

Town of Fort Ann  
**Final Planning Board Regular Meeting Minutes**  
 Fort Ann Town Hall  
 Fort Ann, NY  
 October 28, 2013 7:00P.M.

**(Recorder begins 6:59 P.M.)**

1. **Call to order.** 7:00 P.M. by Chair Don Bedeaux

**Pledge of Allegiance**

- |  |   |
|--|---|
| <p><b>a)</b> Roll call, Board members present:</p> <p><input checked="" type="checkbox"/> _____ Donald Bedeaux, Chairman</p> <p><input checked="" type="checkbox"/> _____ William Hohmann, Vice Chairman</p> <p>_____ Sally Walker</p> <p><input checked="" type="checkbox"/> _____ Chad Wilson</p> <p><input checked="" type="checkbox"/> _____ Brian Mattison</p> <p><input checked="" type="checkbox"/> _____ Curt Rehm</p> <p><input checked="" type="checkbox"/> _____ Howard Denison</p> <p><b>b)</b> Others:</p> <p>_____ Matt Fuller, Esq., Meyer &amp; Fuller PLLC</p> <p><input checked="" type="checkbox"/> _____ Jeff Meyer, Esq., Meyer &amp; Fuller PLLC</p> | <p>Staff:</p> <p><input checked="" type="checkbox"/> _____ Secretary: Leslie Barker</p> <p>_____ Temporary Secretary: _____</p> |
|--|---|

2. **Public Hearing: Lee Harris, Minor Subdivision-3 lots Application, 1468 Pilot Knob Rd, Kattskill Bay, NY, tax map # 73.-2-6 (Public Hearing format).** Scott Reese, presenter for Lee Harris, introduced himself to the audience, pointed out the property location, its proximity to the post office and reviewed the application history briefly. Mr. Reese explained the applicant would be subdividing a 33-acre parcel into 3 lots or 1 existing and 2 proposed lots, that the project was before the Planning Board in 2010 but it needed to get the approvals from Department of Environmental Conservation, Adirondack Park Agency and the Lake George Park Commission. Major points such as a shared driveway and the storm water management areas were pointed out while referring to a mounted site map. The public was asked if they had questions from Mr. Reese and the Chair.

**Motion** made to close the **Public Hearing** on this issue.

Tabled _____	Second _____
Motion <u>William Hohmann</u>	Second <u>Brian Mattison</u>
Vote: <input checked="" type="checkbox"/> All Ayes	<input type="checkbox"/> All Nays
<input type="checkbox"/> Bedeaux	<input type="checkbox"/> Hohmann
<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm
<input type="checkbox"/> _____	<input type="checkbox"/> Denison
<input type="checkbox"/> _____	<input type="checkbox"/> Walker-absent
<input type="checkbox"/> _____	<input type="checkbox"/> Wilson

**Public Hearing closed.**

Short board discussion about whether the SEQR procedure needed to be addressed.

**Motion** made to ratify the earlier SEQR findings, that there has been no significant change and that the previous negative declaration remains.

Tabled _____	Second _____
Motion <u>William Hohmann</u>	Second <u>Chad Wilson</u>

Clarification requested from Planning Board member to legal counsel on whether the Planning Board needed to go through the new SEQR form. Legal Counsel advised the applicant had expressed his interest prior to the new SEQR date October 7 (2013) and that the board was ratifying the project's earlier SEQR.

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-absent
<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Denison
<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> Wilson

**Motion** made to approve and ratify the project with previous Planning Board conditions and any changes APA or DEC recommended that they be enforced as designed in previous non-conflicting conditions.

Tabled	<hr/>			Second	<hr/>		
Motion	William Hohmann			Chad Wilson			
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-absent	<input type="checkbox"/> Wilson
	<input type="checkbox"/>	Mattison	<input type="checkbox"/>	Rehm	<input type="checkbox"/>	Denison	<input type="checkbox"/>

Board member asked their legal counsel if there is something that can be done in the future to prevent the delay of final Planning Board approval due to the length of time other agencies require to process the application. The reply was there are conditions that can be applied to prevent this happening in the future. Any change made to a project and/or application requires it to come back to the Planning Board for review and that any condition applied can "start the clock" at different times. The Planning Board can create the conditions when they make an application approval on future projects.

