

A meeting of the Town of Moreau Planning Board was held on August 20, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

Present:

Peter Jensen	Chairman
Keith Osborne	Planning Board Member
Linda Riggi	Alternate Planning Board Member
John Arnold	Planning Board Member
Dave Paska	Planning Board Member
Reed Antis	Alternate Planning Board Member
Tricia Andrews	Secretary

Absent:

Erik Bergman	Planning Board Member
Chris Barden	Planning Board Member
Ron Zimmerman	Planning Board Member

Also Present: Malcolm O'Hara, Attorney for the Town and Joe Patricke, Building Inspector.

Chairman Jensen called the meeting to order at 7:00 p.m. and asked that everyone review the minutes of the July 16, 2012 meeting. Corrections: Page 1588, 2/3 way down heading from Mr. Arnold I think your double in the back will be single people can go **through** rather than turn around (not though).

Motion by Mr. Arnold to accept the minutes as amended and Ms. Riggi seconded. The motion passed unanimously with no abstentions.

**#1 Key Lock Storage and Office
Cerrone Builders
Site Plan Review**

Mr. Antis motioned to reopen the public hearing, and Mr. Osborne seconded.

Chairman Jensen: We were in the EAF and we were lacking some documentation which we have now received. Are there any further questions concerning the EAF review for Key Lock Storage and Office?

Mr. Osborne: Was there any response from SHIPO? I would be shocked.

Dan Ryan, Vision Engineering: They replied that it's in the gray zone and required a second study, which we completed Phase 1 and 2 and found nothing.

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Chairman Jensen: Anything further, does it glow in the dark? Public Hearing Closed, Board, what would you like to do?

Mr. Patricke: Let's ask for a report from our engineer.

Mr. Robinson: We looked at storm water, we had some comments last time we were here and we got a new SWPPP, they answered all our questions and comments, we reviewed it, it looks good.

Chairman Jensen: You are satisfied as presented?

Mr. Robinson: Yes.

Mr. Osborne: Is this SPDES level?

Mr. Robinson: Yes.

Mr. Osborne: Less than 5 acres?

Mr. Robinson, Mr. Ryan: Yes.

Chairman Jensen: What do you want to do with it?

Mr. Arnold: Motion to make a negative declaration on SEQR for Key Lock Storage and Office.

Mr. Antis: Second.

A roll call vote resulted as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried.

Chairman Jensen: Anything further regarding this applicant?

Mr. Arnold: Motion for final approval for Key Lock Storage and Office Site Plan Review.

Mr. Osborne: Second.

A roll call vote resulted as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried.

Chairman Jensen: Anything further?

Mr. Arnold: Motion that the chair and one other Board member sign the mylars.

Ms. Riggi: Second.

Motion passed unanimously.

#2 Bean's Country Store South, LLC

Public Hearing

Chairman Jensen: What we do for Public Hearing is that so that everyone knows what we are asking them to comment upon, we ask the applicant to briefly describe his project. Do we have a rep for Beans? We have three basic ground rules. You are invited to make comments, identify yourself for the record, please maintain some sense of decorum.

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Betty Bean: We are going to be taking over the Easy Mart on Route 9. We are going to be putting in a deli and a bakery, pizza; we do delivery, have a gift section and small grocery section. We have a similar store in Queensbury and will do a similar thing in South Glens Falls.

Chairman Jensen: Questions or comments concerning this application?

Don Von Linden, 1468 Route 9, across the road: I think it's a wonderful idea and I'm glad to have you there.

Chairman Jensen: Board, any questions?

Mr. Arnold: Starting with parking. I am not sure how many but you have to have at least one handicapped space, which one will it be, and which one goes away?

Betty Bean: #26.

Mr. Arnold: Do they need the other empty if it's the end space?

Chairman Jensen: Yes, they can't be run over when they get out.

Mr. Osborne: I would add that it's one per every 25, we need Joe's comments, so if you have more than 25 spaces, you need two.

Mrs. Bean: So #24.

Mr. Osborne: I'm not designing for you but I would say #24 and #26 with #25 being the unloading area.

Mr. Arnold: You had three rows of parking in the back. Now that I have dimensions, is that 61ft. definite?

