it's been, we ask them to circle around, we've set up an entrance away from the front with cones and lit it, people pull up, let their kids out. We made it very clear where they are to go in.

Mr. Antis: Where is that entrance?

Mr. Rogge: Next door down from the main entrance into the hallway is what we are using. There is a garage door after that and then an emergency exit.

Mr. Arnold: I see a difference between YMCA and 500 dancing kids. Are they using the whole end of the building or just the section?

Mr. Rogge: Just the gymnasium.

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Mr. Arnold: I don't know if it's us or emergency services but I wonder about emergency exits, there are only two and one is onto a tight hallway.

Mr. Rogge: That's a 6 ft hallway. I talked to Ethan Hall, he said we covered everything.

Mr. Arnold: You covered it for people playing basketball, and I am talking 500 people who all want to use it at once.

Mr. Rogge: Ethan said we were covered for anything, we have sprinklers.

Mr. Arnold: Usually it's a double door.

Mr. Rogge: Ethan said you have to have a min. of 5 ft. at the other door and we do. He said I didn't need to use the other door that goes through the firewall.

Mr. Zimmerman: What's in the space on the drawing that says future lease space?

Mr. Rogge: My toys.

Mr. Zimmerman: Not a space you are using?

Mr. Rogge: No, and the space is a 2 hour fire-rated wall.

Mr. Zimmerman: Could people go out that door?

Mr. Rogge: They could, it's behind the DJ, it's always unlocked, and the door going out to the back is a crash bar.

Mr. Paska: Are you going to separate the rest of the building?

Mr. Rogge: We put a room divider in there, further down because we are going to use a coat room with check tags.

Heather Thomas: It's a vending room across from the daycare on the map.

Mr. Antis: Why is it one night per week? What precludes you from more nights if it's successful?

Mr. Rogge: We all work full time jobs. If there was a huge demand, we would have time to come back to the Board. I don't know if that would work.

Mr. Antis: What about vacations, summertime, if it's popular?

Mr. Rogge: It's not going to be that successful in summer. In the fall and winter when it's colder they will be more successful. The only other night we might do it would be Friday if that happened.

Mr. Antis: There's only 180 school days. You could do it year-round.

Mrs. Thomas: We are going with what the Funspot and YMCA Glens Falls does, which is Saturday night lock-ins.

Mr. Arnold: Is it a lockin?

Heather: Sort of. They can't leave til 11 unless a parent comes in to get them.

Mr. Arnold: Is there a difference between an entertainment venue and a gathering in the Code?

Chairman Jensen: The Code classifies based on the occupancy.

Mr. Arnold: If you have bands in there you will get different clientele and I wondered if that would affect the Code.

Mr. Paska: Will you be cooking?

Mr. Rogge: No, everything's prepared or packaged. Delivered pizza, we just hand out slices.

Mr. Arnold: Any plan for more than teen drop off?

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Mr. Rogge: Birthday party. Last fall an inquiry for basketball practice 2 nights a week. Then I realized I'd have to staff it, etc. I gave a price and she never called me back. I would love to see that, similar to the Dome, any sport where that's enough room to practice.

Mr. Zimmerman: Are you going to come back to us for that or are you talking more now? This scenario is changing. We are going to very specific with you on this.

Mr. Rogge: Not to slow the process down, if you say yes tonight to the dancing, great. If you want to do something else I would rather have the whole thing. Cost is a huge factor. I donate some of my time and some of my property but that property's not making me any money so I'd be happy to have a blanket permission to cover all those uses. That's not what I came for but I'd take it if you did.

Chairman Jensen: You are not going to get any decision tonight. It has to go to the County. So you are coming back next month.

Mr. Arnold: We are just looking at the Site Plan. It's not a Special Use Permit. What are we doing here?

Chairman Jensen: We are reacting to what we went over last month.

Mr. Arnold: I know, but that was things that went beyond the scope of the approval, but this is less than that. Different nights affects traffic patterns a little bit.

Atty. Dilallo-Bitter: You have to define what these mixed uses are. Mercantile Use is continuing. The Drop is an additional use. That has to be defined, recreational use contemplating 500 kids but also birthday party, or recreational gatherings. We have to understand the hours of the mercantile, how that affects this use. Does the Y approval play a role?

Mr. Arnold: No.

Atty. Dilallo-Bitter: Those are the only uses I am aware of.

Mr. Arnold: We've had uses go beyond the approval. I am not sure they'd have to come back for the additional things they talk about.

Atty. Dilallo-Bitter: It could be conditional for this use, and any other would have to come back.

