

MINUTES

Fort Ann Planning Board

January 23, 2012

Present:

Donald Bedeaux
William Hohmann
Sally Walker
Brian Mattison
Tracy Monahan
Kevin Riley

Temporary Secretary;
Sally Walker

Absent:

Attendance: 13

1. William Hohman nominated by Tracy Monahan for Vice Chairman and Seconded by Brian Mattison, approved by all members.
2. Donald Bedeaux nominated by William Hohman for Chairman and Seconded by Tracy Monahan, approved by all members.

Appointment of Committees; **Tabled until full board**, Motion by Bill Hohman, Second, Tracy Monahan.

Mobile Homes	2011, Sally Walker, Tracy Monahan 2012-
Subdivisions	2011, Chad Wilson, Kevin Riley 2012
Site Plan Reviews	2011, William Hohmann, Brian Mattison 2012-

3. November 22, 2012 minutes approved. Brian Mattison, motioned, Kevin Riley Seconded, Passed, Approved, Bill Hohman abstained, All others Yes.

4, Walker Farms - exemption for agricultural purpose in state law. Motion made by

Brian Mattison, Seconded by Bill Hohman to send letter to the county stating that subdivision is not needed. Sally Walker abstained, all others Yes.

5, Robert Schultz- in 1989 subdivided property before subdivision regs. Put into place. In 2007 came in to further subdivide, questions on number of lots, in meantime he has found a map, need more information.

6, Mylar signed in Leslie Beck on Ruth Beck estate subdivision.

**7. Executive Session Motion Bill Hohman and seconded Tracy Monahan
Bill Hohman motion to come out of executive session, seconded by Brian Mattison,
AIF- passed**

**8. Bill Hohman read his letter regarding secretary to town board, see attached letter.
It was signed by all members.**

**9, Tracy Monahan Made motion to close meeting, seconded by Kevin Riley, AIF,
Passed**

10. Fort Ann Planning Board meeting dates tabled until next meeting.

Town of Fort Ann Planning Board
80 George Street, Fort Ann, New York 12827

Fort Ann Town Board
80 George Street
Fort Ann, NY 12827

Attn: Mrs. Darlene Dumas, Supervisor

Dear Mrs. Dumas and Town Board Members

1/23/12

As the duly constituted Town Planning Board, in order to perform our duties properly, we have to receive, file and act on a tremendous amount of paperwork, and have the requirement to keep detailed (transcribed) minutes on our proceedings and answer inquiries as to project status, it is imperative that we have a capable secretary, as we have had in the past.

Eileen Webb has served as the Secretary to the Town of Fort Ann Planning Board since May of 1991. She has done an exceptional job of organizing our records, answering inquiries from applicants, keeping track of fees owed, publicizing upcoming meetings and producing accurate minutes. Her knowledge of our policies and procedures and history has been invaluable to us and, in our opinion, for an extremely low fee of \$4,055 per year.

It is patently unfair to cut her meager salary in half as you have proposed. Mrs. Webb has served the Planning Board faithfully and professionally and, if anything, deserves a raise for her good work.

Respectfully submitted

Members of the Fort Ann Planning Board

**FORT ANN PLANNING BOARD
MEETING MINUTES
APRIL 23, 2012**

Present:

Donald Bedeaux
William Hohmann
Chad Wilson
Sally Walker
Kevin Riley
Brian Mattison
Tracy Monahan

Secretary:

Machelle Drinkwine

1) Approval of March 26, 2012 Special Meeting Minutes
Correction #3, committees was spelled incorrectly, correction made.
Approve motion Sally Walker, second Brian Mattison, AIF, but Chad Wilson
abstained, passed.

2) Approval of November 28, 2011 minutes,
Approve motion Sally Walker, second William Hohmann, AIF passed

3) Appointment of committees,
Donald Bedeaux request to keep committees the same as 2011.
Motion Sally Walker, second Chad Wilson, AIF passed
Committees are as follows;

Mobile Homes 2012, Sally Walker, Tracy Monahan

Subdivisions 2012, Chad Wilson, Kevin Riley

Site Plan Reviews 2012, William Hohman, Brian Mattison

4) Other Business;

Howard Dennison asked about RV Park on Clay Hill Rd.

Everything is there and wanted to know what someone would have to do to

start it running again as an RV Park. Sally Walker suggested checking with attorney before answering question. Brian Mattison suggested up-dating paper-work, Sally also suggested going through dept. of health. Howards interest is in listing for sale and would like to know what to tell potential buyers. Howard stated that the current owners went through and checked the electrical etc. and there is 60 sites. Donald will contact Jeff (attorney) on this matter.