Betty Bean: It's approximate.

Mr. Arnold: You have 10' by 20' parking spaces. You only have 10 ~~inches~~ **feet** between rows of parking and that's too tight for a car to back out. **[Amended 9/17/12]**

Mrs. Bean: We can put it down the side on the left.

Mr. Arnold: Good, even if that was enough, you only have 10.5 ~~inches~~ **feet** between #18 and the back of the building, and that's not enough for a delivery truck. Using the side boundary gets people closer to the back of the store. Some of them may be dead spaces that people never use anyway. I think you can get 8 there on the South border and have plenty of access and room. **[Amended 9/17/12]**

Mr. Osborne: I think we require 20 ft. drive aisles.

Mr. Arnold: Same problem on the others but those are diagonal, they don't need as much turning space. 17 feet is a bare minimum for the drive aisles. Get them as diagonal as you can get them.

Chairman Jensen: Anything further?

Mr. Osborne: Does that 20 by 60 ft. green isle already exist?

Betty Bean: Yes.

Mr. Osborne: Is the distance of 19 ft to the canopy skin at the top?

Betty Bean: Yeah.

Mr. Osborne: So you are done. No more space there. Are you looking for something tonight?

Chairman Jensen: I think the applicant has committed to make changes.

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Mr. Osborne: We're going to leave that on staff?

Chairman Jensen: Yes.

Mr. Arnold: It's just drawing lines in a different spot.

Chairman Jensen: Shake up the Etch a Sketch. Short Form EAF.

Questions Part 1? (No.)

Part 2: No comments. Anyone aware of environmental concerns with this parcel? Public Hearing closed. Board, what would you like to do with this EAF?

Mr. Arnold: Motion to make a negative declaration on the Short Form EAF.

Mr. Antis: Second.

A roll call vote resulted as follows: Mr. Osborne, No; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Antis, No; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried 4-2.

Chairman Jensen: What else would you like to do?

Mr. Antis: We need to make sure they have the parking correct.

Chairman Jensen: Do you want them to come back, approve conditionally, or send them out of Town?

Mr. Arnold: Motion to grant final approval based on relocation of parking to allow for full number of spaces necessary and adequate safety ingress and egress.

Mr. Antis: Second.

A roll call vote resulted as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried.

Chairman Jensen: With a tweaking of your parking layout to satisfy the conditions you have just heard, work with Mr. Patricke to lay it out appropriately, and welcome to Moreau.

Mr. Arnold: There are no mylars on this, correct?

Chairman Jensen: Correct.

#3 KCWR Holdings

Public Hearing

Chairman Jensen: You have all heard the ground rules, let's go, describe your project.

Matthew Ludemann from Stanclift, Ludemann and Morris: This involves an existing structure on Route 9 in Thousand Oaks, moving from the Fenimore into the building. No proposed exterior changes or changes to the building, using it as is.

Chairman Jensen: Questions, comments concerning this project?

Don Pigeon: What kind of business is this?

Ron Richards. It's industrial controls, electronic systems in a box to control automation.

Chairman Jensen: Anyone else? Board?

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Mr. Osborne: Picture says 1000 words, the survey tells me you are picking up the bulk of the subdivision. You have some room to expand, that may be why you purchased it, it is much clearer now.

Mr. Arnold: I am guessing from the engineering study of the tanks that everything was good?

Mr. Ludemann: The underground storage tank holding aviation fuel was removed by the prior owner, neither the tank nor the piping had leaked, the four drains and other sites all came back nice and clean.

Mr. Arnold: You are not making any changes to lighting for a night shift or anything?

Lawyer: No. There's farmland, industrial area, it's unbuilt.

Chairman Jensen: Short EAF. We accepted a Short Form on this because during the creation of Thousand Oaks a thorough Environmental Assessment was performed. [No comments on EAF.] Public Hearing closed at 7:32 pm. What would you like to do?

Mr. Arnold: Motion for a negative declaration on the Short EAF on KCWR Holdings.

Mr. Osborne: Second.

A roll call vote resulted as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried.

Mr. Osborne: Motion to approve the site plan for KCWR Holdings with any mylars signed by Chair and one other person.

