

A Meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 24th day of April, 2019 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Gerhard Endal, Chair
Scott Fitzsimmons
Matthew Manning

Also present: Jim Martin, Zoning Administrator; Attorney Malcolm O'Hara, Attorney for the Town; Tricia Andrews, Recording Secretary

Absent: Kevin Elms, Zoning Board Member

Chairman Endal called the meeting to order at 7:00 pm. The Board reviewed the minutes of the March 27, 2019 meeting. Mr. Fitzsimmons motioned to accept the minutes with no corrections and Mr. Manning seconded. All in favor, motion carried with no roll call, 3-0.

The Board reviewed **APPEAL NO. 811**, A request of Christopher Music of 71 Harrison Ave, South Glens Falls, NY 12803 for a Special Use Permit pursuant to Chapter 149, Article V, and the Schedule of Regulations for an R-5, One and Two Family Residential and Agricultural Zoning District. The applicant is proposing to open a camp and/or recreational vehicle park with bed and breakfast lodgings at property located at 342 and 352 Gansevoort Road, Gansevoort, NY 12831 and designated as 78.-1-3.2 and 78.-1-3.12 on the Town Assessment Map.

This was referred to the Planning Board and the members have their recommendations in hand, as well as Mr. Martin's recommendations per an email he sent.

On Mr. Martin's final recommendation he told the Board he meant for it to say that the retail sales are limited to patrons on site.

The engineer is doing some work on the driveway specifications to decide the area of disturbance, that Mr. Music doesn't have yet, but he will get a letter to the Board indicating whether they need a SWPPP. Mr. Martin explained for the Board what a SWPPP is (Stormwater Pollution Prevention Plan) and how it is handled, including that Mr. Music will pay the Town's engineer \$2500 to review the SWPPP that his own engineer creates, if he needs one. He needs one if the area of disturbance is more than an acre. When the work is being done, Mr. Dreimiller will also be looking to make sure that the things in the plan (such as erosion control, silt fences) are actually being done. The area of disturbance is the driveway area and the clearings he makes for the houses. Clearing only counts if stumps are disturbed.

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Mr. Martin recommended the Board get a signed, stamped letter from the engineer one way the other, on letterhead.

Mr. Music asked for clarification on the Planning Board recommendation. #7 says “allows for keeping of horses... and produce,” is that a limitation? It is not, it is listing items that are already allowed. Chairman Endal stated that it should say “includes” rather than “are allowed.”

Chairman Endal asked how Mr. Music felt about being restricted to the northern driveway, and Mr. Music said that he would end up moving the dumpster to prevent the trash truck having to go all the way to the back of the farm. That was the only use he had in mind for that driveway. Chairman Endal asked and Mr. Martin said that Planning was mostly concerned about safety when it recommended limiting that. Traffic study agreed that the northern entrance was the safest.

As Mr. Music was agreeable to it Chairman Endal said he would prefer to do that. The southern driveway doesn't have to be removed, but it won't be used.

#10 pave driveway- Mr. Music said that he would love to do that, but he would like to phase it in because he would like to wait until he has more cash flow in place. This is 175 ft of driveway. Mr. Martin asked him for a time frame. The motivation is that it is a shared driveway, and the thought was that paving would physically and visually instruct patrons which way to go. Mr. Manning remarked that there are other ways to achieve that effect, so he doesn't mind.

Mr. Music said that his neighbor would like to pave his portion too, which would make this less effective in that respect. He will coordinate with the neighbor, but it would help him to phase it in. Mr. Manning asked whether there was a phasing plan, and it hasn't changed since last month- the existing fixed cabin and the RV in the first phase, septic improvements, with the driveway.

The septic is for the four RV sites, the fifth with the existing building has its own. It will be built to its entirety now. Asked when he proposed the paving would be done, Mr. Music asked whether the point about the existing drive being for emergency vehicles ...could he not build this driveway for that as the other one already accommodates big trucks. As far as the driveway code, isn't it redundant to build this one to Code as well?

The new driveway all the way north is the one that he has discussed with the Fire Company, but the middle driveway is established and can handle the 30-ton truck. Mr. Music would prefer to decide for himself when to pave it, beyond the emergency vehicle requirement to pave 50 ft from the road. He wants to make the plan with his neighbor, when it suits his business. Chairman Endal told the Board that they could strike that condition.