William asked Donald to talk to Jeff on when trainings will be held.

5) Next meeting date set for May 28th, (changed after meeting due to holiday to the 29th)

6) Motion to close meeting Chad Wilson, second William Hohmann, AIF passed.

FORT ANN PLANNING BOARD
MEETING MINUTES
May 29, 2012

PRESENT: Donald Bedeaux- Chairman, William Hohmann- Vice Chairman, Brian Mattison, and Tracy Monahan

ALSO PRESENT: Jeffrey R. Meyer, Esq.

ABSENT: Kevin Riley, Sally Walker, Chad Wilson

Start Time: 7:00 p.m.

The regular meeting of the Fort Ann Planning Board was called to order by Donald Bedeaux- Chairman at 7:00 p.m. A motion was made to approve the meeting minutes of April 23, 2012 by Tracy Monahan, seconded by William Hohmann, all in favor and passed. There were no corrections or errors noted.

HARRIS, Lee and Jana Lee Harris was present to discuss the status of his approved subdivision on Pilot Knob. The APA is requesting an updated local government notice form in order to continue to process the application. Mr. Harris completed the form and Chairman Bedeaux signed the form indicating that subdivision approval had previously been granted.

REHM, Kurt Kurt and his son, Justin Rehm, were present to submit a subdivision application. The Application contained the request for an exemption from subdivision regulations provided to immediate family members. The Board reviewed the application. A discussion ensued as to whether fees are customarily charged when the subdivision was deemed exempt. The Board also discussed the proximity of the existing house to the existing boundary. Applicant represented that he owns adjoining property and that the properties would likely be merged in the future and road would not be used as access. A motion was made by William Hohmann to approve the application as an exempt family subdivision conditioned on verification of whether fees are customarily charged, and if so, paid, seconded by Brian Mattison, all in favor, and passed.

HARRINGTON, Sandra Ms. Harrington spoke with Secretary Drinkwine regarding if she were to buy land on Hadlock Pond and locate a travel trailer there for a duration of time. A discussion ensued as to the type of structure presently located on the premises and whether this was permissible. Attorney Meyer advised that travel trailers can not be permanently located in the Town. If the dwelling was in fact a mobile home, they may be replaced with a newer mobile home per the Mobile Home Law.

A motion was made to close the meeting at 8:05 by William Hohmann, seconded by Tracy Monahan, all in favor and passed

FORT ANN PLANNING BOARD
MEETING MINUTES
June 25, 2012

PRESENT: Donald Bedeaux- Chairman, William Hohmann- Vice Chairman, Brian Mattison, Chad Wilson, Kevin Riley, and Sally Walker

ALSO PRESENT: Jeffrey R. Meyer, Esq.

ABSENT: None

Start Time: 7:00 p.m.

The regular meeting of the Fort Ann Planning Board was called to order by Donald Bedeaux- Chairman at 7:01 p.m. Tracy Monahan has submitted her resignation from the Planning Board and it was accepted by the Town. The minutes from the May 29, 2012 Planning Board Meeting may not be approved as there is no longer a quorum of those present to approve the same. There were still reviewed and no corrections or errors noted.

SCHULZ, Robert and Judith: Mr. Schulz appeared and presented information from the Ridgewood Subdivision of 1989 depicting numerous lots along Constitution Way. A discussion was had concerning the boundary line adjustments and what was considered as part of the original subdivision. Mr. Mattison questioned whether the Home Owner's Association (HOA) had received the appropriate approvals. Mr. Schulz advised that the NYS Attorney General had in fact reviewed and approved the HOA. Ms. Walker questioned why the lot lines were being re-drawn. Mr. Schulz responded that prospective purchasers have expressed the desire to purchase larger lots and that they were more marketable in general. Additionally, Mr. Schulz stated that the larger lots were preferred by the Adirondack Park Agency and the NYS Department of Health. A motion was made by William Hohmann, seconded by Sally Walker to approve the merger of the lots and the amended boundary lines as depicted on the survey map titled Map of a Boundary Survey Lands Now or Formerly of Ridgewood Lots 10 & 11, by Darrah Land Surveying, PLLC and dated 6.13.12, conditioned on copies of all other governmental approvals be submitted to the Town of Fort Ann, and authorizing Attorney Meyer to supply copies of the Planning Board approval to any interested party; all in favor, and passed unanimously.