Paska: Second.

A roll call vote resulted as follows: Mr. Osborne, Yes; Ms. Riggi, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carried.

#4 Varmette Custom Services- Kevin Varmette Site Plan Review

Don Pigeon representing Kevin Varmette, presented a map: My client was having a problem with housing and he runs a landscaping business. Got anxious and went out here and constructed this garage on the South line of the prop. There's a couple little sheds. This area is open, clear, put a couple little vegetable gardens out there. Didn't go to Joe first for a building permit. He promises me it will never happen again in this Town. Fortunately, as you can see, he meets the requirements for his setbacks, etc. He got that Ok with his structures, and it's just the garage. Others are sheds.

Mr. Arnold: Are they over 100 sq ft.?

Mr. Pigeon: They are pretty small, 10 by 10.

Mr. Arnold: They need permits over a certain number of square feet.

Mr. Pigeon: This property is not unappealing to anyone in the neighborhood because there is no one in the neighborhood, and you can't see into it from the Northway. His access is along this dirt roadway. He has a land use agreement from the people who own that property.

Chairman Jensen: Is that a deeded right of way?

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Mr. Pigeon: I put that in the packet.

Mr. Varmette: It's a notarized agreement

Mr. Pigeon: It's legal, but hasn't been recorded.

Attorney O'Hara: Record it.

Mr. Antis: When was it dated?

Mr. Varmette: August 23rd, 2011.

Mr. Antis: Was the garage built after that date?

Mr. Varmette: No, long before. We shook hands over it because they've known my family for years.

Mr. Pigeon: What he'd like to do is put a green house structure out in this proposed area.

Mr. Varmette: It would be a kit, not like what Toadflax has, just drive the posts and put the cover over it.

March thru fall.

Mr. Arnold: It isn't a heated greenhouse.

Mr. Varmette: Solar. Maybe a vinyl floor, pollen tarp to keep the pests out.

Mr. Arnold: Is the proposed garage?

Mr. Varmette: Yeah, that's a misnomer.

Mr. Osborne: Take the poly off before winter hits?

Mr. Arnold: You're going to grow things in the ground?

Mr. Varmette: No, in pots.

Mr. Osborne: Open to the public?

Mr. Varmette: Not retail.

Mr. Osborne: Is it a hobby?

Mr. Varmette: It's a business; I have a couple of clients who want some flowers.

Chairman Jensen: What's the Zoning here?

Mr. Pigeon: It's C-1.

Mr. Antis: I see it says small nursery/shop. Is there going to be a shop, another building?

Mr. Varmette: It's lawnmower repair.

Mr. Pigeon: He's going to use a portion of the greenhouse for maintenance.

Mr. Paska: So it would stay up year round.

Mr. Pigeon: I thought he meant that.

Mr. Arnold: So maintenance is in other building that's existing?

Mr. Arnold: Is there access through English Village?

Mr. Pigeon: No.

Mr. Arnold: You've got to get that recorded.

Mr. Varmette: If they sell, I am going to make some money.

Mr. Arnold: You'd make more with it notarized. No one wants landlocked land; you are going to want to prove that you have that right of way.

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Chairman Jensen: Is there a residence on here at all?

Mr. Pigeon: No, it's just equipment storage and gardening.

Mr. Osborne: Is the existing road a dead end?

Mr. Varmette: It's just an old skidder road; it was part of a farm that the Northway cut in half.

Mr. Osborne: What's the topography like?

Mr. Pigeon: It's pretty flat.

Mr. Varmette: Just a couple rises.

Mr. Osborne: Does it hit 15%?

Mr. Pigeon: Definitely not. And the road going in is very drivable. It's sandy

Mr. Varmette: It'll perc pretty good.

Mr. Osborne: You could have a multi-family residence on your property line some day.

Mr. Varmette: Vandals and thieves are my biggest problem out there right now. I have no neighbors but I don't mind them.

Mr. Pigeon: That's part of why he wants to move some of his garden in there, they steal that too.

Mr. Varmette: It will slow them down if I put in a couple of security cameras. I have trail cameras now.

Chairman Jensen: I believe this has to go to Saratoga County because it's within 500. Feet of the boundary of I-87. So this goes to the County.

