

A meeting of the Town of Moreau Planning Board was held on November 16, 2020 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York and via Zoom.

Peter Jensen	Chairperson
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Mike Shaver	Planning Board Member
Ann Purdue, Esq.	Planning Board Member
Meredithe Mathias	Planning Board Member
Adam Seybolt	Alternate Planning Board member

Absent: Jerry Bouchard, Planning Board Member Also present: Jim Martin, Zoning Administrator in person; Tricia Andrews, Recording Secretary via Zoom.

The meeting was called to order 7:00pm by Chairperson Jensen. The Board reviewed the minutes of the October 19, 2020 meeting. Ms. Purdue pointed out on pages 2298 and 2299 comments that are attributed to Mrs. Mathias but were made by Mrs. Purdue. p. 2300 1/3 down Ms. Purdue asked “if Lot B proposes a residential house” and 8 lines from the bottom Ms. Purdue asked whether it is hard to rezone to residential. Motion was made by Mr. Shaver and seconded by Ms. Purdue to approve the minutes with those corrections. All In favor, motion carried with no roll call.

Mr. Bill Rourke explained that prior to the meeting they adjusted the boundary lines slightly, the applicant wanted more frontage for a turnaround. Mr. Rourke has added spot elevations and adjoiners. Mr. Martin stated that he gave some maps to Bill to clarify the wetland delineation, so what is on there is from the DEC mapper and Mr. Martin provided the soils information as well , so it all matches.

As per the checklist, all outstanding items have been received and this is a properly noticed hearing. SEQR was reviewed. Part I, all answers No. There is no agricultural assessment done on this property because the applicant has opted not to complete it. It is done to qualify for a tax credit and they owner has not applied. Part II, no findings.

Motion was made by Mrs. Mathias and seconded by Ms. Purdue to make a negative declaration regarding SEQR. Roll call vote proceeded as follows: Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mrs. Mathias, Yes; Mr. Seybolt, Yes; Chairman Jensen, Yes.

Mr. Rourke confirmed that the signs were placed for public notice. There were no members of the public present in person or on the Zoom call to comment. No correspondence was received.

Mr. Arnold wondered whether the 29.3 acre measurement for both of the end lots was accurate as it was surprising that they were that exact same size. Mr. Arnold also asked whether there was a space for a driveway now that the buffers for all the wetlands had been added. Mr. Rourke said that there was plenty

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of room between the wetlands and John Baker's property. Neighbors within 500 ft were notified per the Ag law.

Mr. Martin stated that there wasn't enough acreage there in the total amount for the end lots to both be 29.3 acres, there is a discrepancy of about 5 acres. Mr. Martin thought it was the one that was previously subdivided out which is 5.188 acres. Mr. Rourke said he would check on it.

Mr. Bergman motioned to grant approval of the subdivision on the condition that the lot acreage be confirmed, and Mr. Shaver seconded.

Roll call vote proceeded as follows: Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mrs. Mathias, Yes; Mr. Seybolt, Yes; Chairman Jensen, Yes. Motion carries.

Motion that the Chair and one other member sign the mylars when they are available was made by Mr. Bergman and seconded by Mr. Arnold. All in favor, motion carried, no roll call.

Mr. Smith was not present.

Mr. Shaver asked about the grass that was mentioned on Zoning Review and Mr. Martin explained that there were some items raised in Zoning that were recommended to also be addressed in Planning.

Mr. Martin asked if everyone got a copy of the letter from Dave Whitbeck from TLC saying that he plans to submit in Dec. They checked and there is no weight limit on Nolan Road per the Highway Dept. Mr. Whitbeck approached Paul Joseph about moving the driveway access and Paul was resistant to doing that. The primary reason is the telephone pole, and he just thinks it's best where it is. Mr. Shaver stated that it is blind when a drive comes south on Route 9 and turns right. Mr. Shaver asked if he could call him and Mr. Martin agreed with that. Mr. Whitbeck is working on the changes and clarification.

Mr. Martin put three calls into DEC rep about the private storage of road salt. Some regulations have been suggested but never promulgated, so he wanted to talk to him about best practices, but he has not gotten an answer. He will continue to try to get ahold of him. He encourages anyone who wants to reach out on that matter.

Zoning Ordinance will be out the end of this week. Single family residential is almost finished. He is trying to make sure all listed uses are defined in the Code, and some of the definitions needs to be updated. That package should come in the next few days. These are drafts for comment. Ms. Mathias asked how Mr. Martin would like comments, and he is sending a track changes version and a clean copy. He would suggest that comments go back to him on email, or written in margins, or using track changes. Zoning and Town Board will also get this opportunity and they will work through each section that way. He is open to comments on any piece at any time.

Solar power law there was another work session, he thinks it will be ready for public comment by January or February. The Planning Board will see it when the Town Board has decided they like something .

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Mr. Smith arrived at that time and explained that he didn't know how the Zoom meeting worked. He thought Planning was just looking it over and it was at a later date.

They have the permit from the Zoning Board and the Notice of Decision.

This property is being sold to Shepherd Properties. Mr. Smith doesn't think he really has plans besides wholesale. He may plan to use the garage for service work.

Ms. Purdue would have liked to ask questions about hauling 100 cars on and off using car haulers on Route 9. Mr. Smith explained that they are 2-3 car trailers. It's easier to go in there than to go into Carriage Traders where there is nowhere to turn around, etc.

Mrs. Mathias said that she would like to see something like that because there isn't room there now, and if they aren't from around here and don't know and try to pull left out of there, it won't work. She has seen haulers pull into the diner and try to back in.

Mr. Jensen stated that this was undesirable for Route 9 to have a bottleneck.