ESTATE OF KEITH HARRIS: Stephanie DiLallo Bitter appeared on behalf of the Estate to discuss a proposed boundary line adjustment on property located along route 149. The proposed adjustment would not create a new lot. The proposal was discussed and the survey maps were reviewed by the Board. The store lot would be reduced in size. There is an existing seven (7) acre lot with a metal building already located on the premises. The building encroaches on the property that is the subject of the boundary line adjustment. There was further discussion of the encroachment and clearing up the potential issue now. Ms. Bitter agreed that correcting the encroachment was necessary and that she would submit revised drawings amending that

boundary as well. Mr. Mattison asked as to the location of the well and septic that presently serve the property, Ms. Bitter said she would depict if known. Application tabled for additional information to be provided by Ms. Bitter in advance of July meeting.

OTHER BUSINESS

- Secretary Machel Drinkwine submitted her resignation, which was accepted by the Town
- July 23, 2012 is the next meeting

A motion was made to close the meeting at 7:33 by Sally Walker, seconded by Chad Wilson, all in favor, and passed unanimously.

FORT ANN PLANNING BOARD
MEETING MINUTES
July 23, 2012

PRESENT: Donald Bedeaux- Chairman, William Hohmann- Vice Chairman, Brian Mattison, Chad Wilson, Kevin Riley, and Sally Walker

ALSO PRESENT: Jeffrey R. Meyer, Esq.

ABSENT: Curtis Rehm

Start Time: 7:00 p.m.

The regular meeting of the Fort Ann Planning Board was called to order by Donald Bedeaux- Chairman at 7:03 p.m.

ESTATE OF KEITH HARRIS: Stephanie DiLallo Bitter appeared on behalf of the Estate to discuss a proposed boundary line adjustments on property located along route 149. Ms. Bitter provided the revised plans depicting the two boundary adjustments and providing clearance from the existing building thereby removing the encroachment. The well on the premises serves both parcels. Ms. Bitter confirmed that there will be easement language included in the deeds to provide for the shared well and set out access, and maintenance provisions. Motion by Sally Walker to approve the proposal for the two boundary line adjustments, as depicted, conditioned on both properties being provided deeded access to the well, deeded access to the shared driveway and language being contained in the deeds affirming that no new lots were being created by this action; seconded by William Hohmann, all in favor and passed unanimously. Ms. Bitter agreed to provided a copy of the deed for the Town's records.

Motion by William Hohmann to appoint Sally Walker as secretary pro tem for the meeting and affirm her authority as Secretary to sign the requisite mylar in order to record the approved boundary line adjustment, seconded by Chad Wilson, all in favor, and passed unanimously.

MERCADO, Regina: Ms. Mercado appeared to discuss her application for the replacement of a mobile home on the premises located at 1145 County Route 17, Fort Ann. The existing mobile home will be removed. The proposed mobile home will be newly constructed and placed in the same location as the existing mobile home. It will be located on a foundation and meet the requirements of the Mobile Home Regulations. The Board advised Ms. Mercado that a copy of the HUD seal or comparable paperwork will be required along with a public hearing on the application. Motion by William Hohmann to set the public hearing on the application for 8.20.12 at 7:00 p.m., second by Sally Walker, all in favor and passed unanimously.

POWERS, Dean: Mr. Powers appeared before the Board to discuss his plans for utilizing the existing structure, formerly owned by Chad Wilson as a garage for car and small truck repair.

Presently the premises is served by a well and does not have a septic tank, a portapotty is used as the restroom. Discussed his proposal, including the proposed 7'(w) x 10'(h) sign, he would submit design. Possibly widen the entrance or relocate depending on stormwater needs. There is the potential for selling vehicles, though that is not part of this proposal and would be years away. Mr. Powers was advised to submit a complete application to the Board.

OTHER BUSINESS

- August 20, 2012 is the next meeting. Attorney Meyer was advised to publish notice of the special meeting and the public hearing for Ms. Mercado.

A motion was made to close the meeting at 7:48 by Sally Walker, seconded by Chad Wilson, all in favor, and passed unanimously.

FORT ANN PLANNING BOARD
MEETING MINUTES
August 20, 2012

PRESENT: Donald Bedeaux- Chairman, Brian Mattison, Chad Wilson, Curtis Rehm, and Sally Walker

ALSO PRESENT: Kara Lais, Esq.

ABSENT: William Hohmann- Vice Chairman, Kevin Riley

Start Time: 7:00 p.m.

The regular meeting of the Fort Ann Planning Board was called to order by Donald Bedeaux- Chairman at 7:01 p.m.