Secretary asked if the mylar, which was included with the new application material, should be stamped, signed and delivered to Washington County. The mylar was stamped and signed. Mr. Reese offered to file the mylar with Washington County and will send proof of that filing. Discussion was closed.

**3. Public Hearing: County Waste and Recycling Service, Inc. d/b/a Ace Carting Site Review Application located at 10913 New York 149, Fort Ann, NY 12827**

Board legal counsel advised that the Public Hearing never was noticed, because the county had not reviewed the application yet. As a result, the application was pushed to November (2013). The Public Hearing did not need to be opened, that what happened needed to be recognized and unless there were objections, the application will get noticed and the Public Hearing will be held in November (2013).

**Motion** made to have the Public Hearing for County Waste and Recycling Services d/b/a Ace Carting next month.

Tabled	<hr/>			Second	<hr/>		
Motion	Howard Denison			Chad Wilson			
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-absent	<input type="checkbox"/> Wilson
	<input type="checkbox"/>	Mattison	<input type="checkbox"/>	Rehm	<input type="checkbox"/>	Denison	<input type="checkbox"/>

A board member asked if the Public Hearing would be posted twice. Secretary advised yes and that the ad had already been submitted to the Post Star with the new print dates. Board discussed if Tom Jarrett, the town engineer, had finished his review of this application. It was pointed out that Mr. Jarrett's response was included in the board member packets for this meeting. Mr. Jarrett was not present at this meeting. The board reviewed some of the concerns and questions from the last meeting such as the storm drainage ditch, the storm water retention pond, the holding tank and often the tank will be emptied. A member of the audience voiced their concern of storm water material drying on the clay soil surface and flowing downhill in next rain to her property. Discussion was closed until November.

**4. Approve Agenda-Items Added/Deleted:** The agenda was not discussed; the Planning Board moved to New Business.

**5. New Business:**

- a. Elan Cherney Esq. for **Rebecca Parrott**, County Route 16, Fort Ann, lot line adjustment. Mr. Cherney described the Parrott property while a site plan circulated among board members. Ms. Parrott bought her house in 1996, added property and has 4 parcels in total. A Mr. Tim Gusek lives next to the Parrott property, tax map number 94.1-4.1. Mr. Cherney stated he believes this area in question was a separate parcel, believes it still is and was never combined on the deed. For tax purposes, the parcels have remained separate. Following an inquiry, Mr. Cherney found a parcel request from Chris Latham (the Fort Ann assessor at the time) that was sent in on 2/28/2004 requesting a combination of parcels 94.-1-4.1 and 4.2. They were never combined for ownership purposes but were combined for tax purposes. Ms. Parrott receives four tax bills and each parcel has a separate deed. The Planning Board discussed that the parcels were probably combined for tax purposes (in 2004) and this would have to be a subdivision or lot line adjustment if they were legally combined. They asked for clarification on whether the lots were legally combined or just combined for tax purposes. The area in question was pointed out on the site plan, is 2.5 acres and the board was shown the deed. Howard Denison mentioned a large parcel cannot have a lot line adjustment; rather it must have a minor subdivision. The applicant stated the parcel is vacant farmland

**5. New Business continued:**

- a. Elan Cherney Esq. for **Rebecca Parrott**, County Route 16, Fort Ann, lot line adjustment. continued with no drive. One board member concern was if there was a road, a new owner could come back and the Planning Board would have to honor their agreement. Another board member recommended a lot line adjustment with the condition it become part of the Gusek property permanently. The Planning Board did want a new lot created, but would add to an existing one. Ms. Parrott would be able to sell 3 lots (they merge). Mr. Gusek would be able to subdivide, but not without Planning Board approval. Elan Cherney offered that he could put a restriction in the deed to Tim Gusek. He could draft the language and submit to Jeff Meyer, Planning Board legal counsel. Jeff advised language is already in the Fort Ann Planning Board boundary line adjustment agreement and that the Planning Board must decide if this is a boundary lot line adjustment application. The secretary provided Mr. Cherney with the Planning Board's lot line adjustment form.

