

Town of Fort Ann
Corrected Planning Board Regular Meeting Minutes
Fort Ann Town Hall
Fort Ann, NY
April 22, 2013 7:01P.M.

Printed on both sides
Page 1 of 5
April 2013

- 1. Call to order.**
(Begin taping of session).

Pledge of Allegiance

Moment of Silence for the people of Boston requested by the Chair

a) Roll call, Board members present:

Donald Bedeaux, Chairman

William Hohmann

Sally Walker

Chad Wilson

Brian Mattison

Curt Rehm

Howard Denison

Kevin Riley (Open seat)

Staff:

Fill-in Secretary: Leslie Barker

Temporary

Secretary: _____

b) Others:

Matt Fuller, Esq., Fitzgerald Morris Baker Firth

Jeff Meyer, Esq., Fitzgerald Morris Baker Firth

John Aspland Jr., Esq.

(Recorder begins 7:03pm)

2. Public Hearing-Moose Hillock Camping Resorts, (Public Hearing format)

The public hearing opened.

Hutchins, Thomas and Mark Rehms, Esq. representing Ed Paradis, Moose Hillock Camping Resorts | Moose Hillock Camping Resorts is located on State Route 149 and Tripoli Road, Fort Ann, NY. Tom Hutchins P.E., Hutchins Engineering, Queensbury, NY provided a quick review of last month's discussion to the audience, comparing two large display plan boards of the previously approved site plan layout and footprints under the name Chocolate Moose Campground with the new site plan and pointing out the main changes including the numerous of sites for each plan. Layout elements such as the new perimeter, cut limits do not exceed the original limits and a proposed full time residence on site where the owners will reside were pointed out. A description of the new core area was given. A third display board, a blow up of the main core area, was also presented and reviewed by Tom and the audience. The floor opened for any audience questions and a Question and Answer (Q & A) session followed.

Some of the concerns discussed were the full time residence location, storm water treatment/pond area locations/and what might become a future "wet" or real pond, plans for future ponds close to adjoining residential lots, if more wells and/or storage tanks would be needed. Questions regarding residents concerns about the old cemetery, entrance way and its access road/maintenance of the access road, new small 5-6 car parking lot for the cemetery discussion, fence protection separating cemetery access and campground & protection of the cemetery stones and if the cemetery fence would maintain that area were answered.

Motion made to close the **Public Hearing**; Planning Board discussion whether to close or table. **Public Hearing** was left open for Howard Denison's questions. Areas of questions covered scale & visual/conceptual design of the new cabins, new perk tests needed to update the 2010 ones, concern of possible grave locations in the cemetery right of way, if the cemetery/access road/new small parking lot would be eventually conveyed to the town of Fort Ann (the possible grave sensitive area as noted by a hatched triangle on the plan presented), where a proposed fence would run in that area/how high it would be, responsibility of who maintains that area and for how long since the current owner is deceased/when the area in question will eventually get turned over to the town, it will be the Town's responsibility by state law, whether the proposed access roadway and parking area would be turned over to

2. Public Hearing-Moose Hillock Camping Resorts continued, (Public Hearing format)

the Town as an easement to the Town in the future, so the Town could take care of the cemetery, whether cut lines have been exceeded from the original application and the current approval status of APA, DEC & storm water permits. Applicant will need DEC permit for one of the wastewater systems (commons area). Planning board states that will have to be a condition for approval. The board asked what the other proposed buildings will look like beside the cabins so the neighbors can review. Tom and applicant: there are conceptual plans of the main building now. Planning board asked each other if anyone would care to see them.

An audience member asked Tom to address the neighboring property owners along Rte. 149 concern for their privacy when/if kids try cut through their properties to retail businesses such as miniature golf and ice cream located on Rte.149. A: specific location of proposed fences for property protection discussed.

Original motion made again by William Hohmann to close the Public Hearing.

Tabled _____					
Motion	William Hohmann	Second	Chad Wilson		
<hr/>					
Vote:	<input checked="" type="checkbox"/> All Ayes	<input type="checkbox"/> All Nays	<input type="checkbox"/> Abstentions		
	<input type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann	<input type="checkbox"/> Walker	<input type="checkbox"/>	Wilson
	<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Denison	<input type="checkbox"/>	

-Public Hearing Closed-

Regular Meeting and review of the Moose Hillock Camping Resorts, continued

Jeff Meyer, Esq. mentioned the Planning Board needed to respond to the short **SEQR (Short Environmental Assessment Form, Part IIA-D)** for unlisted actions for the revised project, read the questions, noted their responses and requested a motion based on the foregoing.

Motion, to declare a negative declaration, based on the outcome of the **SEQR (Short Environmental Assessment Form):** and the proposed action not resulting in any significant adverse environmental impacts.

Tabled _____					
Motion	Howard Denison	Second	Chad Wilson		
<hr/>					
Vote:	<input checked="" type="checkbox"/> All Ayes	<input type="checkbox"/> All Nays	<input type="checkbox"/> Abstentions		
	<input type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann	<input type="checkbox"/> Walker	<input type="checkbox"/>	Wilson
	<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Denison	<input type="checkbox"/>	

Chair: any more discussion or vote for the resolution of the project?

