

Final Minutes
PLANNING BOARD MEETING
FORT ANN, NEW YORK
April 28, 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 checked="" type="checkbox"/>	Chad Wilson (arrived @ 7:05)
<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, stated no organizational meeting and the organizational meeting was closed.

Bill Hohmann mentioned they need a full board to appoint members to committees. Secretary was asked where that stood and the decision was made to continue tabling member committee appointments.

Tabled Tabled; not enough members

Motion _____ Second _____

3.2 **Review, correct and or approve Minutes of the Last Planning Board Meeting 3/24/2014.** This was skipped until later in the meeting.

4.0 **Public Comment**

Public Comment is subject to the Privilege of the Floor Parameters. The chair requested Public Comment; there was none 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 Old business was opened; there was no old business.

7.0 **New Business**

7.1 **Tom Jarrett**/Jarrett Engineering for Boats by George/George Pensel, Site Plan Review, Rte 149, Fort Ann, NY. Mr. Pensel was not present. Mr. Jarrett introduced himself to the Planning Board and gave a synopsis of his Site Plan Review project including its proximity to the Warren County border. He gave a brief review of the site's history and stated it had been approved for open boat storage for George Pensel seven years ago. The conditional approval was for white shrink-wrapped covered boats and a buffer at the front to shield it from Rt 149. Space was left at the front of the site for potential future commercial development. The applicant continued to leave that space in the new proposal. The applicant would like to add 3 new storage buildings at the rear (south end) of the site and add a new maintenance building within the footprint of the existing storage area. In the center, he would keep open boat storage, but there would be rack storage in the open, unheated shed style metal, engineered buildings. Mr. Jarrett went through the building functions for the Planning Board such as routine maintenance. A pressurized wash station would be located outside to hose down the boats to winterize them and ready them for the next Spring. A new well and septic are proposed to provide the necessary water and the two are 100' apart.

7.0 New Business

7.1 Tom Jarrett/Jarrett Engineering for Boats by George/George Pensel, Site Plan Review, Rte 149, Fort Ann, NY continued.

The applicant has a APA permit for the 2007 project. Mr. Jarrett stated the applicant needs a new APA permit rather than an amendment due to a public building being outside the existing footprint. The permit work is in progress. He advised the Planning Board the secretary received a copy of the request for the amended APA application last Friday. He will send a copy of the revised paperwork as soon they file that. Secretary requested clarification. Mr. Jarrett replied yes, that they need a full new permit now. The secretary asked the board if they would like to review the APA paperwork received on Friday. They did not.

Mr. Jarrett walked the Planning Board through the application drawings, stating the cover sheet shows the 2007 project, the second sheet describes the current application project.

The Board discussed the project and asked Mr. Jarrett questions. Items they brought up are as follows:

Question: will the roads be black topped? **Answer:** no, but there is a potential for some black topping in the future (pointed out areas on the site plan). Mr. Jarrett continued by pointing out the gravel roads, commented they work fine and does not think the applicant will need to pave those but may wish to in the future.

Question: with things like oil changes, what will the applicant do with the waste products? **Answer:** there are no drains in the building (floor or trash) and there will be nothing released from the building. If he does that, any [waste product] will have to be hauled off & recycled. This was done purposefully. The septic is strictly for the bathroom.

Planning Board: worried about the boat washing, the oil and the bilges. **Answer:** you should; the APA is already scrutinizing that. It will have to be a 'clean wash'- pressured hot water & maybe some light detergent.

Planning Board: concerned about dumping the water on the [out] side. **Response:** the site has deep sand, it will go right to the 40'-50' of sand, which is an excellent filter for the wash water, but the applicant will have to back off on heavy chemicals and will have to use light detergent and hot water.

Planning Board: concerned about the oil in the bilges as boats are hosed out. **Response:** the idea is not to drain the bilges outside, the idea is to just the wash exteriors. Feel free to put a condition on any action you take.

Planning Board: discussion about concern, the washing operation process and requiring something to catch the water, like a filter. **Response:** they [applicant & engineer] have discussed, but have not proposed to the APA yet, putting an organic filter underneath-a compost filter type they use for air vents & water. They can do this below the gravel surface-heavy gravel on top and filter underneath of organic material if that would make you feel more comfortable. (Mr. Jarrett has not finalized things with the APA, but APA may bring this up.) **Planning Board response:** even when people wash in their yard, they are getting oil deposits from leaking engines etc. **Jarrett response:** I have no problem with conditioning that there will be no discharge of bilge water here, no petroleum compounds outside and they could put the filter in under the wash area.

