

A meeting of the Town of Moreau Planning Board was held on January 25, 2016 at 7:00 p.m. 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
Ron Zimmerman	Planning Board Member
Dave Paska	Planning Board Member

Also present: John Wright, Attorney for the Town; Tricia Andrews, Recording Secretary; Ben Marcantonio, Asst. Code Enforcement Officer

Planning Board Members Absent: Erik Bergman

Chairman Jensen called the meeting to order at 7:00p.m. The minutes of the December meeting were reviewed and corrected. The Chairman's name had been omitted from the roll. On p. 1851 a motion was made by Mrs. Antis and seconded by Mr. Antis. It was made by Mrs. Riggi. On p. 1857 1st line, they will "store" products instead of "storage." On p. 1851, the minutes motion carried unanimously with one abstention, which was the Chair. Also in several places it says Chairman Endal instead of Jensen. Mr. Arnold motioned to approve the minutes with those corrections and Mr. Antis seconded. Motion carried unanimously with no roll call vote.

#1 Billington Plumbing & Heating

Public Hearing

Site Plan Review

Lynn Billington appeared representing Billington Plumbing & Heating. They want to run a Plumbing and Heating business out of the building at 1611 Route 9, Moreau. Chairman stated the rules for the public hearing. Thomas Sweet, who will live next door, asked whether the operation will be run at 3:00 in the morning. The applicant replied that it would not.

Mr. Antis asked about the proposed septic tank and tile field on the map, and what the facilities are now. Those are old comments, the septic has actually been built but they are using an old map.

Mr. Arnold asked about the drain inside the floor. Mrs. Billington said that there is not a drain. He asked about the mention of light maintenance being done, and she said they will wash them outside, and there's a lift for changing tires, etc.

Mr. Antis asked if there are rules about washing vehicles in a controlled environments, because they have to do that at the Town Highway Garage.

Mr. Marcantonio stated that this happens at the Town Highway Garage because of concerns about salt, and that it is not a law for all commercial vehicles. He will make sure.

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The Board reviewed the EAF for the project. #4 Mr. Arnold asked about agricultural land use, and there is none so that was removed. #8b there is public transportation. It passes by but there is no stop. #11, Mrs. Riggi asked about the septic system, which needed to be noted.

Chairman Jensen closed the public hearing at 7:15pm.

Mr. Zimmerman motioned to make a negative declaration with regard to SEQR for Billington Plumbing and Heating and Mrs. Riggi seconded.

Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Zimmerman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried 6-0.

Mr. Arnold motioned to grant final approval for Billington Plumbing and Heating and Mr. Paska seconded. Notice of County finding of no impact had been given by phone with a formal letter to follow. Mrs. Billington was reminded to bring her sign in to have it reviewed by the Code Enforcement Officer before buying it.

Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Zimmerman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carries 6-0.

#2 Blue Flame Gas Company **Site Plan Review**

Mr. Tom Hutchins of Hutchins Engineering and Mr. Liporace, General Manager of Blue Flame Gas, appeared. The applicants have addressed issues with their site plan raised at the last meeting. They have increased the size of the cylinder storage area, now 30' x 48', completely screened for visibility. Plantings have been added along Route 9 and south of the entrance, white pine conifers, that portion being already treed with new growth. Snow storage areas have been outlined and Mr. Hutchins pointed them out. It has been submitted to DOT, no feedback has been received. It has also been to the County and no impact was found.

Mr. Paska asked for clarification on how the delivery truck would actually enter and why the entrance was located where it is. They want the trucks to be able to pull out and not have cars in the way of turning in the parking area. The provision they have now allows for that. Mr. Zimmerman asked about the curb cut and how it lines up across the street with, Kloss'. Their northernmost will line up. The concern Blue Flame has is to maximize the distance from the intersection. Mr. Arnold noted that Fortsville Road intersection has been changed and this map doesn't show the intersection accurately, which gives them more distance from Fortsville Road than they thought.

Mr. Antis said that fuel depot supply is not a permitted principal use in the C-1.

Chairman Jensen said that they have looked at this as bulk storage.

Mr. Antis argued that it is a fuel depot and it is not in light of what they would want the entrance to the Town to look like.

Mr. Liporace said that they are not wholesaling it, it is residential storage, so he's not sure what the definition of depot is.

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They are not selling it there, but they are loading there to deliver to customers. Mr. Antis argues it is not in the zoning. It might require a Special Use Permit, but Mr. Antis also didn't think it qualified for one. Mr. Hutchins said that the Code Enforcement Officer had told them very early in the planning period that it was an allowed use.

