

Minutes
Planning Board Meeting
FORT ANN, NEW YORK
May 19, 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:

- Donald Bedeaux, Chairman
- William Hohmann, Vice Chairman
- Chad Wilson
- Brian Mattison
- Curt Rehm
- Lewis Barrett
- Vacant seat

Staff:

- Secretary: Leslie Barker
- Temporary Secretary:

b) Others:

- Matt Fuller, Esq., Meyer & Fuller PLLC
- Jeff Meyer, Esq., Meyer & Fuller PLLC
- Maryellen Stockwell, Meyer & Fuller PLLC

3.0 **Open Regular Meeting**

3.1 **Organizational Meeting.**

Chairman Bedeaux stated there would be no organizational meeting.

3.2 **Review, correct and or approve Minutes of the Last Planning Board Meeting 4/28/2014.** The Chair asked for corrections. There were no corrections.

Motion made to approve the minutes.

Tabled	_____		Second	_____	
Motion	Bill 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"/> Wilson		
	<input type="checkbox"/> Mattison	<input type="checkbox"/> Rehm-absent	<input type="checkbox"/> Barrett		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

4.0 **Public Hearing: Jarrett Engineering** for Boats by George/George Pensel, Site Plan Review

Tom Jarrett approached the Planning Board and briefly summarized the application. A new maintenance building would be located on the existing boat storage area to perform routine winterization and maintenance. Boat washing for customers would take place on the side of the maintenance building. The washing would not be an aquatic evasive washing, just a commercial washing. The storm water management would be upgraded in the same locations designated seven years ago and enlarged to accommodate the new impervious area. There would be a new well and septic to accommodate the bathroom and boat washing. The three new boat storage buildings with internal rack storage, 3 racks high, would be located near the rear of the site, which is away from Route 149, and under 40 feet high to meet APA requirements.

Mr. Bedeaux requested public comments. There were none.

Motion made to close the public hearing.

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

5.0 Jarrett Engineering for Boats by George/George Pensel, Site Plan Review continued

Mr. Bedeaux asked the Planning Board for questions. Chad Wilson asked the Planning Board how they felt about Mr. Jarrett being on “both sides of the fence”. A board member pointed out the Planning Board could have another engineer review the application. Another board member pointed out that the county approved the project.

The status of the APA permit application was reviewed. The preliminary application was filed (an amendment), it was determined a new full application would be needed and is in progress now. The APA Local Government Notice Form, which will become a part of the APA application, was brought before the Planning Board for discussion with the following comments included on the form: Planning Board approval subject to APA approval and [the] Board would like the APA to take into consideration the boat wash area detail and the future maintenance of the site. The form was signed.

Mr. Jarrett distributed the new organic filter detail to the Planning Board for their review, pointing out the county got the same detail for their review, that the application plans had been upgraded to include it and it was the only item added since last month. He discussed how the wash water would filter through the stone, the organic filter and then the 40 foot deep unsaturated sand.

There was a Planning Board discussion. Ms. Stockwell asked Mr. Jarrett if there were any APA or DEC determinations at this time. A motion was started. Additional discussion ensued. Mr. Jarrett confirmed there were none, that there will be a DEC permit to construct the buildings and a routine storm water permit, but other than those no special DEC permit. Mr. Hohmann asked if the boat washing would be under DEC jurisdiction and Mr. Jarrett answered no, but that the APA may have questions about it. Mr. Jarrett pointed out the washing process currently occurs all around Lake George, the applicant is simply moving the process from their Cleverdale facility to the Fort Ann location and that many businesses are moving their operations away from the lake shore now.

Preliminary Motion made to approve the application pending APA approval and subject to any DEC determinations.

Mr. Jarrett stated the applicant would have to return to the Planning Board with any significant APA conditions and they will get copies of APA correspondence.

Tabled

Motion Bill Hohmann Second Brian Mattison

Ms. Stockwell brought up the April 2014 SEQR discussion, the difference between the acreage of the disturbance and that it was under the 5-acre threshold. She advised the Planning Board they have to declare this an unlisted action, go through the SEQR as supplied by the applicant and the draft resolution for the acceptance she had prepared.

Ms. Stockwell proceeded to read some of the prepared resolution. She advised the Planning Board to review the SEQR before finalizing their motion and read them the part 2 of the SEQR short form. The Planning Board answered no to all questions with the exception of will the project change the use or intensity or of land, to which they answered yes, a small impact. The Planning Board determined that no or small impact may occur on each question and they determined, based on the analysis of the SEQR information and supporting documentation, that the proposed action will not result in any significant adverse environmental impact.

An **Amended Motion** made that the proposed action is an unlisted action under the SEQR regulations and the Planning Board had prepared to review the application as well as the SEQR form. Now therefore be it resolved having reviewed the application, the comments of the Board, the comments of the Planning Board reviewing the SEQR form and making the determination that the board also finds that based on all the foregoing and all of the evidence material submitted by the applicant, the application is hereby approved with the following conditions: subject to any APA approval and decision based on the DEC.

The full resolution is attached at the end of these minutes.

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 type="checkbox"/> Rehm-absent	<input checked="" type="checkbox"/> Barrett
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5.0 Jarrett Engineering for Boats by George/George Pensel, Site Plan Review continued

The APA Local Government Notice Form was reviewed & filled out. The project type/description was classified as a boat storage and maintenance facility, the Town has land use controls, the use is allowed in the zoning district, the project is not prohibited by any local law or ordinance, a municipal permit, variance or other approval is required for the project, the municipality issued a decision on the project with the following comments: approval subject to APA approval and [the] Board would like the APA to take into consideration the boat wash area detail and the future maintenance of the detail site. The Chair signed and dated the form.

