

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on January 21, 2011.

Board Members Present: Chairman G. Peter Jensen, Keith Osborne, John Arnold, Erik Bergman, Ronald Zimmerman

Not present: Chris Barden

Others present: Joseph Patricke, Building Inspector and Martin Auffredou, Attorney for the Town
Tricia Andrews, Recording Secretary

The meeting was convened at 7:03 p.m. by Chairman Peter Jensen.

Mr. Osborne motioned to move the next meeting to Monday the 28th of February due to the President's Day holiday. Mr. Bergman seconded. All were in favor with no abstentions.

The minutes of Dec 20, 2010 meeting were reviewed and no corrections suggested. Mr. Arnold motioned to accept the minutes as presented and Mr. Zimmerman seconded. Two members were in favor but as Mr. Osborne and Mr. Berman abstained, the motion did not pass.

AGENDA

First Item: Applicant Frank Burt presented for a site plan evaluation for 1606 Rte 9, where he wants to put a small office across the front of the shop, and a pole barn on left hand side.

Chairman Peter Jensen: Great, thanks.

Mr. Patricke: The applicant received an Area Variance for setback relief on the front of the building. That only applies to the office, and is not required for the pole barn.

Chairman Peter Jensen: To review the ground rules, questions regarding the proposal are invited and encouraged and the applicant will answer. The second ground rule, to keep an accurate record, is that anyone who wishes to make a comment, will please state your name for the record. Finally, maintain some sense of decorum. Any questions or comments?

Mr. Osborne: I read in the minutes from last month that there were fences across the front?

Mr. Burt: We are not going to change any of it, just enclose it where it is.

Mr. Osborne: Is it a steel pole barn?

Mr. Burt: Wood.

Mr. Osborne: Stick built?

Mr. Burt: Yes. There's no parking out front, everything behind the fence.

Chairman Jensen: Other comments or concerns? Have you updated any drawings as requested with lighting and vegetation not being disturbed?

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Mr. Burt: Mr. Rourke was supposed to send that in to us, but there's not going to be any changes. There's nothing there now.

Mr. Patricke: It's all grass, with the septic under it.

Mr. Burt: All grass.

Mr. Osborne: Do you get drive-in public business?

Burt: No.

Chairman Jensen: A request was made that the lighting be shown on a map, board, are you comfortable not receiving that?

Mr. Burt: I said we weren't going to put it in.

Mr. Patricke: You have an existing light on the front of the building. Come show me where that is.

Mr. Burt showed Mr. Patricke where the light is on the drawing, Mr. Patricke marked it and will make sure Mr. Rourke puts it on the final mylar.

Mr. Osborne: The pole barn is for storage and has no electric?

Mr. Burt: Right.

Mr. Zimmerman: There are no existing plantings?

Mr. Burt: No, just grass.

Chairman Jensen: Moving on to the short form EAF.

Mr. Patricke: Did we declare lead agency?

Chairman: Yes. (Reviewed EAF Part 1.) Board, any questions on part one? (None- Part 2 reviewed) No issues. As we always do with an EAF, does anyone have any knowledge of environmental concerns with this site? (No response). The Public hearing is closed. Do we have a motion?

Mr. Osborne motioned to declare negative finding on the EAF. Mr. Arnold seconded and there was no discussion. The secretary polled the Board and the results were as follows: Mr. Osborne: Yes, Mr. Arnold: Yes, Mr. Bergman: Yes, Mr. Zimmerman: Yes, Mr. Chairman: Yes. Motion carried.

Mr. Zimmerman: Mr. Patricke, did this go to the County?

Mr. Patricke: Yes, and there is no impact and no other correspondence or information.

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Mr. Osborne motioned to approve Mr. Frank Burt's site plan at 1606 State Route 9, with no conditions.

Mr. Arnold seconded and there was no further discussion. The secretary polled the Board and the results were as follows: Mr. Osborne: Yes, Mr. Arnold: Yes, Mr. Bergman: Yes, Mr. Zimmerman: Yes, Mr. Chairman: Yes. Motion carried.

