

**Final Minutes**  
**PLANNING BOARD MEETING**  
**FORT ANN, NEW YORK**  
**March 24, 2014**

1.0 recording begins

**Call to order, (7:00 PM)**

**Pledge of Allegiance led by Chairman Don Bedeaux**

2.0 **Roll Call**

a) Roll call, Board members present:

- |                                     |                                |
|-------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> | Donald Bedeaux, Chairman       |
| <input checked="" type="checkbox"/> | William Hohmann, Vice Chairman |
| <input type="checkbox"/>            | Chad Wilson                    |
| <input checked="" type="checkbox"/> | Brian Mattison                 |
| <input checked="" type="checkbox"/> | Curt Rehm                      |
| <input checked="" type="checkbox"/> | Lewis Barrett                  |
| <input type="checkbox"/>            | Vacant seat                    |

Staff:

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

b) Others:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Matt Fuller, Esq., Meyer & Fuller PLLC   |
| <input type="checkbox"/>            | Jeff Meyer, Esq., Meyer & Fuller PLLC    |
| <input checked="" type="checkbox"/> | Maryellen Stockwell, Meyer & Fuller PLLC |

3.0 **Open Regular Meeting**

3.1 **Organizational Meeting.**

Chairman Bedeaux opened the organizational meeting, the board did not need an organizational meeting and the organizational meeting was closed.

3.2 **Review, correct and or approve Minutes of the Last Planning Board Meeting 2/24/2014.**

**Motion** made to accept the minutes as corrected.

Tabled

Motion	<u>Brian Mattison</u>	Second	<u>Bill Hohmann</u>
Vote:	<u>    </u> All Ayes	<u>    </u> All Nays	<u>    </u> Abstentions-Bedeaux
	<u>    </u> Bedeaux	<u>    </u> Hohmann	<u>    </u> Wilson-absent
	<u>    </u> Mattison	<u>    </u> Rehm	<u>    </u> Barrett
	<u>    </u>	<u>    </u>	<u>    </u>

4.0 **Public Comment**

*Public Comment is subject to the Privilege of the Floor Parameters.* The chair stated there is no public present and the Public comment was closed.

5.0 **Reports from Committees:**

5.1 No reports from committees; there are no Planning Board committees at this time.

6.0 **Old Business**

6.1 **George Thomas, Boundary Line Adjustment**, County Route 17A, lot 96.-15.2. Mr. Bedeaux called George Thomas to come forward. Mr. Thomas was not present. There was a brief review of the application and his project by the Planning Board.

7.0 **New Business**

7.1 **Nancy Moore, Friends of Blossom Farm Cemetery, subdivision**-cemetery questions submitted by mail. Mr. Bedeaux called for a discussion on The Friends of Blossom Farm Cemetery material submitted by Nancy Moore. Bill Hohmann asked Howard Denison, who was now present in the public seating area, if the Town intends to take over the little cemeteries in town.

Mr. Denison replied that he could not speak for the "Town". He personally felt due to the cemetery's historical nature and the Revolutionary soldiers buried in it, the Town should do something to prevent cows from walking over the gravesites. If that meant taking over the cemetery or part of it, that is what the Town needs to do.

## 7.0 New Business continued

### 7.1 Nancy Moore, Friends of Blossom Farm Cemetery, subdivision, continued

A board member asked if the cemetery was in a deed. Howard replied the paperwork is the hard part. He stated the [Town] board was shown an old aerial view showing gravestones and the outline of what the cemetery was until it got abandoned in the 1950s. A number of headstones were found leaving no doubt it was a cemetery. Skidmore College has agreed to come to the site with their sound penetrating equipment to help establish the cemetery territory. The college needs the owner's permission. He stated no one can own a private cemetery anymore and that there are conflicting rules and laws. There is no simple answer and they [the town board] are trying to make progress. He personally hoped it would be decided by Spring/early summer so that a fence could be put up and advised the Planning Board the Blossom Farm people are willing to do all the work and that they have received donations.

He felt the problem was that the [Town] board is concerned the Town would have to take over other Town cemeteries. Mr. Denison stated there seems to be a general municipal law their legal counsel told the board about and that the Town could structure it as taking a historical site with the idea it will be a historical site in nature and that Skidmore College could share their information with the public. There would be a public hearing to see what the town thinks about it. The Town board could then make their decision. By doing so, it would limit the amount of cemeteries that could request the same treatment.

The Planning Board members had a general discussion whether this would open up a can of worms because "every cemetery has historical value". Several other small cemeteries were discussed as not being maintained. Mr. Denison asked the Board, "what is the right thing to do?" If you have a cemetery in town, do you just let it go or should you take it over; what should one do? There are costs for the maintenance such as mowing three times a year, maintaining the fence and if a stone falls over it must be picked up; those would be the Town obligations. A cemetery has to be abandoned for a certain period for the Town to have to take it over. That period is fourteen years. Butch Barrett mentioned his brother wondered what to do in a similar situation for the cemetery located near him. Mr. Barrett's brother did not know what to do since no one was in charge of the site.

Howard told the Planning Board there are 23 cemeteries in Fort Ann that are on the register. Supposedly, eight of those could fall under similar [category]. Someone is maintaining the rest. A Planning Board member brought up that Comstock [prison] residents used to do mowing, but are no longer allowed to. The Chair felt it was up to the Town Board to decide, not the Planning Board.