Planning Board: board discussion regarding concern over the wash water, discharge and disposal. **Response:** that is fine and not a problem, the project can incorporate that. Mr. Jarrett repeated that there are no drains inside the building.

Question: wouldn't it be to the applicant's benefit to put a drain inside the building? **Answer:** they can't get a permit from DEC anyway, so the applicant will have to employ pans to catch it and then recycle.

Question: three buildings in the back-are they all the same? **Answer:** yes; they are split up into multiple sizes because of the building code. **Planning Board response:** how high are they? **Answer:** they will be under 40' required by the APA. The architect is still working on them. Maybe a shed roof to the rear with a shallow gable; I am not sure. He has shown a gable with a very shallow pitch.

Board Question: from the elevations, one area is leveling out, but one area (pointed out) is very high to the neighbor. **Response:** which neighbor? **Planning Board response:** GoSlow-on that side. **Answer:** that has all been dug out and drops down dramatically. **Response:** the geo-tech guys were doing some surface work on Friday [Mr. Jarrett proceeded to point out which areas have been 'dug out'] and realized what material they were working with. **Planning Board response:** which is fine except times of the year it is frozen. **Answer:** you bring up a good point-storm water is being routed in the rear/south portion of the site into the hole [points out] right here; they have to enlarge it slightly for the new buildings. It was adequate for 2007, but would have to be enlarged to

7.0 New Business

7.1 Tom Jarrett/Jarrett Engineering for Boats by George/George Pensel, Site Plan Review, Rte 149, Fort Ann, NY continued.

accommodate this and this [pointed to another hole] will have to be enlarged to accommodate the extra impervious area.

Question: will it be done so that if paved, it will still be good? **Answer:** it still will be good. They are counting it as 100% impervious in these areas [points out areas] and the driving lanes. These areas will be grass [pointed out]; it is not grass now, but will be as part of proposal. It will look better. **Planning Board response:** good luck doing that; it is all sand. **Response:** the top soil was stripped years ago, but with hydro-seeding it can take.

Question: whose job is it to keep an eye on storm water runoff once built? **Answer:** they have to watch it during construction. Once it is built it is nobody's or the code enforcement officer's job to stop by and see if the system is still being maintained; as a DEC [SWIFF], they have to watch during construction. **Planning Board response:** how do you feel about the old construction-was that done correctly? **Answer:** very, very close to what was approved, yes. I don't think he oriented the boats the same way they were shown on the plan. **Planning Board response:** just talking about the water. **Answer:** no, he built it very close to what they originally designed. **Planning Board response:** I thought the original design had a bunch of swails that were put in to be grass, no? **Answer:** I don't recall that. If it was promised, then it probably wasn't done, I don't recall that. I was thinking we called for gravel lanes with...I don't know I have to look it up. **Planning Board response:** I have info on boat storage in 2007. **Response:** what does it say? **Planning Board response:** it says typical at grass boat storage. **Answer:** then he did not grass it. **Planning Board response:** [legal counsel to Planning Board-this is the map from 2007] this is going to be very hard to maintain. **Answer:** then I will stand corrected, we didn't get the grass down, you remember it correctly. **Planning Board response:** the question is what is going to keep the run off... **Response:** we've designed it to be basically impervious. All the run off goes here or here [references application site plan], so it does not go off site there or there [references application site plan]. This limits, it can't go out on 149 because that is a lower area there and there [references application site plan]. It can't go this way-to the south-because that is highest ground. It could go east and west, but they have designed it to go into the two holes. **Planning Board response:** it almost looks like it is going in the neighbor's catch basin if you have high water [where?] further up by the entrance or gate is. **Response:** this catch basin is on George's property [points out on site plan]. **Planning Board response:** understand, it looks like the small one is currently flowing the water onto the neighbor's property. **Response:** that is not the intent and we will double check that during construction. Right now, it goes to this basin [points out] and flows in a swell right along the property line back to the hole right here [points out hole], but after it is managed properly-before it overflows back to this hole where it went originally. **Planning Board response:** OK. **Response:** your point is noted; we'll take a look at it. **Planning Board response:** if you drove in Saturday afternoon, which I did, it looks like the wet spots as soon as you hit the gully; it looks like it flows left on the map. **Response:** it does flow over to here [shows on plan] for sure, that is the hole on George's property on the western edge. **Planning Board response:** as long as somebody is on top of it this time. **Response:** we did look at storm water before, but to be honest growing grass on that site is not easy and may not be easy now; George wants to grow grass this time.

