

A meeting of the Town of Moreau Planning Board was held on August 19, 2019 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Ron Zimmerman	Planning Board Chair
Jerry Bouchard	Planning Board Member
Reed Antis	Planning Board Member
Erik Bergman	Planning Board Member
Peter Jensen	Planning Board Member
Mike Shaver	Planning Board Member
Ann Purdue, Esq.	Alternate Planning Board Member

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary

Not present: John Arnold, Planning Board Member; Meredith Mathias, Alternate Planning Board Member

The meeting was called to order at 7:03 pm by Ron Zimmerman, Chair. The Board reviewed the minutes of the June 17, 2019 meeting. Motion to approve the minutes without correction was made by Ms. Purdue and seconded by Mr. Shaver. Motion carries, all in favor with no roll call but Mr. Zimmerman abstaining.

Gary Stone
Stone Secure Shredding
1349 Route 9
Site Plan Review

The hearing has been properly noticed. No members of the public were present.

Mr. Stone has been in to see Mr. Martin and has addressed the issues noted at the previous appearance. The drains were investigated and they are self contained, they don't go anywhere and the assumption is that the prior user suctioned them out. Therefore item 2 wasn't necessary (to add a separator).

The number of storage containers is shown graphically and with a note, as well as banked parking and snow removal areas. There is some dual usage for containers vs. parking, which Mr. Martin doesn't have a problem with.

The concrete walk shown was removed as it doesn't exist.

The handicapped space and access path are now right next to the front door.

The record of remediation from June 2011 was provided by Mr. Sears, the real estate agent.

The number of parking spaces matches the number on the plan, is reconciled with the notation on the page.

There is a note on the plan prohibiting debris from being stored overnight.

Notification was sent to the fire department.

Sprinklers identified.

Trucks are to be empty to be stored in the building.

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The public hearing was opened at 7:12pm.

Mr. Shaver asked and the Fire Dept has not issued a response letter.

Mr. Zimmerman asked about the letter mentioning another tenant in the space 1000 sq ft, he was an existing tenant when the building was purchased. It is Champs awnings. Neither the Board nor Mr. Martin had been aware of that use until now. Mr. Martin asked how that was operated as it might affect the parking space needs and trash facilities.

Mr. Stone said it is a one-man operation who stores product there. He's an installer, he has some equipment. He doesn't have retail or showroom space.

Mr. Zimmerman asked and Mr. Stone demonstrated on the plan where that use is. Mr. Stone is not sure how that business is marketed or operated, he just is a long-standing tenant for storage.

Mr. Bergman said he thought the Board had seen this building before and it had always had two uses so it wasn't an issue, and Mr. Martin agreed.

Mr. Jensen stated that the other use is not before the Board right now, this Site Plan just pertains to the part that Mr. Stone plans to change the use of.

Mr. Sears stated that it had been brought up in discussion and wasn't noted.

Chairman Zimmerman stated that the Board wants to have a thorough and correct Site Plan.

This did originate as an enforcement action. There is no problem with this use, it just requires a formal Site Plan for change of use. This area allows Mixed Use, and the Site can support this use.

Mr. Stone stated that the whole building was full of tenants when he bought it; a cabinet maker, a granite countertop maker, a scrap metal man, and a lawn and gardening company, in addition to the awning guy. Some of the building is partitioned but it is mostly open. Mr. Antis asked and Mr. Martin said the Board doesn't need to investigate the interior layout as there are no health or safety concerns. Mr. Stone doesn't plan on any tenants besides the awning company.

The trucks shred materials on site and they dispose of it before going back to the garage. They have to account for where it goes meticulously. This site doesn't accommodate members of the public coming in with home shredding, but they have other sites that do that.

Mr. Bouchard asked and there is no storage of filled containers, including filled trucks. He couldn't find that note on the drawing. Mr. Martin agreed that if it isn't there, it needs to be added. Quantity, size are noted but not that they have to be empty.

Ms. Purdue asked about the documentation with the remediation plan on it and said that there should be a closing letter. It is on file with the Town.

There is a record in the file that they have an easement to come onto the property to check the monitoring wells. Mr. Sears stated that it was well documented at the time of sale that the remediation was complete and information is available on the DEC website.

Ms. Purdue wanted to be sure that the remediation was completed and Mr. Stone stated that the deed easement is perpetual for the DEC to be able to check on that. Mr. Martin showed the information that

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stated chemicals, metals and barrels were found and clean soil brought in. On- site remedial work is done, but the site is never declared done, monitoring will continue.

Chairman Zimmerman stated that the February 21st 2018 Easement should be referenced in the documentation.

The Chairman stated that a couple more conditions are going to be added, that above being one of them. There are some things in the easement that they will need to continue to comply with.

Mr. Stone didn't want to have the plans re-drawn.

The second item was that no storage in the trucks would be allowed, and a third would be that Champs Awnings needs to be shown on the plan. Mr. Stone said he would throw them out instead and Chairman Zimmerman agreed that was his prerogative. Mr. Stone asked about the attention being paid to this, and Mr. Martin pointed out that the previous tenants were all in violation as well, but their presence wasn't obvious.

Chairman Zimmerman pointed out that they can approve Champs Awning and Stone Shredding tonight and nothing else.