Mr. Fitzsimmons asked how long it was proposed to take to complete phase one if he were approved tonight, and Mr. Music said he's new to the septic system game, but estimated maybe end of June. Mr.

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Fitzsimmons asked whether he would be ready to pave by the following spring as he would be making money all summer and fall, and Mr. Music thought he might.

Chairman Endal said he was comfortable giving him 18 months from opening. Fire Code doesn't require the paving. Chairman Endal said that this isn't about safety, it's about site aesthetics and traffic control. Mr. Music stated again that the delineation won't be there if the neighbors also pave, which they have indicated he would. He will have a sign.

Mr. Music asked if the sign on Route 32 could be lighted. Mr. Music wants to prevent people from missing the driveway and having to find some place to turn around. On site, he is also trying to avoid disturbing his neighbor. The neighboring businesses don't have lighted signs now. Mr. Music wanted to eliminate the point that said that it would not be lit. Mr. Martin checked the Code. It only says lights can't be flashing and can't be directed off site. So it's not the regulations that limit it, that would be something that would be done in deference to the character of the neighborhood. Mr. Music said it would be solar and ground mounted. Mr. Martin recommended an overhanging downward projected light instead. Those don't get into drivers' eyes as much. Mr. Music said that Christmas Tree Farm has a lighted wreath or something and Mr. Manning pointed out that theirs is 20 feet from the road which is different from this.

Chairman Endal said that they are not obligated to do everything the Planning Board recommended. Mr. Music said that he could live with it either way.

#12 says no concerts or events. Mr. Music doesn't plan any currently, and he plans no concerts, but he has had a farm barbeque every year. Mr. Manning asked if they could limit it to 100 people. Mr. Martin thought 100 people was a lot. The campground use has 40 people at max capacity, plus Mr. Music's family, and employees. That would be ten cars at max. occupancy, now they are talking about 35 cars or more, where would that go. They can't be parking on the roadside here. Mr. Manning pointed out that he could have a party that size at his home and no one would say anything.

Mr. Fitzsimmons asked how many cars they could accommodate and Mr. Music said they use the field, and now he will have an 800ft driveway he can use as well. It's usually a barbecue, farm related- not hosting any horse events.

Mr. Martin said that this is an enforcement nightmare because it would probably be on a weekend when no Code Enforcement Officer would be available, and that he would rather it be case by case, subject to a permit. People at the public hearing saw that no event line, and now an accommodation is being made. He would like to be mindful of the neighborhood. Mr. Music has been having the barbecues for four years. Mr. Manning said he could do what he's been doing, just not add anything.

Chairman Endal asked what he pictured when he said events and he said he is just thinking of his barbecue which is for family, friends and customers. Maybe a pig roast. It is by invitation, not open to the public. Mr. Martin doesn't want to sanction Tiny Farm affiliated events. Chairman Endal suggested "no events open to the public" in the limits and "No concerts are allowed." as two separate sentences.

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Item #14 the Planning Board wanted Zoning to add guidance on the allowed uses of the workshop. Mr. Manning said that the workshop would be storage, he might use it to build a tiny house and to do maintenance on his equipment. Mr. Martin pointed out that the concern was whether patrons would be in there using equipment, woodworking etc. Mr. Music said that he likes to talk about his work with the patrons, but they wouldn't be allowed in there without him, and they could observe and not participate. It would also have a bathroom that horseback riding customers could use.

Mr. Martin stated he doesn't expect to see advertised activities in the future that invite people to use the workshop. If Mr. Music plans to do that he should say so now. This is not what Zoning envisioned when Zoning was created, so the Board is just trying to accommodate it.

Mr. Manning mentioned that the ATV rule and the 30-day max stay need to be added to the rules, as well as that personal pop-ups and RVs are not allowed. One tent only.

There was a lot of talk last time about whether they stay on the chassis, and that or skids will be required. No foundations.

#17 limits of disturbance is related to #9.

Mr. Martin said that the Board needs to decide how to represent/include all these conditions, whether by writing it on the site plan or something else.

Chairman Endal thought that it would be on the site plan. The Planning Board has the Chairman and one other member review site plans and sign them, that might be good idea here, to show that all the conditions were met. The conditions would also be in the Resolution.

Mr. Music said that his engineer told him that he should be able to produce the final site plan for submission. He was worried about whether he had to produce it today. Chairman Endal said that he wasn't expected to do that, but the conditions would be set today.