The Board discussed their continuing concern about washing boats. [big concern with the board as a whole]. Mark Miller, Fort Ann Enforcement officer was in the audience and stepped in to introduce himself. He asks if a grease trap is made to catch these type of material like grease, silt etc. Mr. Jarrett answered at a point discharge, yes, if it was in a pipe discharge. This is just a pressurized spray on the outside on the boat. Catching that would be more difficult-if the Planning Board demands it, the applicant can do it. Mr. Miller refined his statement to outside activities, elaborating that they would not want the rain going into it. Mr. Jarrett's response: he prefers to talk about the organic filter which will be more cost effective in the applicant's case. He advised the Planning Board he would condition the application that no chemicals be used, petroleum products dumped or bilges emptied there. Mr. Miller cautioned the problem is finding out it was done, after it was done (unless it goes down a pipe & disappears). **Response:** that is why the applicant does not want inside drains in the building as people dump things into drains without even thinking about it. **Planning Board comment:** you could still do a storm drain with a grease trap because the grease will stay with the grease even outside. Mr. Miller pointed out that when it rains, it flushes through and the water could still carry away the material one is trying to stop. **Response:** the advantage to this site is they have 40-50 feet of sand, which is an excellent filter-that is what is used for waste water treatment. They don't have groundwater that is shallow with wells nearby; shallow groundwater that would run right into the well.

Planning Board question: is the proposed well in already? **Response:** no. It is proposed here about 100 feet from

7.0 New Business

7.1 **Tom Jarrett**/Jarrett Engineering for Boats by George/George Pensel, Site Plan Review, Rte 149, Fort Ann, NY **continued.**

that house [referring to the site plan]. **Planning Board question:** how far down do they have to go? **Response:** we don't know yet. It is going to be easily 50 feet. **Planning Board comment:** Stark's isn't very deep and that is across the street –that's a 65 footer (or something). **Response:** they are close to the wetland north of 149; it's down 20-30 feet. A short Planning Board general discussion followed about the depth of nearby wells.

The Planning Board discussed their concerns about washing the boats outside and stipulating a filter. **Response:** the applicant would make the filter a minimum of 18 inches and if APA says something differently, they would report back the the Planning Board. **Planning Board question:** 18 inches deep? **Response:** 18 inches thick-an organic filter 18 inches thick. **Planning Board question:** how does that work? Does it collect and just stay there? **Response:** they replace it; that is what's done. **Planning Board comment:** so it is in the applicant's best interest not to do that.

The Chair asked for any other Planning Board questions. The color of the proposed buildings was brought up. Mr. Jarrett offered he was not sure, but thought it would be a tan or brown and that the Planning Board could condition that it would not be a bright color. Various local commercial buildings were discussed for their colors and that the dark brown and/or green ones look fine. Mr. Bedeaux asked Ms. Stockwell if she had any questions. She brought up the application mentions 8 acres and that the board needs to consider SEQR if over 5 acres (type 1 SEQR) and clarified her statement: if over 5 acres being disturbed. Mr. Jarrett responded the application is not disturbing more than 5 acres and pointed out what areas are being disturbed on the site plan. Ms. Stockwell cautioned the board that they need to address this, saying is it really only 5 acres being disturbed or is it 8? Mr. Jarrett reaffirmed what areas will be disturbed. Ms. Stockwell asked if the gravel drives already in place? Mr. Jarrett answered yes. Planning Board legal counsel reviewed the different referrals for the project and what is under way, mentioning Washington County and the Town of Queensbury (needs to be notified it is within 500 feet of their boundary). The Chair spoke for the Planning Board Board saying they felt it appropriate it was a short form, unlisted action. Ms. Stockwell advised that this is a determination the board needs to make: if the project is over the 5 acres disturbance, Mr. Jarrett needs to point out and prove to the board that more than 5 acres are not being disturbed. If not (are more than 5 acres being disturbed), then it is a type 1 declaration.

Mr. Jarrett went back to the proposed site plan and pointed out what will change and what will remain as is. Ms. Stockwell asked: and a new well? Mr. Jarrett confirmed it would be a new well. The Planning Board comment: new septic? Mr. Jarrett confirmed it would be a new septic built inside the fence in the boat storage area along the edge. He pointed out the project will move the entrance slightly to the east, so the existing trees [in that area] will be moved to where the old entrance was and the well will be in that location. Ms. Stockwell stated her other question was the APA status and felt Mr. Jarrett had addressed it saying he is in the process for a new full application.