Public Hearing-Mercado, Regina: The public hearing for Regina Mercado's Mobile Home Application for Permit was duly opened at 7:02 p.m. Ms. Mercado addressed the Board and requested an extension until next month, as she is changing the dimensions and square footage of the mobile home. She indicated that she will present the amended information at the September 24, 2012 meeting. A motion was made by Sally Walker, seconded by Chad Wilson to close the public hearing; all in favor and passed unanimously.

The minutes of the June 25, 2012 meeting were reviewed. Ms. Walker noted a correction in the first paragraph, last sentence whereby the word "there" should be replaced with "they." A motion was made by Sally Walker, seconded by Chad Wilson to approve the June 25, 2012, as corrected; all in favor and passed unanimously.

The minutes of the July 23, 2012 meeting were reviewed. A motion was made by Chad Wilson, seconded by Sally Walker to approve the July 23, 2012; all in favor and passed unanimously.

Dewitt, William: Mr. Dewitt appeared on behalf of himself with respect to a two lot subdivision that was approved in 1994 but never filed in the County Clerk's office. Mr. Dewitt explained that this was just brought to his attention and he asked the Board what he needs to do to remedy this. Ms. Lais reviewed the subdivision regulations and stated that in accordance with the Town's subdivision regulations if the subdivision plat was not filed within ninety (90) days of approval then it shall become null and void. A discussion was had about the adjacent property owner, the improvements on the lots and the deeds on record. Chairman Bedeaux stated that Mr. Dewitt needs to obtain additional information from the County Clerk's office before the Board can further address this issue. Mr. Dewitt stated that he would consult with the County Clerk's office and the Real Property department to obtain additional information.

Quiet Brook Farm, LLC: Crystal Grimaldi appeared on behalf of Quiet Brook Farm, LLC concerning an application for a three lot subdivision. Chairman Bedeaux explained that the

Board had not received the applications and apologized to the applicant. Chairman Bedeaux stated he would locate the applications and send them to the Board members in advance of the September meeting.

OTHER BUSINESS

-Curtis Rehm asked about the status of his family subdivision application. He explained that the subdivision had been approved in May but there was a question as to whether or not fees are charged for a family subdivision. Ms. Walker stated that the Board has never charged fees on family subdivisions. Chairman Bedeaux told Mr. Rehm to obtain the mylar and he would stamp and sign it for filing.

-Ms. Lais presented the request from Three Horse Properties, LLC to deem the use at 23 Crawford Lane in the Town as a pre-existing commercial use rather than require site plan approval. The Board requested additional information as to the proposed use and will consider this again at the September meeting.

- September 24, 2012 is the next meeting

A motion was made to close the meeting at 7:52 by Sally Walker, seconded by Chad Wilson, all in favor, and passed unanimously.

FORT ANN PLANNING BOARD
MEETING MINUTES
September 24, 2012

PRESENT: Donald Bedeaux- Chairman, William Hohmann, Brian Mattison, Chad Wilson, Curtis Rehm, Kevin Riley, and Sally Walker

ALSO PRESENT: Jeffrey R. Meyer, Esq.

ABSENT: None

Start Time: 7:00 p.m.

The regular meeting of the Fort Ann Planning Board was called to order by Donald Bedeaux- Chairman at 7:00 p.m.

The minutes of the August 20, 2012 meeting were reviewed. Ms. Walker noted a correction in the spelling of Mr. Rehm's name. A motion was made by Chad Wilson, seconded by Brian Mattison to approve the August 20, 2012, as corrected; all in favor and passed unanimously.

Bender, Kim: Presented her application for a boundary line adjustment. She stated how the two adjoining properties were acquired separately via separate deeds. The Assessor combined into a single tax map number on his/her own accord. The property line had been amended previously when Mr. Martindale was the Chairman, but the map was never recorded. Ms. Bender stated how the adjoining properties are separate with different water, septic systems, and utilities. Ms. Bender responded to members individual questions regarding the properties. Chairman Bedeaux opened the application up to the floor.

Mr. Klein spoke in opposition to the application. He resides on the west side of the Bender property. He stated that he is a licensed engineer and is familiar with the property. The property is all bedrock with geologic limitations and stormwater issues. The septic tanks on property are holding tanks due to bedrock limitations. Mr. Klein also noted the property is being listed for sale and Ms. Bender is solely trying to maximize profit. Mr. Klein stated how the property lines were originally set in a 1924 subdivision created lots with 100 foot widths and Ms. Bender combined the lots over 10 years ago.