Mr. Zimmerman: I make a motion that the Chairman and one other member sign the final mylars for the site plan when presented.

Mr. Bergman: Second

(All in favor with no abstentions.)

Second Item: Ben Alden, for the site at 2 Nolan Road. Mr. Alden appeared and explained that basically he is renting from Ty Hall and plans to put in a truck accessory shop and spray-on truck bed liner service. The business will be open 9-5 or 8-5 with no changes from existing site plans.

Mr. Patricke: As an update, Ben has been to the Zoning Board of Appeals for Special Use Permit, but they meet on the 4th Wednesday of the month. He was here last month, went to Zoning, but they couldn't rule because they have their meeting this Wednesday. We polled the Board and they had no unfavorable comments. If this Board chooses to move tonight, it would be contingent on the Special Use being received Wed. night at the Zoning Board.

Kelly Pecue, who represents White Birch Estates, which owns the wood across the street: We want to know if spray-on liners could cause evacuation in case of a spill.

Mr. Alden: Not hazardous at all.

Mr. Patricke: He has supplied MSDS on everything that will be used on site and there is nothing hazardous at all.

Mr. Osborne: Don't ingest it, though. What's the purpose of the future driveway to the rear? And this site plan is 7 years old. That's not a huge deal, but noted. What are the plans?

Ty Hall, owner of property: Right now, out front I have old ground up blacktop and we might come around the building with it, if that's feasible.

Mr. Patricke: Why is there a back entrance?

Mr. Hall: There's a back door.

Mr. Osborne: Where's it go? The future driveway?

Mr. Hall: I don't use it. It's off Nolan Road?

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Mr. Osborne: No, I'll show you, here.

Mr. Patricke: Oh, he was proposing a building back there at one time, that's why.

Mr. Hall: That never happened and it's never going to happen.

Mr. Osborne: Okay, so it's old information.

Mr. Patricke: If you look at Plan 1, you'll see that the SW corner he had a proposed 100 x 50 office building with accessory storage, that's where the driveway was. He put that forth but it's never materialized and he can't build it without coming back to the Planning Board anyway.

Mr. Arnold: On the plan, it got my attention, water retention for storm water. I wonder if there's any plan in place for storm water from existing usage.

Mr. Patricke: These guys aren't disturbing anything, but if they did, it would have to be a whole acre. It's never had any runoff issues with the neighbor at the back, Mr. Clark.

Mr. Arnold: Knowing the history, I think there's nothing in place.

Mr. Patricke: No, there was never anything there to begin with. What's there is fairly permeable.

Mr. Arnold: And well drained soil?

Mr. Patricke: Yes, and we used the existing site plan from years ago. There are some planting and painting of the building to do, there's now an office and the septic was in.

Ty Hall: And a new garage door.

Mr. Arnold: There was a question at the last meeting about some trailers parked there, and whether they needed to go.

Mr. Patricke: Are you going to take everything off the lot?

Mr. Hall: I can't move the trailer right now because of what I have stored in it.

Mr. Patricke: That trailer is illegal in the Town of Moreau, no outside storage of a trailer is allowed in a commercial zone.

Mr. Arnold: Even licensed?

Mr. Patricke: Even licensed.

Mr. Hall: Could I buy a tractor trailer container, would that be allowed? That trailer was broken into and door and windows torn off.

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Mr. Patricke: You want a shipping container? You can do that as an outside storage shed.

Mr. Hall: I would like a pole barn, maybe this summer.

Chairman Jensen: Two businesses on the site?

Mr. Hall: No, just storage.

Mr Patricke: That's two businesses in the code. How many acres do you have there?

Mr. Osborne: Any other provisions for offsite storage of that trailer?

Mr. Hall: When I move it, it goes to trash, it is rotting.