Chairman Jensen pointed out that there's also no retail specifically allowed, and Mr. Hutchins asked and was told that it also doesn't list gas stations as an allowable use.

Mr. Arnold observed that the list of approved uses seems to be based on what was actually there 20 years ago, and not on what is desirable. Suburban Propane and Shaw Fuel have very similar types of businesses in the same area. Mr. Arnold doesn't think this is a depot, which would involve shipping containers, etc. Chairman Jensen asked for advice of counsel and Atty. Wright stated that Code Enforcement can make that determination, and has. If someone, a citizen, wants to argue with that decision, they would Appeal to the ZBA, but at the moment the Board can comfortable go with what the Enforcement Officer decided. Mr. Antis asked whether that decision was in writing anywhere, but it is not.

Mr. Arnold would like to go on the record that the Town needs to move forward with Code revisions.

Atty. Wright stated that their appearance here means that the Enforcement Officer did allow it to move forward as an acceptable use.

Mr. Marcantonio reported that Mr. Robinson had not had any further concerns since the ones raised at the previous meeting were addressed.

Mr. Arnold asked about the soil tests and they were presented on the 5th page detail sheet, no problems were identified.

The Board reviewed the Short Form EAF but did not issue a declaration.

Motion made by Mr. Paska to schedule a public hearing on February 22nd and seconded by Mr. Arnold.

Motion passed unanimously without roll call.

#3 Stewart's Shops Site Plan Review

Mr. St. Andrews appeared and explained the changes proposed to the Stewart's site on Bluebird Road. A question had been raised about the amount of parking required, and Stewart's has received a letter from Code Enforcement stating that it will not be a problem. Chairman Jensen stated that whether it is a problem would depend on how the applicant answered questions about the use of the additional space.

Mr. St. Andrews explained that it is freezer space and storage space. Chairman Jensen asked if they would increase the floor space.

Mr. Paska stated that the current cooler was going to become floor space, but Mr. St. Andrews stated that another cooler was going to be bigger. So in that case, the footage that will not be sales area with merchandise, it would not affect the parking requirements. As long as the sales area remains the same, the parking doesn't change. Mr. Andrews pointed out that they are changing the layout of counter space which will make a better use of the floor space, but not increasing the space.

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Mr. Zimmerman asked if it is a cooler that customers could walk into, but it is not.

Mr. Arnold asked if the number of employees would change. Mr. St. Andrews said it would not. They are asked to park behind the store on the north side where there are 4 spots. If the Code referred to gross square footage, they would be required to have 32 parking spaces. Currently they are in the 20's. Mr. Zimmerman asked for a comparison with the South St. Stewart's, but Mr. St. Andrews was not familiar with that location. He did explain how the lighting would be changed.

Mr. Arnold asked how many fueling spaces there are, and there are two at each island, 4 spaces under the canopy.

Septic, stormwater etc. prevent locating spaces in any other place.

The Board wanted to review exactly how the Code is written with regard to parking spaces per retail space, and Mr. Marcantonio located it in the book. 149-47d-5 it refers to "gross store floor area." The Chairman read the instructions on how to tabulate gross floor area and established that it would not change.

Motion to declare Lead Agency was made by Mr. Zimmerman, and seconded by Mrs. Riggi. Motion passed unanimously no roll call.

Motion was made by Mrs. Riggi to schedule a public hearing on February 22nd for Stewart's Shops at 7:10p.m. Mr. Arnold seconded. Motion passed unanimously no roll call.

The Chairman requested that this go to Saratoga County, and that an engineer's opinion be requested.

#4 Moving Made EZ Site Plan Review

John Payne and Ryann Gerard 1522 Route 9 looking to build office space and garage bays for trucks. Trucks will be parked overnight, and out during the day. The two of them will be in the office during the day.

Mr. Antis asked for clarification of the type of business and it is moving, packing, and furniture delivery. Mr. Arnold asked if trucks would be parked while loaded with home goods, and they said they would not. They might have a Uhaul overnight, but they would park it at Uhaul.

This property is located on Route 9 across from the Town Highway Garage and between Sara-Glen Motel and a short access road. It is .82 acres, a pre-existing non-conforming lot. Mr. Arnold asked whether they had proof of that.

Mrs. Riggi stated that their site plan doesn't indicate where it is in relationship to anything else.

They will be making a curb cut so the County and DOT will be notified.

They were told they need a more detailed site plan to answer whether they meet setbacks.

Mr. Arnold pointed out that the map states that it existed in 1947, which is the proof he was looking for. The applicants were advised that they will still need to meet the setback requirements, and if they can't meet them, they would have to go to the Zoning Board of Appeals about that. Some variance can be requested, but there are no guarantees they would get it, so they should check their site layout with Mr.