Ms. Bender responded to the issues raised and stated that Mr. Klein is only objecting because she objected to his dock project.

Mr. Klein stated that Ms. Bender is not presenting accurate information.

Mr. Mattison asked the status of Ms. Bender's APA and LGPC permits and whether those materials were available.

Ms. Bender responded that in speaking with Molly Gallagher at the LGPC, they were not going to get involved and that LGPC had no jurisdiction over boundary line adjustments. Ms. Bender stated how the existing docks had been present for a long time and they are a validly permitted class B marina. Ms. Bender also stated that the septic tanks were approved by Washington County, they are sealed tanks with alarms. Ms. Bender also stated that the reason for the lot line was to balance the values of the parcels.

Motion by Mr. Hohmann, seconded by Mr. Riley, to deem the boundary line adjustment as exempt from subdivision regulations, contingent upon receipt of the necessary approvals. All in favor, passed unanimously.

Temporary Secretary: Motion by Chairman Bedeaux, seconded by Mr. Hohmann to name Sally Walker acting Secretary and authorizing her to sign mylar maps for approved and exempt applications. All in favor, passed unanimously.

Dewitt, William: Mr. Meyer recused himself from the application. Mr. Dewitt presented the history of the property, the approved subdivision and the mylar that was never recorded. Mr. Dewitt stated how the neighbor impacted has agreed to the boundary line adjustment. Discussion ensued among the board as to whether a new mylar would be required and what the Washington County Clerk would require to allow Mr. Dewitt to record the map. The application was tabled pending more information from Washington County as to whether the original mylar would be accepted or if it needed to be updated.

Barnes, James: Mr. John Richards, Esq. appeared with his client, James Barnes. Applicant presented the history of the property. The property contained an existing commercial use, which was discontinued due to structural fire. In 2008 there was a question as to whether site plan review was required to resume the commercial use, which was first raised by the APA. Discussions ensued regarding as to whether this was a new or continued use. Ms. Walker asked whether access would require DOT approvals. Applicant stated no changes were being proposed. Mr. Mattison questioned whether this was different from past applications that were required to go through the formal site plan review process.

Motion by Mr. Hohmann, seconded by Mr. Wilson, to ratify materials as a validly existing use and authorizing Chairman Bedeaux to sign APA Local Government Notice Form. All in favor, passed unanimously.

Hayes, Jean: Ms. Hayes appeared before the Board to discuss possible subdivision on Farley Road and what the requirements would be of the Board. The Board advised that it would be a subdivision and the APA would also likely be involved. Ms. Hayes stated she would speak with Russ Howard to complete survey work and formal application.

Lake George Distilling Company: Mr. Meyer recused himself from the application. Mr. McDougal presented his plans for a micro distillery to be located on Route 149 where Fort Ann Pizza used to be located. Plan is to finish the back of the building. There are no anticipate site design changes. The Board advised that site plan review would be required.

Mercado, Regina: Ms. Mercado presented the revised information on the mobile home that will be located on the site, affirmed that it will be a new unit. The Short EAF was reviewed by the Board. Motion by Mr. Hohmann, second by Mr. Mattison, declaring a negative declaration and stating that no significant adverse impacts will be associated with the proposed action. All in favor and passed unanimously.

Motion by Mr. Mattison, second by Mr. Hohmann to approve the mobile home application, subject to the applicant providing a copy of the HUD seal upon installation. All in favor, passed unanimously.

Powers, Dean: Mr. Wilson recused himself from the application. Mr. Powers presented his application and plans for automotive repair facility. Ms. Walker asked questions concerning access to state highway and whether DOT has reviewed or approved the application. Mr. Powers responded that goal is to relocate and make entrance safer for ingress and egress. Ms. Walker asked whether sign would be lit. Mr. Powers stated that plan is to light the sign. Motion by Chairman Bedeaux, second by Mr. Hohmann to accept application and set the public hearing for the October meeting. All in favor, passed unanimously.

Motion to adjourn the meeting at 8.35 by Chairman Bedeaux, seconded by Mr. Mattison. All in favor, passed unanimously.

OTHER BUSINESS

-Curtis Rehm asked about the status of his family subdivision application. He explained that the subdivision had been approved in May but there was a question as to whether or not fees are charged for a family subdivision. Ms. Walker stated that the Board has never charged fees on family subdivisions. Chairman Bedeaux told Mr. Rehm to obtain the mylar and he would stamp and sign it for filing.