There was general discussion about how, when and why the Planning Board subdivision requirement came up. Mr. Denison felt it initially came up at the Town Board meeting when conversation went towards having a survey done. To get a deed, one needs a survey. There is no deed description of the cemetery, only the outline from the 1950s aerial view that defines what the area is. The area still has to be surveyed, because one cannot use a picture to describe the parcel in a deed. He felt this is what started the project going to the Planning Board and that the applicant might just want information on what the process is. A Planning Board member commented that the applicant does not want to own the site and therefore there is no subdivision project there. Bill Hohmann pointed out that if this is a real cemetery, someone theoretically owns all the lots even though there are probably no deeds that still exist. He asked how large the site was. Mr. Denison stated the calculations from the aerial view are 1.3 acres from the Post Star article dated 3/24/2014. The Blossom Farm is looking for a smaller area where they found the headstones. Curt Rehm remarked that if the Town has to take the cemetery; it would have to take the whole 1.3 acres.

Howard offered that Skidmore could define the actual cemetery and where any remains are located. He felt Skidmore would be the way to go first to define where the cemetery actually is. The Town board would then make a choice whether they want to own it. Skidmore would do their work at no charge. Once the area was defined, details like a survey, who will maintain the site etc could be worked out. If maintenance stops down the road, the town would have to do it. If the town has to maintain 7 or 8 cemeteries over the course of the next 15 years...

Mr. Denison questioned, "what is the right thing to do?" If it were his family buried there, he would have a strong opinion whether it should be taken care of and felt everyone feels that way. If the town goes the route of a Public Hearing, everyone will have a chance to voice their opinion. It would then be the Town Board's responsibility to make a decision. Discussion closes on the Blossom Farm cemetery.

The submitted Blossom Farm material was filed and is a permanent Planning Board record.

**8.0 Old Business reopened.**

8.1 **George Thomas, Boundary Line Adjustment**, County Route 17A, lot 96.-15.2. Mr. Thomas arrived at the Town Hall and was invited to approach the board. He requested the chair sign his revised site plan for his Boundary Line Adjustment application. The site plan was reviewed by the Planning Board and their legal counsel, and was signed by the chair and secretary. Ms. Stockwell reminded George to make sure he includes the proper language in his deed before recording it.

Mr. Thomas asked if he could record the map himself with the county. He was advised he could file and record the map and deed separately or together, but it would be better to file them at the same time as the deed references the map. He was told there is a County charge for filing both documents.

**Motion** was made to accept the application for the Boundary Line Adjustment with the map and its amended language on the mylar and to accept the map as is.

Tabled

Motion	<u>Bill Hohmann</u>	Second	<u>Brian Mattison</u>
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"/> Wilson-absent
	<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Barrett

The secretary received a print of the map for the project file. Ms. Stockwell recommended that Mr. Thomas send his completed deed to the Planning Board secretary to be filed with his map.

The Thomas Boundary Line Adjustment map was filed and is a permanent Planning Board record.

**9.0 Informal Planning Board conversation**

9.1 The board discussed when the new Enforcement officer begins his duties, if there is a Code Enforcement Officer for the County and if there is any responsibility overlap. Ms. Stockwell advised them that the Fort Ann Code Enforcement Officer will only enforce Fort Ann rules and regulations and that the County Code Enforcement Officer only enforces the County rules and regulations. Curt brought up illegal buildings & if the Town Enforcement Officer handles that or the County. Many times, the town assessor finds illegal buildings and simply adds them to the property assessment. To recap: the government body who issues the permit should oversee the enforcement.

Howard Denison was asked to provide additional specifics. He responded saying junk cars would be the responsibility of the Town Enforcement Officer and that an enforcement officer has a lot less responsibility than a code enforcement officer does. Curt asked whether the enforcement officer would perform his duties on a complaint basis or with mileage that would allow him to drive around and check properties. Mr. Denison stated the officer would have mileage to drive around and check, he would be required to give a monthly report to the Town Board, and is supposed attend both Town and Planning Board meetings. If he cannot be at a meeting, he has to give a report. He will be on a ninety day probation period, will be able to write appearance tickets that will go to the judge. He will speak with people about violations and tell them what they need to do within a reasonable time. He will return to a site to check. If there was no response, he will issue a ticket.

The secretary asked the board and Mr. Denison if the rules and regulations [laws] are available at the Town Hall for public reading and inspection. Howard was not sure if they were physically present for inspection at the Town Hall, mentioned the laws were updated several years ago and that [overseeing] committee was disbanded. Bill Hohmann thought a copy of the laws might be available in the Town Clerk's office. The Board felt the laws should be available to the public at the Town Hall and also on the Town website.

**10.0 New Business continued**

10.1 **William Nikas for the Sarah F. Walker and Pamela M. Robichaud Boundary Line Adjustment**, 35 Deerfield Lane, Fort Ann, NY. The Chair asked the board members what they wanted to do about the Boundary Line Adjustment submitted by a William Nikas email 3/24/2014. There was a brief board discussion. Ms. Stockwell reiterated that the board requested the proper documentation for the Boundary Line Adjustment at the February 2014 meeting.

**Motion** made to accept the application and approve the Walker Robichaud Boundary Line Adjustment.

Tabled

Motion	<u>Bill Hohmann</u>	Second	<u>Brian Mattison</u>
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