Mr. Sears thought that Zoning for warehouses allows whatever tenant in the building they want. They don't have to come back every time tenancy changes, in other towns. In Queensbury, new uses have to renew their site plan after seven years. Code Enforcement handles these situations, and reviews parking, etc. He thinks this Board is being a little too responsible in this situation, there is plenty of parking.

Mr. Stone said this is a less intense use than before. He argued the point of these visits.

Mr. Martin explained that the Board is willing to accommodate whatever Mr. Stone plans. He just needs to state clearly what that is. There are other comparable properties in the Town. If he only asked for Champs Awning and his own use, that's what he gets. If he thinks he wants to add more in the future, he should apply for a mixed use now.

Mr. Stone wondered whether he should put it in and asked for wording.

Mr. Bouchard explained that the Board can't plan his use for him.

Mr. Stone argued again that this is a lesser use.

Mr. Martin explained that this is on its way to being approved, but if Mr. Stone has other plans he should be clear about them now, because it is easier in the long run.

Mr. Antis explained again that if the building is partitioned and he expects to add tenants, he should build the plan to accommodate it now.

Mr. Jensen said that contingency plans are a possibility. The applicant needs to decide how many uses he wants to have potentially available. No one is trying to throw anyone out, rather they want to make his path easier in the future.

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Mr. Sears stated that approval would be two tenants. Champs Awning and Stone Shredding. He asked whether they should just be a notation that 1000 sq ft is rented. Mr. Bouchard suggested just noting one tenant and not limiting the square footage.

The applicant noted that the discussion about containers last month did not say that they could not store shredded paper. Only occasionally that may happen, so they want it to be an option. The goal is to empty them, but they don't want to be completely disallowed from keeping them overnight occasionally.

There are no sprinklers. The trucks in the garage are sealed. It's possible it would be the weekend. It's not profitable to them to have trucks sitting with a full load. Chairman Zimmerman asked whether a week would be acceptable limitation and Mr. Stone said it would. The trucks are airtight, they are not a fire hazard. Pressed for a number, they agreed to four.

Mr. Antis asked about the other containers. Those are outside. Mr. Stone was already collecting debris before banks suddenly required them to handle documents differently because of identity theft & green concerns. Mr. Antis asked if these were separate businesses one leasing from another and Mr. Stone stated that he has one company, that does disposal in different ways/offers multiple services.

Chairman Zimmerman asked if it is correct to say that eight trucks at a time will go in and out to do shredding at off-site locations. Different trucks would travel to the back of the property with roll-off containers, some of which will be store empty and some of which will be stored with waste in them, and are covered. Mr. Stone agreed that is correct.

Chairman Jensen stated that they are all the same business under one umbrella, just like someone in the construction business might install doors and do painting. These are different divisions of one entity. Only Awnings is a different business.

Chairman Zimmerman asked whether these uses are all permitted and Mr. Martin stated that they are. So this Site will have Stone Shredding/Stone Containers, and Champs Awning as warehouse/storage. No retail occurs on the site. Ms. Purdue asked whether there is precedent for construction debris storage on Route 9 and Mr. Martin stated that as Zoning Administrator, he had already determined that this is an allowed use.

Chairman Zimmerman stated that the Board had talked about limiting the number of trucks with materials stored indoors to 4 for a week. Did they want to limit outside? That should also be 7 days. Mr. Bouchard thought this would be self-limiting because it isn't profitable to keep them there with stuff in them. Mr. Stone agreed because they don't get paid until they present the weigh slip from the landfill to the client. Chairman asked whether 10% of the containers could have waste was a reasonable restriction. Mr. Antis wanted the different name of the container company on the Site Plan. Mr. Stone asked what the point is, and Mr. Antis said he wanted to know which company is using the property. Mr. Stone said the Board knows Stone is using it. Mr. Sears stated that Stone Industries is using the property.

The public hearing was closed at 8:11pm.

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Chairman Zimmerman recapped and stated that a notation needs to go on the plan delineating another tenant, Champs Awning. That there is an easement dated Feb 21st 2018 which should be noted on the plan and all requirements of that easement must be adhered to.

That the storage of full containers is limited to one week, a maximum of 4 trucks inside with materials on board and outside 10% of total containers can have materials at any given time, and must be covered.

Stone Industries encompasses the activities of both Stone Containers and Stone Secure Shredding.

Motion to approve the Site Plan for Stone Secure Shredding was made by Mr. Bergman with conditions noted above, and Mr. Bouchard seconded.

Roll call vote resulted as follows: Mr. Bouchard, Yes; Mr. Antis, Yes; Ms. Purdue, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Mr. Jensen, No; Chairman Zimmerman, Yes. Motion carries 6-1.

Mr. Sears asked and a new site plan must be provided with these notations and the Board members will sign it, just two copies are needed.

Motion that the Chair and one other member sign the mylars when they are provided was made by Mr. Bouchard and seconded by Mr. Antis. All in favor, motion carries with no roll call.

The meeting was adjourned at 8:18pm per motion by Mr. Bergman, and seconded by Mr. Bouchard. All in favor, motion carried, no roll call.

Respectfully Submitted,

Tricia S. Andrews

Shredding Off-site

Permitted- Mr. Martin stated that they are