-Ms. Lais presented the request from Three Horse Properties, LLC to deem the use at 23 Crawford Lane in the Town as a pre-existing commercial use rather than require site plan approval. The Board requested additional information as to the proposed use and will consider this again at the September meeting.

- September 24, 2012 is the next meeting

A motion was made to close the meeting at 7:52 by Sally Walker, seconded by Chad Wilson, all in favor, and passed unanimously.

FORT ANN PLANNING BOARD
MEETING MINUTES
October 22, 2012

PRESENT: Donald Bedeaux- Chairman, Brian Mattison, Chad Wilson, Kurt Rehm

ALSO Present: Jeffrey R. Meyer, Esq.

ABSENT: Sally Walker, William Hohmann, Kevin Riley

The regular meeting of the Fort Ann Planning Board was called to order by Donald Bedeaux, Chairman, at 7:15.

A motion was made by Donald Bedeaux, seconded by Chad Wilson to appoint Brian Mattison as acting Secretary for the meeting. All in Favor, Passed Unanimously.

ENCLAVE

Michael O'Connor presented the subdivision maps for the project since it had finally received approval from the Adirondack Park Agency. Mr. O'Connor refreshed the Boards memory and the Chairman and Secretary signed the mylar.

DEWITT, William

Attorney Meyer recused himself from this application as there is a conflict with the law firm. Mr. Dewitt appeared and advised the Board that he had received verbal confirmation from Washington County that they will accept the survey map prepared in 1994. The Board discussed the procedure required to approve.

Motion by Brian Mattison, seconded by Kurt Rehm, to ratify the boundaries, affirm the 1994 resolution, and approve the subdivision. All in Favor, Passed Unanimously.

LAKE GEORGE DISTILLERY, McDougal

Attorney Meyer recused himself from this application as there is a conflict with the law firm. Mr. McDougal presented his application for a micro-distillery and tasting room proposed for the premises on State Route 149.

Motion by Brian Mattison, seconded by Kurt Rehm, to accept the application and set the public hearing for November 26, 2012. All in Favor, Passed Unanimously.

LIMBERT, Tupper

Melissa Lescault, attorney for the applicant, presented the application for the immediate family exception for Ms. Limbert's subdivision. The Board discussed the property, the chain of title and how the different parcels came to be owned by Ms. Limbert. Ms. Lescault stated that the subdivision is being done for estate planning purposes and that the lots would be conveyed as gifts to her sons. Copies of the proposed deeds were presented as proof.

Motion by Brian Mattison, seconded by Chad Wilson to approve the subdivision as exempt under the immediate family exemption based upon the Board's findings that formal compliance is not requisite in the interest of the public health, safety and general welfare; and the waiver of the requirements will not have the effect of nullifying the Land Subdivision regulations. All in Favor, Passed Unanimously.

MERCADO, Regina

Ms. Mercado presented a copy of the mobile home receipt in accordance with the conditions to her mobile home approval.

DEAN, William and Pamela

Mr. Dean presented their proposed boundary line adjustment on the two adjoining lots that they own. The rear portion of the lot to be amended consists of wooded undeveloped area that the APA is requiring the local government notice form signed by the Board.

Motion by Chad Wilson, seconded by Brian Mattison, to deem the boundary line adjustment as exempt from the subdivision regulations conditioned on the subject premises merging with the adjoining property and no new lots are created. All in Favor, Passed Unanimously.

Attorney Meyer and Chairman Bedeaux completed the APA local government notice form.

HARRIS, Estate of Keith

Stefanie Bitter, Attorney for the Applicant, appeared to discuss the proposed boundary line adjustment and the resulting lots if approved. There was a discussion concerning the area being conveyed and it merging with the adjoining lands of Doran.

Motion by Brian Mattison, seconded by Chad Wilson, to deem the boundary line adjustment as exempt from the subdivision regulations conditioned on the subject premises merging with the adjoining property and no new lots are created. All in Favor, Passed Unanimously.

POWERS, Dean

Chad Wilson recused himself from the Application. Mr. Powers presented his application.

Public Hearing was opened on the Application.

Howard Dennison – asked what precisely the project was and whether the oil and other automotive fluids would be contained and how they would be handled.

Mr. Powers responded that it is an automotive repair shop and that all fluids would be contained on site and disposed of in accordance with the law. Mr. Powers also presented the County referral decision.

The public hearing and Application was tabled until the November 26, 2012 meeting.

