

A meeting of the Town of Moreau Planning Board was held on December 17, 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
Chris Barden	Planning Board Member
John Arnold	Planning Board Member
Reed Antis	Alternate Planning Board Member
Dave Paska	Planning Board Member
Ron Zimmerman	Planning Board Member

Absent: Erik Bergman, Planning Board Member

Also present: Joe Patricke, Building Inspector/Code Enforcement Officer

Minutes of the November 19, 2012 meeting were reviewed. Mr. Zimmerman motioned to approve the minutes with typographical changes and Mr. Osborne seconded. All in favor. No abstentions, motion passed.

As the third Monday in January is a federal holiday, the regular meeting will need to be moved. January 28, 2012 was moved by Mr. Osborne and Mr. Barden seconded. All in favor, motion carried. Feb. 25th was proposed for February by Mr. Arnold for the same reason, and seconded by Mr. Osborne, motion passed unanimously.

#1 Clifton Nelson/MRCN Properties, LLC

Public Hearing

Site Plan Review

Motion was made to re-open tabled the public hearing for MRCN by Mr. Zimmerman and seconded by Mr. Antis. All in favor, no abstentions, motion carried.

MCRN Properties received a Variance from the Zoning Board for the requested number of parking spaces. They have returned to finish Site Plan Review. The previous business was retail, and it will continue to be retail. It is 1607 Route 9.

Appeal No. 730 granted the Variance to operate with 5 fewer parking spaces than required by the Code. The Chairman invited the public to make comments regarding the proposal. John Miller, the neighbor at 1609 Route 9, appeared with concerns about traffic flow and a change in the type of business because he

A meeting of the Town of Moreau Planning Board was held on December 17, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

feels it was service and not retail before. He has people cut through his property to get to the one in question and he is concerned about noise, glare, lighting and setbacks, as the drawing shows that they are within 13 ft. of his property line. He is also concerned about the proposed circular driveway. He is looking for a buffer zone to protect his property and has been there 27 years and wants to continue to use it as a residence. He has looked at the Code and compared it with other towns and with how residences in commercial districts have been treated. Chairman Jensen told him that Moreau doesn't have to look at Queensbury's Code. Mr. Miller referred to the Dunkin Donuts in Moreau and the buffer zone that they have. He wonders whether 13 ft. is enough space to drive around that circular driveway, and the setback is 15 ft. to side lines. It is not ideal, in his opinion, to have people drive all the way around. He doesn't want people cutting across his own lot. It has happened even this week. The dumpster was removed and it went across his property. People are going to continue to take this shortcut. Chairman asked Mr. Nelson to address those concerns.

Mr. Nelson said that all the improved parking spaces and the driveway are as-is from purchase and no changes are planned. The 13 ft. setback from the property line was already like that, and he is not adding to the structure, except for the handicapped deck which is on the other side of the building. The Zoning has not changed since Mr. Miller moved in and it has always been commercial. It is a two-way street and he is willing to work with the neighbors, and Mr. Miller is welcome to put a barrier on the line as well if he would like to stop traffic. People who pull in to turn around just don't know. It's been like that for a long time and neither party has done anything. It is his intention to put something up to define some separation. Both parties would like privacy.

Chairman asked what the plans were for lighting and they plan to do something with soffit lighting with angled can lighting to do a wash down the building into the evening hours, but not on all night.

Mr. Miller responded that he has seen 17 ft. was stated as the requirement at Bean's Country Store and he wondered whether 17 ft. was required. That was in reference to a turning radius. That is what Mr. Miller thought was being proposed, and there wasn't enough room to come around on 13ft. Mrs. Betty Miller said that previously there was never parking on the side, only front and back, so that part is new. M. Miller wants the Board to look at the safety of the parking.

Mr. Nelson feels it's rare that all the parking spots will be used at once except on rare occasions. The neighbors don't need to worry about people parking on that side and back, only occasionally, as it has always been. He has pointed out that parking lot to people coming in and out now.

