

Town of Fort Ann  
**Planning Board Regular Meeting Minutes**  
Fort Ann Town Hall  
Fort Ann, NY  
May 20, 2013 7:00P.M.

Printed on both sides  
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May 2013

**(Recorder begins 6:58P.M.)**

**1. Call to order.**

(Begin taping of session).

**Pledge of Allegiance**

- a)** Roll call, Board members present:
- |                                     |                                  |
|-------------------------------------|----------------------------------|
| <input type="checkbox"/>            | Donald Bedeaux, Chairman         |
| <input checked="" type="checkbox"/> | William Hohmann, Acting Chairman |
| <input checked="" type="checkbox"/> | Sally Walker                     |
| <input checked="" type="checkbox"/> | Chad Wilson                      |
| <input checked="" type="checkbox"/> | Brian Mattison                   |
| <input type="checkbox"/>            | Curt Rehm                        |
| <input checked="" type="checkbox"/> | Howard Denison                   |

- Staff:
- |                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Secretary: Leslie Barker |
| <input type="checkbox"/>            | _____                    |
| <input type="checkbox"/>            | _____                    |

- b)** Others:
- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Matt Fuller, Esq., Meyer & Fuller PLLC |
| <input checked="" type="checkbox"/> | Jeff Meyer, Esq., Meyer & Fuller PLLC  |
| <input type="checkbox"/>            | _____                                  |

**2. Public Hearing-Ellsworth, review Site Plan Application submitted by Ellsworth & Sons Excavating to add an addition to the existing office on the premises located at 10302 State Route 149, Town of Fort Ann, Tax Map No. 110.-1-45.-1, (Public Hearing format)**

The public hearing opened.

**Hutchins, Thomas representing Ellsworth & Sons Excavating.** Mr. Hutchins presented a property site plan to the audience, summarized aspects of the change, that it would not be visible from the road etc. Acting Chairman Hohmann asked if the audience had any questions. No Questions.

**Motion made to close the Public Hearing.**

Tabled _____	
Motion	Howard Denison
Second	Sally Walker
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

**-Public Hearing Closed-**

Jeff Meyer, Esq. read the short **SEQR (Short Environmental Assessment Form, Part IIA-D)** for unlisted actions for the project to the board, noted their responses and advised the board that they should make a determination based on the above responses.

**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	Sally Walker
Second	William Hohmann
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

Jeff Meyer requested the board make a decision on the project.

**Resolution** that the project be approved. The resolution to approve the application is based upon the Short Environmental Assessment Form and extra application documents filed in the Ellsworth & Sons file are a part of the official record. Open for board discussion. No discussion.

**2. Ellsworth, Site Plan Review Application continued**

Tabled \_\_\_\_\_  
Motion Sally Walker Second Chad Wilson

Vote:  All Ayes \_\_\_\_\_ All Nays \_\_\_\_\_ Abstentions \_\_\_\_\_  
           Bedeaux \_\_\_\_\_ Hohmann \_\_\_\_\_ Walker \_\_\_\_\_ Wilson  
           Mattison \_\_\_\_\_ Rehm \_\_\_\_\_ Denison \_\_\_\_\_

Acting Chair declares Ellsworth is finished.

**3. Review and Approve Proposed Planning Board regular Minutes of 4/22/2013**

Board Discussion. Additions or Errors: board decision, strike 6e & 6f.

**Motion** to accept the minutes as amended.

The corrected minutes will be filed in the 2013 minutes folder.

Tabled \_\_\_\_\_  
Motion Howard Denison Second Sally Walker

Vote:  All Ayes \_\_\_\_\_ All Nays \_\_\_\_\_ Abstentions \_\_\_\_\_  
           Bedeaux \_\_\_\_\_ Hohmann \_\_\_\_\_ Walker \_\_\_\_\_ Wilson  
           Mattison \_\_\_\_\_ Rehm \_\_\_\_\_ Denison \_\_\_\_\_

**4. Approve Agenda-Items Added/Deleted:** Agenda not reviewed this meeting. The agenda sheet will be filed in this month's folder.

Vote: \_\_\_\_\_ All Ayes \_\_\_\_\_ All Nays \_\_\_\_\_ Abstentions \_\_\_\_\_  
           Bedeaux \_\_\_\_\_ Hohmann \_\_\_\_\_ Walker \_\_\_\_\_ Wilson  
           Mattison \_\_\_\_\_ Rehm \_\_\_\_\_ Denison \_\_\_\_\_

**6. New Business:**

Secretary asks Matthew Steves on behalf of Davis & Arcangela Bannon to approach the board.