TYLER, Christopher

Rebecca Dittmeier, Realtor, appeared with the Applicant to discuss the property and whether the Board had jurisdiction on the property that is separated by Deweys Bridge Road. The Board discussed how these applications are typically treated when the property is divided by a highway.

Motion by Brian Mattison, seconded by Chad Wilson, to deem the subdivision as exempt as the bisecting highway created a natural subdivision. All in Favor, Passed Unanimously.

DICKINSON, John

Applicant appeared to discuss proposed subdivision and his plan to separate the farm into different lots, the fields, the barns, and the house, and place all into separate ownership. The Board discussed the proposal, the exemption for agricultural subdivisions, and the family exemption. Mr. Dickinson stated that the house is going to be deeded to his daughter and that the wells and septic systems as applicable would be located on the individual lots.

Motion by Brian Mattison, seconded by Chad Wilson, to deem the subdivisions as an exempt agricultural subdivision for dividing the farm land and barns; the division of the house lot is exempt under the immediate family member exemption, based upon the Board's findings that formal compliance is not requisite in the interest of the public health, safety and general welfare and the waiver of the requirements will not have the effect of nullifying the Land Subdivision regulations; and contingent upon the mylar map being presented for signature showing the location of wells and septic systems as applicable. All in Favor, Passed Unanimously.

ALLEN v. STILES

Attorney Meyer recused himself from the discussion as the law firm also represents Mr. Stiles in this matter. The Board discussed a letter and mylar received from the Hon. Judge Krogmann discussing the boundary dispute and the proposed settlement. The Board discussed the map and the proposed ratification of the shared boundary between the parties.

Motion by Brian Mattison, seconded by Chad Wilson, to deem the proposal exempt as a boundary line agreement. All in Favor, Passed Unanimously.

CROWN CASTLE TOWER

Attorney Meyer reported on a phone call he had with Natalie Agajanov, on behalf of Crown Castle and their exemption claimed under the revisions to the Wireless Telecommunication Act of 1996 passed in 2012. Discussion was had among the Board regarding the applicability of the exemption and the preemption issue for reviewing cell tower applications. The Board advised that an application would be required with narrative and fee detailing what is being proposed so the Board can review and render a determination on the modification including comments on federal preemption.

Next meeting is scheduled for November 26, 2012.

Motion by Chad Wilson, seconded by Chairman Bedeaux to adjourn at 8:30. All in Favor, Passed Unanimously.

Respectfully Submitted.

A handwritten signature in black ink, appearing to read 'Jeffrey R. Meyer', written in a cursive style.

Jeffrey R. Meyer, Esq., Attorney for the Planning Board

FORT ANN PLANNING BOARD
MEETING MINUTES
November 26, 2012

PRESENT: Donald Bedeaux- Chairman, William Hohmann, Brian Mattison, Chad Wilson, Curtis Rehm, Kevin Riley

ALSO Present: Kara I. Lais, Esq.

ABSENT: Sally Walker

The regular meeting of the Fort Ann Planning Board was called to order by Donald Bedeaux, Chairman, at 7:00.

A motion was made by Brian Mattison, seconded by Donald Bedeaux to appoint William Hohmann as acting Secretary for the meeting. All in Favor, Passed.

Melissa, Lescault, Esq. for Tupper Limbert

Melissa Lescault, Esq. presented the mylar for the family subdivision project approved as exempt at the October 22, 2012 meeting. The Chairman and Secretary signed the mylar.

Crystal Grimaldi for John Dickinson

Crystal Grimaldi presented the mylar for the agricultural subdivision project approved as exempt at the October 22, 2012 meeting. The Chairman and Secretary signed the mylar.

Brian Borie, Esq. for the Estate of Keith Harris

Brian Borie, Esq. presented the mylar for the boundary line adjustment project approved as exempt at the October 22, 2012 meeting. The Chairman and Secretary signed the mylar.

Motion by Brian Mattison, seconded by William Hohmann, to open the public hearing for the Lake George Distillery. All in Favor, Passed.

Public Hearing: LAKE GEORGE DISTILLERY, McDougall

Attorney Lais recused herself from this application as there is a conflict with the law firm. Mr. McDougall presented his application for a micro-distillery and tasting room proposed for the premises on State Route 149.

Supervisor Dumas asked how many employees the distillery is expecting to have. Mr. McDougall explained that, at this time, there will be two employees, himself and Robin McDougall. Supervisor Dumas asked when they are expecting to open the distillery. Mr. McDougall explained that after the closing, he expects the licensing process to take approximately three months and that they hope to open for business in June.