Mr. Arnold stated that he's a big fan of fences, and that it would have to be 6 inches from the boundary line leaving only 12.5 ft around. He asked whether that drive-around was needed, and Mr. Nelson thinks people will go around the other side of the building more often than not. The distance to the other side boundary is 30 ft., and there are scrub bushes and small trees. If there is room for two vehicles to pass

A meeting of the Town of Moreau Planning Board was held on December 17, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

each other, they don't need that driveway. The Board and applicants discussed moving another parking space. The Chairman reminded the Board that they have to keep 11 spaces. But the area is already blacktopped. They would need to block it off if they don't want people to use it. Mr. Nelson stated that he would like to have it available for snow removal etc., so he would not block it off permanently. The concern was that snow was up on Mr. Miller's property. Mr. Miller would like a semi-permanent fence. Chairman Jensen asked where the front parking space would be, as people would back onto the neighbor's property to use that space. They don't want that space. The applicant stated again that they use 4 parking spaces now and would go 6 or 7 for their own needs if there were no Code requiring more.

Mr. Osborne stated that the configuration won't work, the angled spaces to the North won't work, and the separation between the Northwestern-most space wouldn't work. Mr. Nelson said that there is a different plan with numbers and that the configuration has been changed. He had presented a new map to the Zoning Board and thought that this Board would have seen it.

Mr. Osborne stated that the new Bean's Country Store has not been great to navigate, and that more care could be taken in general in planning parking in the Town. He stated that 20 ft. is required by the fire company for access to the back, and Mr. Nelson said that it is available on the other side.

Mr. Patricke presented the adjusted map that the Zoning Board had seen. Chairman Jensen noted that the worst spot had been removed. Mr. Nelson suggested a seasonal barrier at the drive-around and at the entrance to the Miller's property that people have been using. He feels this will slow people down and doesn't care whether it is a fence, a shrub, or a barrier. Split rail and shrubs were discussed and Mr. Miller said that he is looking for a gate, not just pylons or cones. On the front he prefers a barrier on the ground. He prefers something more than split-rail, something that might provide sound buffer.

It is a commercial district, so the applicant can do business there. Mr. Antis asked whether they don't need growth, and Mr. Reynolds said that they have 4 spaces now and volume will increase a little, but those 4 are rarely all used at one time. People are not there long. Mr. Arnold asked about signage, and Mr. Nelson showed where it is designated on the map. It will tie into whatever they use to block traffic.

Mr. Miller asked for more distinct plans on the circular driveway and to see the spaces that the Board had discussed.

Short EAF was reviewed. Part I no comments. Part II: Negative findings. Mr. Arnold motioned to make a negative declaration on the Short Form EAF and Mr. Barden seconded. Public hearing closed 7:42.

Mr. Osborne, No; Mr. Barden, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes; Chairman Jensen, Yes. 6-1, motion carries.

The issues are to eliminate one odd parking space, create a buffer/barrier on the north property line, and create a moveable barrier to the drive-around access. Mr. Barden recommended that the neighbor get involved with this issue and that the burden is not only on the applicant. Chairman Jensen said that it is

A meeting of the Town of Moreau Planning Board was held on December 17, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

the applicant's responsibility to do anything necessary that is contained in his own site. Mr. Osborne said that either side is free to do this. Mr. Arnold wants to stipulate eliminating the drive-around and leave the rest of it to the applicant and Mr. Miller to do for themselves, either alone or together. Mr. Paska asked for clarification in whether this would go with the property, and the Board felt that it would depend on the use. If the drive-around access is closed for this applicant, does that carry over? Mr. Patricke said that it could be changed depending on whether another business applied for new site plan review. Mr. Zimmerman doesn't want to obligate what the applicant has to put there. Chairman Jensen wants to be sure that the neighbor's property is protected. Mr. Patricke said that snow removal has been addressed in Site Plan Review in the past and Mr. Nelson said that the plan is clear. He is willing to agree not to allow regular traffic around the building. Mr. Reynolds is sure that average customers aren't going to be inclined to do that. Mr. Miller can always come to the office if there is an observed issue with this. Mr. Patricke asked that the applicant put their snow removal plan on the map that was presented tonight. Mr. Osborne suggested that the motion specify that landscaping must achieve the desired effect. Mr. Osborne motioned to approve site Plan for MRCH Properties, LLC with the stipulation that a visual barrier be added to accomplish the effects desired between the two properties as discussed at the meeting, and that the location for snow removal be annotated on the site plan. Mr. Barden seconded. Mr. Osborne, Yes; Mr. Barden, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes, Chairman Jensen, Yes. Motion carries. Mr. Osborne motioned that the applicant be required to submit an updated site plan, and Mr. Antis seconded. Mr. Osborne, Yes; Mr. Barden, Yes; Mr. Arnold, Yes; Mr. Antis, Yes; Mr. Paska, Yes; Mr. Zimmerman, Yes, Chairman Jensen, Yes. Motion carries. Mr. Osborne noted that he voted "No" on the Short Form EAF because it was unnecessary. Mr. Patricke specified to the applicants that the new site plan should be bigger.