Resolution that the Moose Hillock Camping Resorts application be approved subject to the amendments that were discussed and conditioned on 1) the applicant submit the approvals once received from the APA, DEC, Department of Health 2) in the event the Town becomes the owner of the cemetery, the applicant agree to offer to convey an easement for the crossed hatched portion of the site plan and the exit road.

The resolution to approve the application is based upon the Short Environmental Assessment Form and extra application documents filed in the Moose Hillock file are a part of the official record. Any renderings and/or conceptual plans of structures sent by applicant will be filed in the same file and incorporated herein.

Tabled _____					
Motion	Sally Walker	Second	William Hohmann		
<hr/>					
Vote:	<input checked="" type="checkbox"/> All Ayes	<input type="checkbox"/> All Nays	<input type="checkbox"/> Abstentions		
	<input type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann	<input type="checkbox"/> Walker	<input type="checkbox"/>	Wilson
	<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Denison	<input type="checkbox"/>	

Informal request by Planning Board member for a drawing of the plans for the main building. Applicant offered to do the renderings and have one set dropped of at the Town Hall.

3. Approve Agenda-Items Added/Deleted: Curt Rehm was deleted from the agenda after determining that it was an error from the last taped session that included portions of a previous meeting on it.

Tabled _____			
Motion	none	Second	_____

3. Approve Agenda-Items Added/Deleted continued:

Vote: <input type="checkbox"/> All Ayes	<input type="checkbox"/> All Nays	<input type="checkbox"/> Abstentions	<input type="checkbox"/>
<input type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann	<input type="checkbox"/> Walker	<input type="checkbox"/> Wilson
<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Denison	<input type="checkbox"/>

4. Old/Other Business

a. Ellsworth, Ruben and Danna

Ruben Ellsworth return with their completed application for an office addition located at 10302 Route 149, Fort Ann, NY 12827. Chair asked for any Planning Board questions. The board reviewed the application documents and several Q &A's about the projects visibility. Motion made to accept the application and set a public hearing date. The next scheduled meeting falls on May 27, 2013, which is Memorial Day. The date for the next Planning Board Regular meeting was reset to May 20, 2013. Motion made to accept the application and set a Public Hearing date of May 20, 2013. Note below: the Planning Board asked the secretary to return the Ellsworth and Sons check for engineering fee, for \$1,000.00/check #0115 that Ellsworth and Sons submitted with their application. The check was returned to Ruben Ellsworth. Extra application documents were filed under Ellsworth, Ruben and Danna.

Tabled _____
 Motion Sally Walker Second Howard Denison
 Vote: All Ayes All Nays Abstentions

<input type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann	<input type="checkbox"/> Walker	<input type="checkbox"/> Wilson
<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Denison	<input type="checkbox"/>

b. Rehm, Curt

Called to present, did not need to present; misunderstanding caused from the March 25, 2013 over-taping of another meeting

c. Ellsworth, Ruben and Danna

The Planning Board asked the secretary to return the Ellsworth and Sons check for engineering fees, in the amount of \$1,000.00, that Ellsworth and Sons submitted with their application after the board determined it was not needed. The check was returned to the Ruben Ellsworth.

Tabled _____
 Motion _____ Second _____
 Vote: All Ayes All Nays Abstentions

<input type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann	<input type="checkbox"/> Walker	<input type="checkbox"/> Wilson
<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Denison	<input type="checkbox"/>

5. Review and Approve Proposed Planning Board regular Minutes of 3/25/2013

(tape side one ends/tape side two begins)

Planning Board discussion and review ensued. Clarification to the secretary that some of the minutes referenced in these minutes were from an earlier taped meeting and not the 3/25/2013 meeting. There was a short Planning Board & legal counsel discussion about date and time of the upcoming and required Planning Board Training when reviewing March minutes on the same subject. Extra copies were filed in the Planning Board Minutes 2013 folder.

Corrections/additions: Correct the spelling of Denison; strike 3a & 3b which appear to have been recorded at an earlier meeting and was present at the beginning of the meeting tape

Motion made to accept minutes as amended.

Tabled _____
 Motion Brian Mattison Second Chad Wilson
 Vote: All Ayes All Nays Abstentions/Hohmann

<input checked="" type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann	<input checked="" type="checkbox"/> Walker	<input checked="" type="checkbox"/> Wilson
<input checked="" type="checkbox"/> Mattison	<input checked="" type="checkbox"/> Rehm	<input checked="" type="checkbox"/> Denison	<input type="checkbox"/>

Question from Sally Walker to Jeff Meyer, Esq.: who issues Mobile Home permits? Jeff: he will have to check, he believes it is the Planning board, but will have to confirm. Q: who signs it, who issue it (Town Clerk?), is the Planning Board involved? Jeff: the Planning Board looks at them when they get placed if they are smaller than an acre. Short general discussion regarding Mobile Home Permits.