There being no further comments from the public a Motion was made by William Hohmann, seconded by Brian Mattison to close the public hearing. All in Favor, Passed.

The Board reviewed the potential negative environmental impacts of the proposed project in accordance with the Short Form EAF presented at the meeting.

Motion by William Hohmann, seconded Brian Mattison, to issue a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act (“SEQRA”), as codified under 6 NYCRR Part 617 et. seq., relative to the approval of the site plan for the micro-distillery and tasting room project on State Route 149, whereby the approval thereof constitutes an Unlisted Action that will not have any significant adverse impact upon the environment. All in Favor, Passed.

Motion by Chad Wilson, seconded William Hohmann, to approve the site plan review for the micro-distillery and tasting room project on State Route 149 to be known as the Lake George Distillery. All in Favor, Passed.

Public Hearing: Dean Powers

Chairman Bedeaux stated that the public hearing for Dean Powers’ automotive repair shop was tabled at the October 22, 2012 meeting and remained open. Chad Wilson recused himself from the Application.

There being no comments from the public a Motion was made by William Hohmann, seconded by Donald Bedeaux to close the public hearing. All in Favor, Passed.

The Board reviewed the potential negative environmental impacts of the proposed project in accordance with the Short Form EAF presented at the meeting.

Motion by William Hohmann, seconded Brian Mattison, to issue a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act (“SEQRA”), as codified under 6 NYCRR Part 617 et. seq., relative to the approval of the site plan for automotive repair shop project, whereby the approval thereof constitutes an Unlisted Action that will not have any significant adverse impact upon the environment. All in Favor, Passed.

Motion by Donald Bedeaux, seconded William Hohmann, to approve the site plan review for the automotive repair shop project on State Route 149 owned by Dean Powers . All in Favor, Passed. Chad Wilson abstained.

Richard Bluestein, for the Kenneth B. Cone Family Trust

Richard Bluestein, representative of the Kenneth B. Cone Family, presented the application for a boundary line adjustment in accordance with the immediate family exception for the Trust’s property located at County Route 17 and Whitney Road and known as tax map parcel number 105.-1-5.1. Mr. Bluestein explained that the Trust is requesting the following lot line adjustments:

- a. Parcel 1-0.035 acres transferred to the existing parcel (Deed Ref. 611/275) owned by Peter Tyler
- b. Parcel 2- parcel to the west and north of the existing property owned by Laurene R. Woods (Laurene R. Schermerhorn) (Deed Ref. 496/1029) adjustment the total parcel to 4.305 acres.

The Board discussed the application and stated that no additional parcels will be created as a result of the boundary line adjustments.

Motion by William Hohmann, seconded by Kevin Riley to approve the two boundary line adjustments as presented at this meeting as exempt from the subdivision regulations conditioned on the premise that no new lots will be created. All in Favor, Passed.

Chairman Bedeaux stated that Mr. Bluestein will need to bring the mylar to the January meeting for signing.

George Thomas

George Thomas presented his application for a minor subdivision for the property known as 46 Stage Coach Way. The Board reviewed the application and the current maps and determined that the two lot subdivision is a natural subdivision since the highway bisects the lot. The Chairman and Secretary signed the mylar. There was a discussion as to whether or not fees would be charged, it was determined that such fees had not been charged in the past. No further action was taken.

Tori Riley

Tori Riley spoke to the Board on behalf of the Washington County. She provided an informational sheet for use by the Board members concerning projects that are subject to review at the County level. She explained that she envisions future development in the Town and many new projects coming before the Planning Board. She further explained that the County Planning Department and the County Attorney's office are available to the Board for assistance.

Chairman Bedeaux reported that the Chocolate Moose had been sold and that the new owners intend to name the site the Moose Hillock Campground.

The minutes of the September 24, 2012 meeting were reviewed. A motion was made by Brian Mattison, seconded by Kevin Riley to approve the September 24, 2012 minutes, all in favor and passed.

The minutes of the October 22, 2012 meeting were reviewed. Curtis Rehm stated that his name is spelled with a "C" rather than a "K" and that this change should be made to the minutes. A motion was made by Brian Mattison, seconded by Chad Wilson to approve the October 22, 2012 minutes, as corrected, all in favor and passed. William Hohmann and Kevin Riley abstained.

There being no further business.

Next meeting is scheduled for January 28, 2013.

Motion by Brian Mattison, seconded by Chad Wilson to adjourn at 7:45. All in Favor, Passed.

Respectfully Submitted.



Kara I. Lais, Esq., Attorney for the Planning Board