Chairman: The code says in C1, minimum lot size is 1 acre. Can you conceive of 2 businesses on an acre and a quarter? Strictly by the code, No. If this was his principal use, we wouldn't have known he was using it.

Mr. Arnold: Can Mr. Alden own it and lease him out the space?

Mr. Patricke: He doesn't own anything. I'm inclined to say allow the cleanup of the trailer.

Mr. Osborne: I'm not wild about a storage container on site.

Mr. Arnold: I would like a time limit on it.

Mr. Hall: Not tomorrow or anything.

Mr. Arnold: Even if we allowed a storage container, I would want a time limit on how long that would be there before you built a pole barn or removed it?

Mr. Hall: Summertime.

Mr. Arnold: How about 6 months?

Mr. Hall: Six months. But I can't build another building on it?

Mr. Patricke: No, because that's two business on that site, and it's not big enough.

Mr. Hall: When I own the building?

Mr. Patricke: You can't have two uses, no matter what they are. Take the six months.

Mr. Arnold: Six months to get the trailer in and another six?

Mr. Hall: I just want to get the trailer out for good.

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Mr. Osborne: Even better.

Chairman Jensen: As indicated in the minutes, has the painting been completed?

Mr. Hall: No, by June.

Chairman Jensen: Also in the minutes, have you shown lighting in the drawings?

Mr. Alden: There was never any lighting, and the hours are 8-5.

Mr. Hall: We will be getting dusk to dawns on the front of the addition.

Mr. Osborne: Is this enough parking?

Mr. Alden: Trucks will be in and out, and it only takes about 2 hours.

Mr. Osborne: Isn't there a shop open to the public?

Mr. Alden: For caps, drop off, accessory shop.

Mr. Osborne: But is it enough parking? You should say "no" because you want to be busy.

Mr. Alden: I'm looking forward to some but it is fast turnaround so not really.

Mr. Osborne: Not much walk-in business?

Mr. Arnold: Is this retail sales with people coming in?

Mr. Alden: Yes.

Mr. Osborne: Joe, are parking requirements met?

Mr. Patricke: It's one spot per 300 sq ft. , a 500 sq. ft. office. Ty was just showing me, and I can add it by hand. On the north side of the building there are 4-5 spaces now in a graveled area.

Mr. Alden: I want to pave that in.

Mr. Patricke: How about if we draw that.

Mr. Osborne: I want an updated site plan.

Mr. Patricke: This firm is no longer in business. Can't they take this plan and modify it by drawing in, to scale, the parking on the north side of the building?

Mr. Hall: The whole side of the building is parking.

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Mr. Bergman: The whole thing is wide open and could be called parking.

Mr. Alden: It's all flat.

Mr. Arnold: One could assume an additional 4 spaces.

Mr. Patricke: 6, easy.

Mr. Osborne: Any signage proposed?

Mr. Alden: I am going to use and dress up the existing frame with some block and flower bed. I would like to put a lit sign in there but funds are limited. We talked about it and I would have to get a permit.

Chairman Jensen: Also indicated in the minutes, the plantings will be completed by June?

Mr. Hall: Yes.

Chairman Jensen: By June?

Mr. Hall: Yes.

Chairman Jensen: In accordance with the original site plan?

Hall: Yes.

Mr. Zimmerman: We're trying to take a site plan approved for Mr. Hall in 2004, dusting it off to coincide with the Special Use Permit Mr. Alden is looking to use for the old site plan. We're just saying we're okay with this site plan for this change in use?

Chairman Jensen: That's what we're doing basically, yes. So come June, the painting of the structure will be complete?

Mr. Hall: Does it matter if I paint or side it?

Chairman Jensen: Make it nicer than it is. Plantings, removal of excess vehicles and storage will be completed by June. Mr. Alden, if you decide to put in a sign to let everyone know who you are, you need a permit.

Mr. Alden: Even if I use the existing sign?

Mr. Patricke: Any sign.

Mr. Arnold: The driveway should be finished.