**Motion** made that this be considered a lot line adjustment merging the two parcels.

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

A board member asked if representation for the recipient was present (no) and legal counsel advised Tim Gusek would have to fill out and sign the Boundary Line Adjustment form. Mr. Gusek was not represented at this meeting. A deed will be drawn up by Mr. Cherney and faxed to Jeff Meyer's office. A board member asked what documentation the Planning Board would receive. Mr. Meyer mentioned the county will ask for a survey map, which is not required unless this Planning Board requires one. Planning Board asked if they would get a copy. Mr. Meyer answered if Mr. Cherney has a legal description he technically does not need one. Mr. Cherney produced an old survey dated 1996 when Ms. Parrott bought the property and offered there are more current ones. He said he provide Jeff Meyer with the proposed deed.

- b. Maryanne Terry, Airosmith Development, **AT&T 1684 Pilot Knob Road LTE Upgrade PB**  
The Chair called Maryanne Terry to present the AT &T application. She was not present. Question if the application money had been sent in. Secretary first by asking for clarification on if the \$25.00 application fee applies to the cell tower projects as well, reading the Section 23. Application Fee A) language to the Planning Board. The board interpreted this language to mean all application fees are included in the lump sums of \$2500.00 or \$5,000.00. The Chair mentioned Maryanne contacted him and expressed she would not be present. The Planning Board discussed some of the issues and concerns brought to their attention regarding the existing tower and original application from a number of years ago such as the storm water situation had not been corrected, requested changes had not been done, the town engineer (Tom Jarrett) had not seen changes/corrections and the Planning Board should addresses these now. One member thought the applicant came back to the Planning Board and these issues were addressed. A suggestion that Darlene Dumas, as Town Code Enforcement Officer look at it and make a determination whether Tom Jarrett should look at it. Another suggestion was that Chris Navitsky, Lake George Water Keeper, be contacted to investigate, look at the site because he is on top of it and has the expertise. Another board member thought the Lake George Water Keeper had already reviewed the site and concluded everything was OK. Decision ensued about retrieving the old files/original application that would include the 5 year recertification paperwork as a reference for Mr. Navitsky if he needed them. The board felt it important that they hear everything regarding the site they should at this point and that the files need to be reviewed.

**Motion** made to table the application, find out from the Lake George Waterkeeper the status of the storm water to see if the applicant has compiled with the most recent application and requested changes.

Tabled	Tabled until November 2013		Second	_____	
Motion	Howard Denison		Second	William Hohmann	
Vote:	<input checked="" type="checkbox"/> All Ayes	_____ All Nays	_____ Abstentions		
	_____ Bedeaux	_____ Hohmann	_____ Walker-absent	_____ Wilson	
	_____ Mattison	_____ Rehm	_____ Denison		

The Planning Board asked the secretary to provide whatever Mr. Navitsky requests and that it will be the more recent paperwork in the archives. The Town Engineer may wish to review this material as well. The last point

**5. New Business continued:**

b. Maryanne Terry, Airosmith Development, **AT&T 1684 Pilot Knob Road LTE Upgrade PB** continued made by the board was there is land use zoning in Pilot Knob even though there is no zoning in Fort Ann. The application needs to be corrected. Legal Counsel will email the zoning laws for Pilot Knob to the applicant. Secretary requested clarification on whether is application is an upgrade or something more that would require a \$5,000 fee. The answer was this is a upgrade, the fee being \$2500.00. Mr. Hohmann questioned whether the shed was looked at. Legal counsel advised that is off the table; the current application is just the tower.

**6. Review and Approve Proposed Planning Board regular Minutes of July 24, 2013 & September 23, 2013**

**Motion** made to accept the July 24, 2013 minutes.

Tabled					
Motion	<u>William Hohmann</u>	Second	<u>Howard Denison</u>		
Vote:	<input type="checkbox"/> All Ayes	<input type="checkbox"/> All Nays	<input type="checkbox"/> Abstentions-Bedeaux and Rehm		
	<input type="checkbox"/> Bedeaux	<input checked="" type="checkbox"/> Hohmann	<input type="checkbox"/> Walker-absent	<input checked="" type="checkbox"/> Wilson	
	<input checked="" type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input checked="" type="checkbox"/> Denison	<input type="checkbox"/>	