#2 Lee Horning

Preliminary Site Plan Review

Lee Horning appeared with Strip Mall including 8 stores 10,500 sq ft. approx. Chairman Jensen stated that the plans would have to go to consultants for storm water. Mr. Patricke said that topo maps, etc. would be required for consultants to review. Currently site is between Suburban Propane and Halftime Bar and does not include the nearby house, but there is a trailer on the property. There is a cabinet shop and showroom in the existing building on the site. Way in the back is another building, and the sizes and uses of all those need to be included on the plan, with impervious area figures. The Board requested a map, plot, parcels to scale, area map, and additional properties. Existing topo isn't really necessary as it is flat, except for the catch basins plan. Lighting in the parking lot is shown in the plan. There are no water courses on there. Mr. Osborne asked whether the size for the various storefronts would be flexible,

A meeting of the Town of Moreau Planning Board was held on December 17, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

and they will. SWPPP will be required. The applicant has this checklist and none of the requirements were eliminated. Environmental assessment form will be required.

The 20 ft. tall sign that's there now will be changed to name the plaza, and each building would have its own name on it. Applicant was advised that that would require a sign permit.

Parking is planned in front of the dumpster and Mr. Barden said that the dumpster service has to happen during business hours and so parking in front of it is not allowed. The applicant argued that they will come before the businesses are open and Mr. Barden still recommended that those spaces be removed. The amount of retail space requires that 116 spaces are provided. Of those, 5-6 handicapped are required. Mr. Osborne recommended that the applicant go to the ZBA for reduced parking and save space on macadam and Mr. Horning said that he would rather have gravel. He prefers a rustic look. Mr. Osborne reminded him that catch basins fill up with gravel.

The plans would eventually be referred to Saratoga County. Mr. Osborne reiterated that he would like to see less parking. The applicant asked whether a survey was required and Mr. Patricke told him that his numbers don't agree with the Town records regarding total acreage, etc. Septic field is based on Health Department requirements and will change if there is a restaurant in there. 3 gallons of septic space are required per car parking space without a restaurant. There is plenty of space behind for more. Test pits would be dug. Municipal water would be used. The well on the property is only for emergencies.

It will be redesigned if a restaurant wants to come in. Mr. Antis asked if the existing building in the South side would stay. Yes, it is a warehouse and goes with the cabinet business, as he does countertops in there. Chairman Jensen asked about the size of the site, which the applicant has as 112,000 sq. acres and the Town records show as 108. A building of 3,000 sq. ft. is on the right, 2,000 sq. ft. building is his residence, and the shops are the primary use. His business is renting buildings. When Mr. Horning plans to have part of it as his, it is in coordination with his complex rather than as a secondary use. Chairman Jensen was concerned about different uses on one site, which Mr. Patricke determines as a retail complex which is all one type of use as he owns them all and his business is owning a retail space.

Mr. Patricke asked how many parking spaces the applicant would have planned if he could, and he would have half as many. A visit to the ZBA was recommended. Mr. Osborne asked about banked parking, where the spaces don't have to be built until are they needed. There is no accommodation for that approach in the Code at present. This Board can still approve overage if there is a reduction. Applicant will do storm water while he is doing the parking. Right now it is 25 year storm, but the Code may require 50. The applicant will check the Code.

Chairman Jensen reminded the Board that they have a packet regarding a conference.

A meeting of the Town of Moreau Planning Board was held on December 17, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

With regard to the October minutes, Mr. Patricke had said that the time limit statement was expired for County comments on Varmette. Their 30 days were actually not expired and the County has since commented that they don't want to approve the site. Mr. Patricke informed them that the Board and the applicant were at an impasse anyway on the issue of road access, and the Application is near to being withdrawn.

Mr. Barden's tenure on the Board is up to be reapproved. He will talk to Jeanne.

Motion to adjourn at 8:26pm by Mr. Zimmerman and seconded by Mr. Arnold. Motion passed unanimously.

Respectfully Submitted,

Tricia S. Andrews