Mr. Hall: With ground up stone. I'd blacktop if I had the money.

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Wayne Stebbins: I live adjacent across Nolan Road. I want to ask about the time limit on the removal of the trailer.

Chairman Jensen: June.

Mr. Stebbins: June 30?

Chairman Jensen: Yes.

Mr. Stebbins: Is there enforcement action?

Mr. Patricke: I'll write him a ticket and take him to court.

Mr. Stebbins: Is the pseudo-driveway going to be used at all?

Mr. Bergman: The back leg of the U.

Mr. Alden: I might put a dumpster in.

Mr. Hall: My brother had one there, we might do that with a dumpster, but we'd put a fence around it so it can't be seen from the street. Is that driveway a problem?

Mr. Stebbins: I can answer after I ask some more questions. You said it was an accessory shop and spray on bed liners. What kind of trucks?

Mr. Alden: All kinds, 1960 to 2012.

Mr. Stebbins: 18 wheelers?

Mr. Alden: Pickups.

Mr. Stebbins: ½ ton ¾ ton? You said caps. Are going to store them in the building or will they be all over the area?

Mr. Alden: No, the turnaround is fast, no storage.

Stebbins: Will all the spraying be done inside, even in the summer?

Mr. Alden: I'm not allowed to spray outside. I do coating outside, but it's offsite.

Mr. Stebbins: So everything will be done inside?

Mr. Alden: All truck bed liners inside the building.

Mr. Stebbins: What about lighting?

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Mr. Alden: Office lights are on in the evening and outdoor lights.

Mr. Hall: Lighting needs permits?

Mr. Patricke: Yes.

Mr. Hall: I have a 20 ft high one that would be nice.

Mr. Patricke: Put it on the plans.

Mr. Osborne: They are not nice for neighbors.

Mr. Alden: I am sufficient with what's there.

Mr. Arnold: And you are not storing anything outside that you are worried about security?

Mr. Alden: No.

Chairman Jensen: You, the applicant, do not need any additional lighting?

Mr. Alden: Right.

Mr. Stebbins: Will you be using an air wrench?

Mr. Alden: I do basic bolt-on accessories.

Mr. Patricke: And he's not doing anything outside.

Mr. Stebbins: Doors closed? Will I hear noise all the time?

Mr. Alden: Only during business hours.

Mr. Osborne: I am not comfortable with this. Too many questions about lighting, painting vs. siding, etc.

Chairman Jensen: Lighting has been resolved, there will be no new lighting.

Mr. Osborne: The Special Use Permit is not in hand.

Chairman Jensen: It will be on Wednesday with every indication. If you decide to approve, you can condition it upon receiving that from the ZBA.

Mr. Arnold: Add that to list of "by June."

Chairman Jensen: Painting or siding?

Mr. Hall: Flip a coin, I'm painting.

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Mr. Stebbins: About the dumpster, where would that be?

Mr. Alden: Behind the building, and if I have to cage it in I will. It will be behind all those roadside trees.

Mr. Stebbins: It would be nice to have cover, that's not enough.

Chairman Jensen: The applicant is prepared that if he does have a dumpster it will be screened with something.

Mr. Stebbins: Some kind of solid fence?

Mr. Alden: Yes.

Mr. Patricke: Ben, take and mark up the drawing and show where it's going to be.

Mr. Alden: It'll be months before I get one.

Mr. Patricke: Address it now because it's going to be a problem later. Identify it and put where it's going to be.

Mr. Alden: There's another driveway- off Nolan Road- (demonstrated on map).

Mr. Patricke: That's your septic.

Mr. Hall: Maybe we have to bring the customer over and ask where he wants it.

Mr. Alden: It can go...I don't have to use this road. Wherever the Board wants it.

Chairman Jensen: Away from Route 9.

Mr. Alden: If I can put it here that's great.

Mr. Patricke: Where would you screen it?(Mr. Hall demonstrates on map, Mr. Patricke marks.): NW corner of the building with screening on 3 sides and two gates on the side facing Nolan Road.