Mr. Martin stated that there were 150, 157 cars there now and the Zoning Board had asked for a limit of 100 cars. This Board, it sounds like, would like to see a loading area, that would be accomplished by reducing the number of cars.

Mr. Smith stated that loading and unloading is accomplished when they pull in, and is off of Route 9. They have space all the way to the house and have left the green space as desirable. We agreed upon 100 spots and it has been functional like this for a year with no issues.

Chairman Jensen asked how they would have access and turn around. We cannot have a bottleneck on Route 9.

Mr. Arnold said that if it's been going on for a year it shouldn't be a problem to put it on paper and show how it's been going on.

He asked what kind of Special Permit the Zoning Board had granted. Mr. Arnold thought it was warehousing. Mr. Martin explained that they would bring a car over to Carriage Traders to complete a private sale, that is was a Special Use Permit for automobile sales. Mr. Arnold asked if they were selling cars or warehousing them and Mr. Smith stated that it is wholesale, not retail sales.

Mr. Smith disagreed with that characterization. They are sold wholesale, not to the customer.

Mr. Arnold questioned why the Special Use Permit is needed for auto sales when auto sales are allowed, and Mr. Martin explained it is permitted by Special Use Permit.

Mr. Arnold joined the others in asking for ingress and egress points and turn radiuses to show how a tractor trailer can get in and out, showing how it has been operating for a year codified on the plan itself.

Mr. Smith asked if they wanted it done on a survey, and if they are not allowed signs so they don't want enter and exit signs.

Mr. Arnold explained that one entrance goes over a curb and the other goes straight back to the end of the property, and it doesn't make sense, so they need to draw in what has actually been happening.

Mr. Martin noted that the site is not operating in the fashion that Bill Rourke drew in.

They need to use the 100 spaces that they were given, not 157.

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Mr. Smith stated that he hasn't been to the site, but he can have it drawn in that way by Mr. Rourke.

When Mr. Smith ran the restaurant, tractor trailers and DOT employees used to drive in there all the time to come and eat. Even if they do draw it, there is no guarantee that people will drive that way.

Ms. Purdue said she still would like to understand the amount of traffic this is going to create. She doesn't know if this is what's been going on so far, but it had been suggested earlier that they would be turning over 100 vehicles every week or week and a half.

Mr. Bergman thought that turning over the whole lot is optimistic, but it is frequent that he sees a vehicle carrying 3-5 cars in there. They are not tractor trailers, they are F-550s with a ramp.

Mr. Smith agreed wholesalers buy 2-3 cars at a time.

Mr. Smith said that Mr. Romeo could be at the next meeting. He thought they were approved already and that he didn't understand why it needed to go to Planning Board. He thought Zoning was just to ensure green space, they have already gone over it all and been approved. Mr. Martin stated that it is a quirk of the Code.

Mr. Arnold stated that this is not the first time that this property has been before this Board for a Change of Use. Mr. Smith described the use of sheds as tractor trailers coming in and out to drop off then as not having caused any trouble.

Mr. Arnold stated that was on the plan.

Mr. Martin stated that plan needs the accurate location and number of vehicles stored, access in and out for trucks, and to have Carriage Traders' representative appear to discuss logistical questions.

Mr. Arnold asked Mr. Smith to just show it can be done. Just show it with radiuses, don't paint lines on there, but if you were approved for 100 spaces, they do that.

Mr. Smith stated he had no problem with that.

Mr. Martin stated he would be happy to mark up a plan with Mr. Smith if he came to see Mr. Martin in the office. The next meeting is Dec. 21st. Mr. Smith stated he has no problem complying with what they need to do.

Ms. Purdue asked if the lot to the north was Mr. Smith's property, and Mr. Smith holds the note but Jerry LaBarr owns it and has another 7 years to pay for it.

Mr. Smith needed this property for car shows when he ran the restaurant and the current owner doesn't do those things so he didn't buy that portion. There are not many options what to do with it. It has no sewer.

Mr. Martin asked Mr. Jensen whether the Board would want a public hearing on this, and Chairman Jensen stated the Board needed to know what they were looking at first. Ms. Purdue asked and there was no public comment at the public hearing for the Zoning action. They were proactive by not having signage or lights. Ms. Purdue just thought that as the cars back up to a chain link fence that the neighbors behind it would have something to say about the look of that.

Mr. Arnold agreed that privacy fencing might be more appropriate to buffer the interaction between the commercial and the residential in that situation. Mr. Bergman agreed. Chairman Jensen stated that the

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boundary lines of the Commercial Zones need to be clarified as well. Mr. Arnold asked if that could be on the map. Mr. Martin agreed.

Chairman Jensen stated that the Baker subdivision had jumped the gun. We need a motion to waive the requirement for preliminary and approval to be separated. Motion was made by Mr. Arnold to waive the requirement for separation between the preliminary and final was made by Mr. Bergman and seconded by Mr. Arnold.

Roll call vote proceeded as follows: Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mrs. Mathias, Yes; Mr. Seybolt, Yes; Chairman Jensen, Yes. Motion carries.

Motion was made by Mr. Bergman and seconded by Mr. Shaver to grant final approval, pending confirmation of acreage of the lots, for the Baker subdivision.

Roll call vote proceeded as follows: Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Shaver, Yes; Ms. Purdue, Yes; Mrs. Mathias, Yes; Mr. Seybolt, Yes; Chairman Jensen, Yes. Motion carries.

Motion was made to adjourn at 8:11 pm by Mr. Shaver, and seconded by Mrs. Mathias. All in favor, carried with no roll call.

Respectfully submitted,

Tricia S. Andrews