**a. Matthew Steves/Van Dusen & Steves on behalf of Davis & Arcangela Bannon, lot line adjustment, 135 Clements Road, Fort Ann, NY, tax map # 109.-1-34**

Mr. Steves presented a site plan describing the line adjustment requested to the board. Two lots are separate for tax purposes, because one falls in Queensbury, the other in Fort Ann. Q & A discussion ensued and covered items such as easements to back lots, why the two lots cannot be merged, board member comment-access to back lots needed, Matthew offered they can add a note on the map saying an easement over the existing driveway to give access to all parcels must be in place for any transfer of any property and what lots the driveway would access, description in the deeds to satisfy the board. Questions asked to Planning Board legal counsel regarding whether splitting lots when crossing counties or towns is normal and how it is handled. Board member questioned what the difference is if this is considered a subdivision or a boundary line adjustment. Mr. Steves pointed out no new lots are being created. The planning board did not want to establish a precedent for future applicants. Planning board legal counsel advised if it is a subdivision, a public hearing must be scheduled, Queensbury notified and that based on the description of subdivision, it has to be a subdivision even though it is not creating new lots. Board member commented it is carving off portions from larger lots and merging with one smaller parcel. Discussion on whether to schedule a public hearing and if the legal subdivision definition language "small amounts of land" refers to size or percentage.

**Motion** made to consider this application a subdivision and set a public hearing date at the next regular Planning Board meeting, June 24, 2013.

Acting Chair asked if there is discussion. Board discussed the concern of setting precedent issues. The applicant already filled out the subdivision application; nothing else needed to be done other than the easement and merger notation change on the map. Queensbury needs to be notified by sending them a copy of the notice sent to the Post Star.

Tabled \_\_\_\_\_  
Motion Howard Denison Second Sally Walker

6. a. **Matthew Steves/Van Dusen & Steves on behalf of Davis & Arcangela Bannon, lot line adjustment continued.**

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

b. **Wood, Donald and Irene**, who own a 63.5 acre parcel located at the intersection of Patten Mills Rd & Burquist Rd, approached the board to ask questions regarding the subdivision application packet received and the four lots he would like to make. Discussion covered topics such as most of the parcels will go to immediate family with one kept to sell eventually, that this would be considered a minor subdivision, that it falls in the Adirondack Park, needs to satisfy acreage requirements of APA, whether it is a family subdivision or a subdivision. Jeff Meyer Esq. commented it would probably be a 1 or 2 lot subdivision. Howard interpreted this as two separate applications, one for the subdivision, and one for the family subdivision. Jeff: in order to get the immediate family member exemption no application is needed, just a letter stating they are conveying two lots to their children along with a mylar & no matter how the project is approached; it is a two lot subdivision. The subdivision needs a public hearing, survey and application. Discussion about whether to set public hearing now or wait for it to go through APA and then set public hearing. The immediate family member exemption letter and mylar can be submitted the next meeting.

c. **Thomas, George representing Keven and Tammy Tavenier, lot line adjustment, from March 2013**  
Mr. Thomas gave the Acting Chair an updated site plan mylar and print for approval, stamp and signature. Planning Board legal counsel requested adding note 1A that excepts out.

**Motion** was made to accept the lot line adjustment as modified.

Discussion to clarify what is being merged.

The mylar was stamped by Acting Chair and signed by Acting Chair and secretary. The revised applicant's site plan will be filed in the same file and incorporated herein.

Tabled \_\_\_\_\_  
 Motion Howard Denison Second Sally Walker  
 Vote:  All Ayes  All Nays  Abstentions/Wilson  Wilson  
 Bedeaux  Hohmann  Walker  
 Mattison  Rehm  Denison

7. **Other Business**

Howard advised the planning board he asked the town board to get a laptop computer and a recorder (end recording side A, begin recording side B). He said the response was that it is not in the budget but they will look into it. Discussion about secretary's out of pocket expenses to set up an office system for the planning board, getting reimbursed from the Town for those expenses, how to tweak the system to make things work better, where planning board files should be filed electronically, whether cloud based files sharing could work. Howard felt there should be something physical to hold digital files as well such as a hard drive until a computer can be purchased.

8. **Motion made to adjourn, 7:54p.m.**

Tabled \_\_\_\_\_  
 Motion William Hohmann Second Brian Mattison  
 All Ayes  All Nays  Abstentions  
 Bedeaux  Hohmann  Walker  Wilson  
 Mattison  Rehm  Denison

9. Informal discussion ensued regarding setting up SkyDrive cloud to hold Planning Board files, board member vouchers given to secretary to give to Helen, secretary asked to send a formal letter of request to the Town Board to raise the application packets fee from \$5 to \$25.

10. Please note: the sign in sheet from this meeting and the cassette tape to be filed under **Planning Board Regular Mtg, 5/20/2013.**
11. The next regular Planning Board meeting will be **June 24, 2013.** Public Hearing notice must be posted in the Post Star on or before **June 14, 2013.** Notice to be tacked to Town Hall Bulletin board for inspection.

Leslie Barker  
May 28 , 2013