Mr. Zimmerman: There are semantics around making sure the application meets the needs for the Use. If 500 kids are ok on Saturday, 50 old men playing basketball on Tuesday are just as ok. If Saratoga County comes back with a concern, we're going to want to try to mitigate that. I want to make sure we are clean as far as what we are approving.

Mr. Arnold: I was on gathering place, but the request is for The Drop. If you decide to do stuff on Sat. while the mercantile use is open, we have to think about lots of things, traffic, etc. It's different on Wed. at 5 than it is 10pm Sat.

Atty. Dilallo-Bitter: How does this compare in size to something like Secrets in Clifton Park?

Mr. Thomas: We looked at their website, but it didn't give any information. Never been there.

Mr. Rogge: Why does it go to Saratoga County?

Chairman Jensen: Because it's within 500 ft. of Route 9.

Mr. Rogge: The County approved it 5 years ago.

Chairman Jensen: They review every use within 500 ft of the river, the Northway, a State highway, county boundaries, etc.

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Mr. Arnold: We will be waiting for their letter, because they really didn't like the outdoor flea market when that came through, the opinion was very negative.

Mr. Rogge: I think an outdoor farmer's market at this end of Town would go over fantastic.

Chairman Jensen: In order to assist applicant a little bit, as we've had this site before us in the not too distant past, we will do SEQR, is it required that we send them to SHIPO etc. since we know that we recently had one?

Mr. Arnold: I am pretty sure nothing archeological is happening there.

Mr. Rogge: And it drains exceptionally well.

Chairman Jensen: Want to do anything?

Mr. Zimmerman: He will want a public hearing.

Chairman Jensen: Do we know we are going to have it next meeting? You do have the option of schedule a public hearing and postponing it (as long as we do so in a public meeting).

Atty. Dilallo-Bitter: If they choose to expand their idea, they should send a letter to add to the County application.

Chairman Jensen: Their next meeting is the 21st and ours is the 18<sup>th</sup>.

Mr. Arnold: The 15<sup>th</sup> of June is the earliest we can schedule a public hearing.

Chairman Jensen: I would hesitate, after the way the ~~State~~ County responded to the outdoor flea market.[amended May 18, 2015 lm]

Mr. Rogge: If memory serves me right, the problem was the loss of parking lot, opening gates.

Mr. Arnold: The ~~State's~~ County's problem was Use as per our Zoning. That was the flea market, this [amended May 18, 2015 lm] might not be as controversial, but the history may draw it to the Board's attention. They may want the full Board to discuss it instead of a staff decision.

Chairman Jensen: Do you want to schedule or hold til we get response?

Mr. Arnold: Let's wait til May to schedule it.

Chairman Jensen: This will give the applicant time to decide if he wants to update his application.

Atty. Dilallo-Bitter: I want to ask Code Enforcement to look at Indoor Rec Facility because if it were that, they would need a Special Use Permit.

Mr. Arnold: Because this is different from the YMCA which is a membership club. We gotta figure out how to do it.

Chairman Jensen: Is this C2 or C-1?

Mr. Arnold: I do still think your bathrooms are hugely inadequate.

Chairman Jensen: Counsel: Would you consider this in indoor recreation facility?

Atty. Dilallo-Bitter: That's what I want to ask Ben or Joe to look into.

Chairman Jensen explained to applicant that he might have to go to the ZBA, and that he should call and find out when Mr. Patricke is going to be in so he can find out his decision on that.

Mr. Arnold: Tell him it came up here. It might be good to have it up before it goes to the County.

Mr. Bergman: Do you understand where we are at?

Mr. Rogge: Well, Joe made this sound quite simple. We changed it once to mercantile and we are just

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going to change it back again. He did say that we could continue to do what we are doing, because we tried twice already with limited success...as long as the lights and the mercantile were on. I don't see what the difference is if we are selling stuff, or we have kids listening to music. People are gathering whether it's for music or to purchase.

Chairman Jensen: Did the YMCA have a Special Use Permit? I don't know the answer to that.

Mr. Zimmerman: Even if it did, it's gone.

Chairman Jensen: You could argue that it's closely related. A change in Use runs with a lot and not the owner.

Atty. Dilallo-Bitter: Use Variance runs with the property, but a Special Use Permit is something different. We need to look into it before the County does.

**#2 Sweet, James  
Reservoir Road  
Preliminary Plat Review**

Mr. Sweet did not appear for the meeting.

Motion to adjourn was made at 7:57 by Mr. Bergman and seconded by Mr. Zimmerman. Motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

Tricia S. Andrews