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Marcantonio and he will let them know if they have to go to ZBA. This might save them some time. The Board will give them other issues they want addressed.

Mr. Antis asked how trucks would drive in and Mr. Payne agreed that they would travel as Mr. Antis described and he would put that on the plan. Mr. Antis also advised them that it's not a warehouse, but a place of business/office, etc. and a warehouse isn't allowed.

Mr. Paska asked about the size of the trucks. Their largest is a 17' box truck. They do not plan to use the other access road because it is not in the contract, but the neighbors have indicated that an agreement is in place and they probably can.

The proposed building is 60ft wide and 96ft. long. The bays would face the access road. Mr. Zimmerman said they will need to show how traffic would move on-site.

Mr. Arnold advised them to talk to Ben and not draw anything without advice. On closer look, the map does show 150 ft. of road frontage while is initially looked like 125.

Chairman asked and they said that they will not do any maintenance on the trucks on the site.

They should show parking for employees on the map.

Mr. Antis asked which setbacks would apply. Mr. Marcantonio will determine that when he meets with them.

Mr. Zimmerman asked for lighting on the plans. Mr. Antis asked for signage. Signs must be in accordance with the Town sign ordinance.

Mr. Marcantonio asked whether they wanted it stamped. There has been nothing on the site.

They will hook up to water and show their septic on the map.

Everything needs to be submitted by 2 weeks before the meeting in February in order to be heard at that meeting.

#5 Zeke's Deli and Catering Site Plan Review

Chris and Liz Lanfear appeared and they brought the traffic flow pattern that was requested. They had been told to go to Ethan Hall and request the most recent survey, but he didn't have it. Code Enforcement Office staff provided them with the previous plans and they added the location of the smoker to it. The canopy says 4 x 13.5- it is actually the island, the canopy is bigger than that. That is where the smoker will be. The Board was concerned about changes in the traffic pattern, and they are not changing it.

The deli will probably operate 7 days a week.

Mr. Paska noted that according to this, cars can go around the building. He asked the amount of space.

Mr. Lanfear says that it is probably 10 ft. They will probably eliminate spaces 17 & 18. 11& 12 they could also take away. But the Board believes there are more than enough spaces.

Mr. Antis asked if they would use the whole space for retail. That would determine the amount of spaces. There are 3800 sq.ft., but if a portion of it is not used for retail space, they won't need parking. The Board needs a determination of how much of the space is retail. They explained to the Lanfears what to include

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when calculating the space. It is still best to build extra spaces rather than add them later. Currently, the retail space is 65' x 28' excluding the coolers.

Mrs. Lanfear said there was a planter there on the map, which was never done but they will be putting that in there.

Mr. Antis pointed out that there is an easement to the storage area behind the store which needs to be kept open.

Mr. Arnold wants it on the record that he doesn't think that the applicants need to provide a survey, but that the owner of the property should have a survey on file with the Town if he wants to rent out the property.

Site plan review and SEQR have been opened previously and tabled in August, counsel's opinion was asked about how long that could be open. He said that as long as the applicant wants it reopened, it can be. Counsel stated that the application is not complete at this time, so they can not act.

Mr. Paska said that a map to scale was requested and asked whether that's what is being requested now. The Board has to decide whether they can use what they have been given, or need other documentation to move forward. The Oct. 13th letter from the building inspector stated that a licensed survey was needed. Mr. Arnold said that they do need one but have discussed not having one in this case or that it is not the applicant's responsibility to get one. Mr. Zimmerman suggested that given the similarity to the previous use and the availability of the earlier map, this would not be necessary. Motion was made by Mr.

Zimmerman to waive the request for a survey, but to request that a clearer floor plan be provided . Mrs. Riggi seconded.

Mr. Arnold asked when the property owner would be forced to submit a survey.

Mr. Antis suggested that the Code Enforcement Officer be directed to ask the landowner for a survey before he can rent out to any future renters. Chairman said that this is not something Code Enforcement can do.

A roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, No; Mr. Zimmerman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried 5-1.

Mrs. Riggi motioned and Mr. Arnold seconded that the Board require the applicants to submit a detailed floor plan for the retail space so that parking requirements could be clarified.

A roll call vote resulted as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Zimmerman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried 6-0.

Mr. Zimmerman motioned to reopen the public hearing for Zeke's Deli & Catering, with advertisement, for February 22 at 7:15p.m. Mr. Arnold seconded.

Motion to adjourn was made at 8:48 p.m. by Mr. Zimmerman and seconded by Mrs. Riggi. Motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

Tricia S. Andrews