Mr. Arnold: Their concern will be that you can't see the greenhouse form the Northway.

Chairman Jensen: We'll need that before we can proceed. Which reminds me, I neglected to bring up that on the two previous projects we had responses of no County Wide impact, on all three, it is on file.

Mr. Varmette: Where the Northway goes by there is a 10-12 ft embankment and I am above that, the greenhouse is maybe 15 ft tall.

Mr. Pigeon: And it will be green.

Mr. Varmette: Maybe 18 ft tall.

Chairman Jensen: We still have to receive their opinion before we proceed.

Mr. Arnold: It would be helpful to have a schematic profile on that.

Chairman Jensen: Get it to Joe quickly; I think you have already missed August. Talk to him.

Mr. Pigeon: Dimensions?

Chairman Jensen: Think what will convince them that they can't see it from the Northway.

Mr. Arnold: Get a profile, dimensions.

Mr. Arnold: Whatever catalog you order from will have a profile you can use.

Chairman Jensen: Visibility from 87, present that.

Mr. Arnold: Otherwise this is very low impact.

Mr. Osborne: Update the survey to say "proposed temporary greenhouse" instead of garage, and take care of that land use agreement.

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Chairman Jensen: Any questions of us? Get everything in and we can see you again next month pending what happens with the County.

Mr. Pigeon: I'll get it in tomorrow.

#5 Hooper, James
Sketch Plan Review

Jim Hooper: Did Mr. Rourke bring you a copy of my sketch plan?

Mr. Osborne: Yes. Mine's all marked up.

Mr. Hooper: A little background. I have talked to Preston a few times about this. My wife and I bought a 67 acre farm 12 years ago. The last 5 years have been a struggle and the cost of business in the horse industry is rising. My property taxes doubled with reassessment. The leading cause of foreclosures in the area is horse farms. We have been able to stay in business, but doubling our property taxes hasn't helped, so we sold a bit in 2010. From that sale, \$125,000, \$25,000 went to Saratoga County for property taxes. Now we're down to 45 acres and 40 stalls. I have no agricultural use of this land which allows me to pay for my business with taxes and insurance going way up. So I want to put a little business in on this corner of the property. This subdivision is what Joe and Preston think I have to do because I can't afford the lawyers for a PUD, when all I really want is an ice cream stand. On that triangle, which is non-conforming. I want a variance for commercialization to create a few jobs and make a revenue stream. To get a PUD rather than a variance, I would sell off almost half my farm to raise the money for a PUD which costs \$50 thousand. Give me a variance and I can do it for \$5000.

Mr. Arnold: Zoning does Variances.

Mr. Osborne: They would want that, yes. Use variances are difficult to get.

Mr. Hooper: I know, I was on Zoning for years.

Mr. Arnold: You could, since it was a dairy farm, put some cows there and turn the milk into ice cream. If you produce the milk there, Ag and Markets lets you do that on-farm processing and sales.

Mr. Hooper: Can I sell more than my little cows can produce?

Mr. Arnold: You'd have to look into Ag and Markets.

Mr. Arnold: You have enough land to produce for a farmer's market. Are you in the Ag district?

Mr. Hooper: Yes.

Mr. Arnold: One or 2?

Mr. Hooper: Not sure.

Mr. Arnold: This is the end of the property?

Mr. Hooper: Yes, here's the new line, the Clears bought that 20 acres. There are two lots I would love to have for my kids. I have two lots on the other side I could sell to get seed money for the PUD. I know uniqueness has a factor. It is a State highway, I have a corner, a railway bed, a golf course, it's so unique,

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not comparable for setting a precedent. A mom and pop ice cream stand, some trails to go back and visit the horses, educate, petting zoo. We have had kids come to the farm for years with the school; we still do some of that. We want to farm to be part of the attractions. 25-30 acres remaining allows me 15-20 horses there and the Town benefits as it is pretty.

Mr. Arnold: People consider that open space and they want it to stay that way.