Mr. Bedeaux asked the Planning Board if they wish to classify the project as a type 1. Ms. Stockwell advised the board they need to make a determination and if it is a type 1, the Planning Board has to name themselves the lead agency. If not, they can declare it an unlisted action because it is less than 5 acres for SEQR and declare themselves the lead agency. Planning Board question: would the Planning Board be the lead agency with APA pending their permit? Ms. Stockwell explained the APA could take that portion over since the applicant is currently in the process [of a new APA permit application]. The Chair said APA could and the Planning Board would not have to do SEQR, but that the board has not taken the position they would do that-they might. Board members comments: what happens if the Planning Board gives it to APA stating they don't want it and their concern about making a decision prior to knowing APA's decision. Ms. Stockwell confirmed the board can table the decision, but set the public hearing to get additional information and make the decision at next month's meeting. Mr. Jarrett requested a board decision be made this evening, as he already submitted the short form or would need to provide the long type 1 EAF.

Motion made to declare this application an unlisted action pending the review with the APA.

Tabled	_____					
Motion	Bill Hohmann		Second	Brian Mattison	_____	
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			
	<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Barrett			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

7.0 New Business

7.1 **Tom Jarrett/Jarrett Engineering for Boats by George/George Pensel, Site Plan Review, Rte 149, Fort Ann, NY continued.**

Motion made to set a public hearing for this application for the next Planning Board meeting on May 19, 2104

Tabled				
Motion	<u>Don Bedeaux</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	
	<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm	<input type="checkbox"/> Barrett	<input type="checkbox"/>

8.0 Review, correct and or approve Minutes of the Last Planning Board Meeting 3/24/2014.

8.1 **Motion** made to accept the minutes as written.

Tabled				
Motion	<u>Brian Mattison</u>	Second	<u>Bill Hohmann</u>	
Vote:	<input type="checkbox"/> All Ayes	<input type="checkbox"/> All Nays	<input checked="" type="checkbox"/> Abstentions-Wilson	
	<input checked="" type="checkbox"/> Bedeaux	<input checked="" type="checkbox"/> Hohmann	<input type="checkbox"/> Wilson	
	<input checked="" type="checkbox"/> Mattison	<input checked="" type="checkbox"/> Rehm	<input checked="" type="checkbox"/> Barrett	<input type="checkbox"/>

9.0 Information

9.1 The chairman asked for any new information. There was none.

10.0 Public Discussion

10.1 *Public Discussion is subject to the Privilege of the Floor Parameters.* There was no public discussion.

11.0 Correspondence and Miscellaneous

11.1 FA Planning Board Secretary, Questions/Comments/Answers from the Planning Board.

Chair asked the Secretary for comments and questions. The secretary noted the dates the Town Hall will be closed and asked when should the Boats by George be submitted to the County. Ms. Stockwell confirmed it should be sent after the Planning Board meeting & review, not before.

The board and their legal counsel discussed if there was a conflict of interest with Mr. Jarrett representing an applicant, being the Town of Fort Ann’s engineer, the county engineer and on the county Planning Board. The board can ask an independent engineer to review the Boats by George application and advised the board needs to take these relationships into consideration. A board member again voiced concern about washing the boats outside. Mr. Miller commented the real question is who will be doing the training for the washing. There was continuing discussion about the safety measure that would be put in place and that they need to be maintained. Mr. Miller said a filter or trap needs to be cleaned, like the traps along the roads. A member asked if the state does site inspections after they go into business. Ms. Stockwell said yes, through the APA and again offered that the board can ask for the project to be reviewed by an independent engineer; it is up to the board. She said APA will review this, have comments and perhaps take the project over. The Chair mentioned it is possible APA will require drains inside the building. Other members brought up if DEC would allow a containment pit to collect the oil, grease etc. The secretary asked what happens if APA requests changes after the project is brought to the County and the board said the applicant will have to go back to the Planning Board again. A board member voiced that he felt the APA should be the lead agency because they supersede the Planning Board and for many town up north, the Planning Boards will not review a project unless they already have an APA permit. The board felt there would be changes from the APA review processing, especially with regard to washing the boats outside.

The secretary asked the board to decide whether or not to allow applicants to submit 11” x 17” drawings rather than the full size ones, as this is a common request. The board discussed it and decided it is best to stay with the full size requirements as it is too easy to hide information when they are reduced.

Ms. Stockwell updated the board on the Pilot Knob AT & T performance bond process and as it is currently drafted, it is unacceptable. She said Jeff (Meyer) recommended going back and looking at the board’s current position to accept a letter of credit with cash, which was the board’s comment. Jeff can go back with recommended changes to the bond language as it is currently drafted or go back to the board’s original recommendation, which was preferring the cash in escrow. The board discussed and asked for \$20,000 cash to be sent.