Mr. Osborne: How is he accessing it?

Mr. Patricke: In the parking lot.

Mr. Osborne: The plan says there's no parking there.

Mr. Patricke: It costs \$5000 to make a new plan, let him draw it on and get the dimensions to identify it. Your designated route for the driver to access it. If you go this way you will lose all your parking, but you've got parking all over the site.

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Chairman Jensen: Board, anything further? If not, Short EAF for this project. Amount of land affected is left blank we shall indicate that it is 1.4 acres initially and ultimately. Land affected: Commercial: Should be residential also. Any questions on Part 1?

Mr. Arnold: Is this new or modified?

Mr. Patricke: It's not a new use, it's a change of occupancy.

Mr. Arnold: isn't that new?

Mr. Patricke: It's a modification.

Mr. Stebbins: Doesn't modification mean having the same business? This is a new business.

Chairman Jensen: It's not a new structure and it's still a commercial use. (Part 2 reviewed.) Is anyone aware of any environmental concerns on the site?

Mr. Stebbins: If you go back a few steps, where you mentioned about noise level...could you read that part for me again?

Mr. Zimmerman: Section C1...any change in the quality or quantity of noise levels.

Mr. Stebbins: You guys said no.

Chairman Jensen: It's obvious that there will be some noise on a commercial zone.

Mr. Auffredou: The EAF is looking for potential adverse environmental affects.

Mr. Stebbins: You're saying "no" to what, exactly?

Chairman Jensen: To whether there are adverse environmental affects.

Mr. Stebbins: Strictly environmental?

Chairman Jensen: On this.

Mr. Stebbins: It will be more noise than the previous use.

Chairman Jensen: But it's zoned commercial so we expect that. In another zone that corner would be more of a problem, but in this zone he has a right to some noise as long as it's not blasting or kettle drums.

Mr. Alden: Just so you know, my compressor will be in a room with foam walls. I want customers comfortable in the show room and they can't place orders with a compressor running all day.

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Chairman Jensen: Public hearing closed. Motion?

Mr. Arnold: Motion for a negative declaration on short form EAF.

Mr. Bergman: Second.

Chairman Jensen: Discussion? (None) The secretary polled the Board and the results were as follows: Mr. Osborne: Yes, Mr. Arnold: Yes, Mr. Bergman: Yes, Mr. Zimmerman: Yes, Mr. Chairman: Yes. Motion carried.

Chairman Jensen: Board, anything further?

Mr. Bergman: Motion to approve Ben Alden's site plan as presented in the application with the understanding that the placement of the dumpster and screening will be subject to the approval of Mr. Patricke, the approval of the Special Use Permit by the Zoning Board, that the paving be completed, that there will be no new lighting, that a drive will be completed, that an excess storage trailer will be removed from the site, that the plantings as indicated on the original site plan will be completed, and that any signage would require a permit, all by June 30, 2011.

Chairman Jensen: To the motion, do I have a second?

Mr. Arnold: Second. (No discussion)

The secretary polled the Board and the results were as follows: Mr. Osborne: No, Mr. Arnold: Yes, Mr. Bergman: Yes, Mr. Zimmerman: Yes, Mr. Chairman: Yes. Motion carried.

Chairman Jensen: Board, I do not think we will be looking for mylars. We will be looking for Mr. Patricke's copy to be updated to indicate all the conditions of the approval for the files, particularly including the location of the dumpster. Mr. Alden, welcome to the Town of Moreau.

Mr. Arnold: Mr. Patricke, put June 30 in your day planner.

Chairman Jensen: I remind everyone that the planning conference is this Wed. in Saratoga. Mr. Patricke anything further?

Mr. Patricke: No.

Mr. Zimmerman motioned to adjourn the meeting at 8:14 and Mr. Arnold seconded. All in favor.

Respectfully Submitted,

Tricia S.Andrews