Mr. Hooper: Right across from where Joe proposed the common driveway, that's the entrance to the parking lot of the golf course, I thought that would be better. We will end up with a traffic study. I know you're sensitive to road cuts; I will only get one in there. One of the things we are talking about is a common barn between the two, if I market the land it's to people who want horses on either side. West River Road is out of sight out of mind.

Mr. Arnold: Is that flag lot because you don't have access to West River Road because of wet areas?

Mr. Hooper: Yes we'll end up with studies there. There is an existing driveway and that's the cut we want to use. One drive runs along the railroad tracks and other over here.

Mr. Osborne: Same with lots 4 & 5?

Mr. Hooper: Yes.

Mr. Arnold: The old road in front, is that still listed as a public road?

Mr. Hooper: It's still a town road.

Mr. Arnold: That's an asset. The Town Board may go for it, but I think access from the highway will be problematic. Get them in via that road and access from behind. Keep that in mind; don't take it as a public road.

Mr. Hooper: I am trying to make a good neighbor, they are not fixing it for me, 12 years they bring in hot asphalt and throw it down, I think it's hazardous with standing water right now. If they would give it to me and let me do business. I have maintained this well, battled a tough economy, there comes a point where I can't do it anymore. Taxes and workman's comp costs are too high and the mega-farms are the only ones that are making it.

Chairman Jensen: This Board won't tell you how to do it, we can only look at subdivisions and site plans. If you want to pursue the subdivision, you can let us know.

Mr. Hooper: I may create the subdivision and never use it. I want to get a feel for the Board and Preston said I should ask you to come and take a look at what I am talking about doing. If I get an ice cream stand I am going to put horseback riding in behind it.

Chairman Jensen: You're going to do an ice cream stand and come to us for a site plan. If you come to create a subdivision, that's a different thing that still comes to us... if you try to do a PUD the Town Board, if they want to look at it, will send you to us, and we will send it back to them, and if they approve it, they will send it back to you. Board, what would you tell him? You would need a Long Form EAF with 5 lots.

Mr. Hooper: With 5 lots, does 4 or 3 matter to Dept of Health?

Mr. Arnold: It shouldn't.

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Mr. Osborne: What you may fall under, but I don't think so, is a type 1 realty subdivision, 5 lots of 5 acres or less in a three year time span needs review. If your lots are over 5 acres you don't get a type 1.

Mr. Hooper: Bill will find out and I will probably have an attorney as soon as I can.

Chairman Jensen: You'd want to see contours.

Mr. Osborne: USGS not topo?

Chairman Jensen: No, topo.

Mr. Arnold: Wetlands.

Mr. Antis: Existing structures and the not-abandoned road. You have to show where it is, all the structures.

Mr. Arnold: Because it is one of the lots.

Chairman Jensen: Threatened and endangered species, archaeology, perc, historical...

Mr. Hooper: I have another end in sight, I don't really want this.

Mr. Arnold: Get cows.

Mr. Hooper: How much land do I need for a dozen cows?

Mr. Arnold: Not as many cows as you think. Ice cream is seasonal though. You can seasonally milk them but not seasonally feed them.

Mr. Hooper: I am looking at creating a nice location and generate some revenue. One of my ideas is that one old dairy barn with no water, tear it down and rebuild it so the ice cream stand looks like it.

Mr. Arnold: It's a nice location and it would be nice to see it become a destination, but we don't get to do a lot of that.

Mr. Osborne: Do we want to set a public hearing?

Chairman Jensen: No, it's just a sketch.

Mr. Hooper: If we decide to go ahead, we will be back.

Chairman Jensen: Anything further?

Mr. Osborne: I want to explain my no vote on Beans country store. It's a Type 2 SEQR Action and it doesn't require an EAF and I wanted it on record it was Type 2 and EAF was not required.

Mr. Arnold: I just wrote it on my notes.

Mr. Antis: I thought they didn't bring the parking. They should have been more prepared.

Mr. Arnold: If it were empty, we would have required more.

Mr. Antis: They didn't think it out properly.

Mr. Osborne: We helped.

Chairman Jensen: Counsel anything for us?

Mr. Arnold: Motion to adjourn.

Ms. Riggi: Second.

Motion passed unanimously and the meeting was adjourned at 8:19p.m.

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Respectfully Submitted,

Tricia S. Andrews