Mr. Music has had an opportunity to see all the requirements being discussed and to ask for clarifications, and is happy with them.

The Planning Board had limited use to 8 people per campsite, but allowed overflow parking if there were more than two cars per site.

Mr. Music asked about more sites and was advised that if he ever wanted to expand he would be required to come back to the Board to modify his Site Plan, and the process would not be easier.

The Board turned its attention to SEQR. On Part I, application was complete, no comments were made. On Part II, no or small impact was identified.

Motion to make a negative declaration on SEQR was made by Mr. Endal and seconded by Mr. Fitzsimmons. Roll call vote resulted as follows: Mr. Fitzsimmons, Yes; Mr. Manning, Yes; Chairman Endal, Yes. All in favor, motion carries.

Motion was made by Mr. Manning to approve Appeal No. 811 for a Special Use Permit with the

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recommendations of the Planning Board and the requirements set by the ZBA as follows:

Mr. Martin read the recommendations as follows:

#7 allowed agi includes livestock as defined by the NYS Bureau of AGs and Markets (rather than just horses) and the growing of produce

#12 no concerns or events open to public or affiliated with tiny farm inc allowed

#13 workshop is for site maintenance and patrons will be welcome to observe

Vehicles/personal ATVs and RV's popups all provided by Tiny Farm Inn.

#10 Paved driveway completed by 9/1/20.

#9 Letter bearing stamp for swppp.

April 22 email as modified

The Chair and one other member will review and sign the mylars when they are completed

Second: Mr. Fitzsimmons

Atty. O'Hara brought up the right-of-way issues listed #4 Planning Board, Mr. Music will need to bring him a copy of the easement so that can be explored. His deed will say that other people can traverse it, he will have to show his deed so the attorney can make sure the access is preserved.

Merging of lots as tax parcels need to be completed, Mr. Music will also bring copy of new deed.

Roll call vote resulted as follows: Mr. Fitzsimmons, Yes; Mr. Manning, Yes; Chairman Endal, Yes.

1. To clarify the nature of the proposed use: It is determined that the proposed use is a campground with an agricultural theme. As such, the proposed use meets the definition of campground/site* as per §149-5 of the Zoning Chapter of the Town Code.
2. The lots are to be consolidated into one lot thereby alleviating the potential for building setback issues for the camp buildings indicated on the site plan.
3. The upset number for camp sites/buildings is five (5).
4. The makeup and size limits for the 5 camp buildings is as follows: One (1) existing fixed cabin up to 760 sq. ft. in interior floor space and four (4) additional camp sites/buildings with a limit of 480 sq. ft. of interior floor space for each of the four camp buildings.
5. The four (4) proposed camp buildings are to be movable (e.g. on an axle with wheels or on framed skids) and not permanently affixed to a foundation.
6. The trash receptacle(s) for the camp is to be within a screened enclosure.
7. A detailed landscaping plan is to be provided for each camp site.
8. The sign for the camp is subject to meeting the requirements of the Sign Chapter (117) of the Town Code and obtaining a sign permit.
9. An exterior lighting plan is to be submitted specifying light fixture type, and the area and level of

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illumination.

10. Vehicular parking is limited to two (2) vehicles per camp site.
11. No camp vehicles (e.g. camp trailers, motorhomes, etc.) are allowed as part of the camp use. The camp use is limited to the five (5) referenced sites/buildings described in the special use permit application.
12. The camp use may occur year-round.
13. Quiet hours for the camp is from 10:00pm to 8:00am on weekdays and 11:00pm to 8:00am on weekend days (Friday and Saturday). Tax map no. 50.69-1-6 (577 Gansevoort Road).
14. Patrons of the camp are to exclusively use the northerly drive for all ingress and egress to and from their site.
15. The southerly access drive is limited to occasional use by service vehicles (e.g. trash collection, deliveries).
16. There is to be no more than one tent used per camp site.
17. All-terrain vehicles (ATVs) of patrons to the camp are not allowed. Use of ATV's is limited to the property owner only.
18. Patron length of stay is limited to thirty (30) days – terms of stay in excess of 30 days are not allowed.
19. Retail sales (e.g. gift shop, store) on site are allowed for patrons only.

Adjournment was made at 8:24pm by Chairman Endal.

Respectfully submitted,

Tricia S. Andrews