11.0 Correspondence and Miscellaneous

11.1 FA Planning Board Secretary, Questions/Comments/Answers from the Planning Board.

Mr. Miller, Fort Ann Code Enforcement Officer, reported what has been done since he assumed his position. He has covered about 1/3 due it being a big town. 1) On Hawk Rd, he found three mobile homes in a row on 1 parcel with a driveway that does down through it. He asked if the Planning Board was the governing body for the mobile home law. Their answer was yes, unless it existed before the mobile home law went into effect. Mr. Miller had spoken with the owner several years ago about the mobile home law in Hartford and there was only one mobile home then; now there are 3. The board clarified the site's location with Mr. Miller and asked him for the name which was stated as Bill Mack. Mr. Miller will look into it. 2) He asked if there is an age limit of the mobile homes coming into town. The board's answer was no, they have to be up to current code and their sticker. Ms. Stockwell offered there is an age for being on wheels, which she thought was 1992 and which is a DMV registration requirement and that after that age they have to have a title to them like a vehicle. 3) Mr. Miller wanted to know since Chocolate Moose was sold to a new owner, does the no fee per site carry over? He said a lot of time these items are not transferrable to the new owner. The board responded that is a town board issue. Mark said usually it is a packet one gives them to do it in the first place. The Chair brought up a complete application was submitted to the Planning Board. Mr. Miller brought up the site is putting in a propane filling station and asked if that should come to the board for review. He said the county is very particular about installation and he was confident they will make sure it is put in properly. He wanted to know if it was part of the application and the board felt there was no mention of a propane filling station on that application. The board felt the original Chocolate Moose application was 4 or 5 years ago. The secretary brought up location of the Moose Hillock application and that the board had not received building renderings as promised. Mr. Miller responded saying the applicant is supposed to provide a set of as-built drawing and those have not been done yet. The Chair asked if the station will be enclosed and Mr. Miller said usually it has to be stand alone in the open while maintaining certain distances from buildings, that the county (NFIV) sets up the rules and regulations for that and the applicant will have to follow those. 4) On Flat Rock Rd, Mr. Miller found Betty Sherwood's old place. He is trying to find who owns it now, that nobody claimed it after she passed (last year) and that it is a mess. The planning board asked if the taxes had been paid and Mr. Miller said there is no other name on the property. The property may be in probate. Ms. Stockwell said it can be researched if the Town wants that done, she will reference Jeff (Meyer). Mr. Miller said he may see if the county has a will. Ms. Stockwell said one could check to see if there was a proceeding in the surrogate's court and search the records as they are open to the public. 5) Mr. Miller asked if the board oversees trailer camps/parks. The board said yes, travel trailer parks. Mr. Miller advised there are some that are not legal. The board only recalled one on the back side of Hadlock and Mr. Miller said there was one on the other side with two trailers whose owner had not even talked with the county. There is also one on Sly Pond Rd, the residents are living there, have done so all winter. It is a husband, wife and 2 children. There is a foundation that the father was going to build a house on. He pointed out they cannot live in the trailer unless they have a permit to make sure it is hooked up properly. The board was familiar with the area saying it was just before one goes past the Starks. The board discussed the amount of properties to be looked at and what the findings may be. Mr. Miller said there are properties the county would like to know about, so they could go after [those without the proper permits] because a place was not kept up. He said as the Fort Ann law is written, once it falls down it is considered 'junk' which makes the owner in violation of the junk yard law.

Mr. Bedeaux asked for anything questions. The secretary asked if Mr. Miller should receive the Planning Board packets so he can stay updated. The answer was no. A member asked if the same strict conditions applied to [Ace/County Waste project] be required for the Boats by George project. If required for one project, shouldn't it be required for every project? Ms. Stockwell classified that as 'setting precedent'. Another member asked if Mr. Jarrett should be notified about this or whose responsibility it is. The board felt they should be consistent either way and that no one needs to notify Mr. Jarrett at this time since APA will be looking at those types of issues. Ms. Stockwell said the board could address all those concerns at the Boats by George Public Hearing.

A board member wanted to know if there was anything new on the Ace Carting project, if they were all permitted and ready to go. The secretary had no new information on the project.

12.0 Public Discussion

Public Discussion is subject to the Privilege of the Floor Parameters. There was no public discussion.

13.0 Executive Session (skipped)

Executive Session was not required.

14.0 Adjourn.

Motion made to adjourn the meeting.

Tabled _____

Motion Chad Wilson

Second Brian Mattison

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 meeting adjourned at 8:03 PM.

Leslie Barker, May 26, 2014