**Motion** made to accept the September 23, 2013 minutes.

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

**7. Old/Other Business**

- a. **Marc. J Brown**, Mobile Home Application  
Chair called Mr. Brown to present. Mr. Brown was not present.
- b. **Henry (Hank) Stone**, Boundary Line Adjustment (stamp/sign mylar if needed)  
Chair called Mr. Stone to present. Mr. Stone was not present.
- c. **George Moses**, neighbors' concern about construction @ 371 Sly Pond Rd.  
Chair called Mr. Moses to present. Mr. Moses was not present. The board commented these concerns should be brought before the County, not the Fort Ann Planning Board and that the storage shed had been approved. Concerned individuals can contact the Town Board since the Town Board has policing powers.
- d. **Rich Jenkins**, subdivision questions, 1534 Farley Rd, Fort Ann, NY, tax map # 119.-2-10  
He provided a small map of his property for the Board with roughed in lots to hear the Board's comments before he hires a surveyor to prepare his property for subdivision. There was a short discussion between the board and Mr. Jenkins on topics such as whether the property is located with the APA boundaries, to be sure to locate the house and well on the map. The secretary photocopied the map and gave Rich another subdivision application packet and reminded him that the \$25.00 application fee will be due to submit to the board. Rich will return to submit his application next month.

**7. Old/Other Business**

- a. Acting Chair requested any old or other business be presented to the Planning Board. No old business presented.
- b. FA PB Secretary requested any current comments or questions for the secretary from the board. The board requested the Secretary not email a photocopy of an applicant's check to all members for security and privacy purposes. The board had questions about the new cell tower application that just came in. Secretary informed the board that the application copies for the second cell tower application came in late & were sitting in the Planning Board office. The Chair asked those to be distributed in next month's packets when the secretary asked about distributing them at this meeting. Secretary reviewed the two sets of fees submitted thus far with the board. The board briefly discussed what fees apply to what cell tower upgrades. The Planning Board questioned why the \$25.00 check submitted for the Pilot Knob Rd cell tower was dated June 2013. Secretary responded she did not know why, but that it was pointed out to the applicant. Brief discussion about the cell towers and cell tower projects located in the Town of Fort Ann.

- c. Planning Board reviewed Tom Jarrett's voucher and bill and pointed out the vast majority of the invoice was for Canal Park work and not the Planning Board projects. Legal counsel advised to attach a note saying the charges relating to County Waste will be billed to the applicant per the money (\$1000.00) being held in escrow and the remaining charges are not the Planning Boards and it does not have the authority to sign the voucher. The total owed for Mr. Jarrett's review of County Waste storm water is \$70.00. Board recommended the voucher and bill be returned to the deputy clerk for processing by Town Board. The secretary asked the board if they have recommendations to streamline responsibilities or improve the way the secretary tasks are done to come more in line with the budgeted time of 8 to 10 hours a month. There was a brief discussion about the initial job description and hours given. The Planning Board acknowledged that they were aware the position required roughly the hours it is taking the current secretary and asked what expenses are being reimbursed. The secretary listed mileage (other than to and from the monthly meeting), photocopies and out of pocket expenses such as occasional stamps etc.). One suggestion was to look into whether the deputy clerk could do some of the copying. Phone calls might be restricted in time or to certain days. There does not seem a good way to streamline anything. Secretary was asked if the new (2014) budget is adequate to do the job now that the system has been streamlined and she answered yes if the person in this position is smart and efficient. Several board members did not feel compensation would be possible for the uncompensated time and preferred to discuss the position and salary for the coming year.

**8. Motion made to adjourn, 8:09 p.m.**

Tabled _____					
Motion	William Hohmann _____	Second	Brian Mattison _____		
<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-absent
<input type="checkbox"/>	Mattison	<input type="checkbox"/>	Rehm	<input type="checkbox"/>	Denison
				<input type="checkbox"/>	Wilson

An informal discussion continued regarding lack of storage space for Planning Board documents at this point and where one might pick up inexpensive office equipment such as those that will be offered next July when Mount McGregor Correctional Facility closes.

- 9. Please note: the sign in sheet from this meeting will be filed under **Planning Board Regular Mtg, 10/28/2013.**
- 10. The next regular Planning Board meeting will be **November 25, 2013.** Public Hearing notice must be posted in the Post Star on or before **November 10 & November 15** (for the County Waste Public Hearing notice that runs twice). Notice to be tacked to Town Hall Bulletin board for inspection.

Leslie Barker, October 30, 2013  
518 792-0879