6. New Business:

Question to secretary: was the material received for the lot-line adjustment question earlier in the week? A: yes, a representative is present with the material this evening and was the first to sign in. Chair to board: owner has a closing coming up next month and asked the board to review it. Chair told owner's representative that the board could at least review it, the representative could explain it to the board and the board could vote on it next month.

Secretary asks Brian to approach the board.

a. Brian Sleasman/ABD engineers on behalf of Mark Rekucki

Mr. Rekucki owns two properties on Pilot Knob Rd, property Tax # 64.17-1-39 & 40, and is currently selling one of the properties that are adjacent to each other. The one the owner is keeping has the existing house is built almost right on the property line. The owner wants to adjust the property line so that there is some walking space around the house and would like to do that before the other property is sold. "The difference in area is almost negligible".

Representative is requesting approval at this meeting. Informal Q & A & discussion-board: does this have APA approval? A: not sure. Jeff Meyer, Esq. mentioned it is a one-page application; either the applicant fills out the subdivision application because it has all the same information or there is a one-page sheet for boundary line adjustments. It specifically states that by applying, the applicant is agreeing that it is going to merge with the receiving parcel and that new lots will be recreated. This is usually the resolution that the board passes. Is exempt if the board feels it is a minor boundary line adjustment and it falls within the exemption rule.

Secretary question: is the application in one of the prepared packets? Mr. Sleasman passed out the prepared lots site plans to the board. Discussion and questions from the Planning Board ensued. Secretary and Jeff looked in the subdivision for the proper application, found it and provided Brian with the application and the cover letter instruction and fees. Board member question: any problems approving the line change? A: no.

Motion made that the Planning board approve as an exempt subdivision, boundary line adjustment as long as it creates no new lots and the boundary merges with the other parcel, that the applicant fill out the appropriate part of the subdivision application, and submit that with plot plan APA approval. Board question: waive any fee? The proper application and contact/cover sheet were given to Brian. A short discussion with the planning board, its legal counsel and Brian determined that all that was necessary was filling out the subdivision application and submitting with proper fees next month.

Tabled Pending application paperwork,
APA approval and any
applicable fees.

Motion	<u>Howard Denison</u>	Second	<u>Howard Denison</u>	
Vote:	<u>All Ayes</u>	<u>All Nays</u>	<u>✓ Abstentions/Wilson</u>	<u>_____</u>
	<u>✓ Bedeaux</u>	<u>✓ Hohmann</u>	<u>✓ Walker</u>	<u>_____ Wilson</u>
	<u>✓ Mattison</u>	<u>✓ Rehm</u>	<u>✓ Denison</u>	<u>_____</u>

Question from Brian: is it possible to stamp and sign the documents this evening? Board answer: can stamp, sign and hold until the application paperwork is filled out and submitted. At that time, Brian can pick up the stamped/signed mylar.

Jeff Meyer, Esq. answers the previous Mobile Home Permit question for board: the Planning Board approves Mobile Homes; the Town Board can waive or modify the requirements of the law, but the Planning Board approves them. Sally: the Planning Board approves but does not issue a permit, but just make an approval. Jeff: the resolution is the permit. This enables Don or a someone to sign the form from the county, which allows them to get a building permit. The Chair and secretary signed the Rekucki mylar. The signed mylar was rolled and stored in the locked office pending the paperwork and any required fees. Extra documents were filed in a new folder under Rekucki, Mark.

b. Chair: any other Business?

c. Allen, Jim

Called to present but did not respond

d. Funfgeld, Tom

Called to present but did not respond

7. Other Business

None

8. Motion made to adjourn, approximately 8:38p.m. (Did not record the time as conversation continued, approximately 8:38 from timing the tape).

Motion made to adjourn.

Tabled

Motion	Chad Wilson	Second	Howard Denison				
<input checked="" type="checkbox"/>	All Ayes	<input type="checkbox"/>	All Nays	<input type="checkbox"/>	Abstentions	<input type="checkbox"/>	Wilson
<input type="checkbox"/>	Bedeaux	<input type="checkbox"/>	Hohmann	<input type="checkbox"/>	Walker	<input type="checkbox"/>	
<input type="checkbox"/>	Mattison	<input type="checkbox"/>	Rehm	<input type="checkbox"/>	Denison	<input type="checkbox"/>	

9. Informal discussion ensued regarding application fees being too low, who decides the amount, that the fees should cover actual costs and if digitizing the applications is workable. Jeff thought his office has digit versions now and requested he receive the same packet(s) as the board members. Sally felt setting the rates was up to the Town Board.

10. Please note: the sign in sheet from this meeting and the cassette tape to be filed under **Planning Board Regular Mtg, 4/22/2013.**

11. The next regular Planning Board meeting will be **May 20, 2013.** The meeting's **date changed** and Public Hearing notice must be posted in the Post Star by on or before **May 9, 2013.** It was posted on May 7, 2013. Notice to be tacked to Town Hall Bulletin board for inspection.

Leslie Barker, Fill-in Secretary
April 23 , 2013