The Secretary asked that the County Planning Board Referral Review form Notice of Final Action for the application to be filled out. The Planning Board comments listed were: no contrary action, Approval subject to APA & DEC approval. The form was signed and dated.

6.0 Reports from Committees:

6.1 This was skipped.

7.0 New Business

7.1 **Joseph W. McPhillips** for Tyler to Lavigne Boundary line adjustment, 3129 Oakley Way, Katskill Bay, NY, tax map # 73.17-1-23

Mr. McPhillips was not present. Laurier and Jeannette Lavigne approached the Planning Board. Mr. Lavigne explained the project and its history stating that when the Oakley estate split their property for development, the right of way was supposed to be the backline. Over the years, it ended up a circle. On the south side, they are requesting 60 feet from their existing property line and 33 feet on the north line, half of this is right of way. The Lavigne leech field is 30 years old and may need to redo it in the next few years. To meet all the requirements, they need more room. They have been using the property for years with the gardens located there.

The Planning Board asked questions such as is this being acquired from the Tyler Irrevocable Trust, pointing out an Irrevocable Trust cannot release anything out of the trust unless the trust is dissolved or there is adequate compensation and the Trust attorneys have to be involved. Ms. Stockwell pointed out there is language in the Trust. The Planning Board would have to see that language and would not be able to take any action until the trust released that.

Mr. Lavigne's understanding is it has been transferred to a Trust (Jim and H Tyler) and their two daughters are their trustees. Mr. Hohmann stated one cannot break the Trust. Ms. Stockwell summarized saying the Planning Board needs proof the Trust has the ability to convey the property. Mr. Hohmann questioned if they allowed taking part of the whole, would they be part of an illegal action. Ms. Stockwell restated the Board will need proof of the Trust's ability to convey and that the Trust is the owner of the property. Mr. Lavigne mentioned discussion between the attorneys for the applicant and the Trustees. Ms. Stockwell replied the Planning Board needs the trust language indicating the Trust has the ability to convey the property. Mr. Lavigne said the attorneys for both parties had met and discussed it.

The Planning Board asked to see a large map and the applicant showed the Board a mylar map, pointing out the area involved. As the applicant circulated the mylar, the Board commented and asked questions. Mr. Lavigne said the Oakleys purchased the property in 1984 and that through attrition, the Right of Way is now owned by the Tylers. He said the road had moved over and the Tylers own the Right of Way; they pay the taxes on it. The Board asked if the Right of Way was the only property access.

Mr. Hohmann still had reservations about the Trust being able to sell the parcel and Ms. Stockwell advised that the Planning Board can request the applicant to submit a copy of the deed. It was pointed out that the applicant and Trustees have already reviewed and approved the sale and the applicant provided a Boundary Line Adjustment form prepared by the applicant and Trust attorneys. Ms. Stockwell noted the document had no stamp that the document had been filed with the county clerk and that the Planning Board needed to determine if it was a minimal Boundary

7.0 New Business continued

7.1 **Joseph W. McPhillips** for Tyler to Lavigne Boundary line adjustment, 3129 Oakley Way, Katskill Bay, NY, tax map # 73.17-1-23

Line Adjustment. Mr. Lavigne stated the area in question was 2/10th of an acre. Ms. Stockwell discussed the Board’s concern on previous Boundary Line Adjustments that no new lot be created, that a parcel is merged with the adjoining lot and that it may not be sold separately without permit. She encouraged the Board to require additional language in the deed and on the mylar, stating the properties were being merged and no new lots were created. She stated that the second Board concern was the proof of the original conveyance to make sure the Trustees had the authority per the prior deed to sign on behalf and accept conveyance of the original parcel. Mr. Lavigne requested clarification on the label “Irrevocable Trust”. Ms. Stockwell replied that their attorney prepared the document to reflect an Irrevocable Trust is conveying the parcel to them and asked if the Trust had the authority. There was a brief discussion between the Board, Ms. Stockwell and the applicants.

Motion made to determine this a minimal Boundary Line Adjustment and deem it exempt conditioned on: 1) Proof of ownership: the JH & DM Tyler Irrevocable Trust, dated June 11 2010, is the proper owner by proof of ownership, that the parcel is being conveyed and has the authority to convey be sent to the Town Planning Board attorney from the applicant’s attorney or Owner Number 1’s attorney 2) The Boundary Line Agreement and the map be amended to include the merger language (the property merges with the adjoining lot and that no new lots are created in the conveyance).

Tabled Motion	Bill Hohmann	Second	Chad Wilson		
Vote:	✓ All Ayes	All Nays	Abstentions		
	Bedeaux	Hohmann	Wilson		
	Mattison	Rehm-absent	Barrett	_____	

7.2 **Tom Hutchins/ Hutchins Engineering** for Christian and Eustacia Sander Subdivision, 3612 Echo Bay Lane, Tax Map #73.9-1-25.

Mr. Hutchins introduced applicant Chris Sander, stating the Sanders own a half-acre parcel on Echo Bay Lane. The property has two distinctly separate residences, each with an accessory structure, with separate addresses, separate utilities, are independent of each other and are currently on one parcel. The applicant would like to split the parcel into two parcels. The property is APA jurisdictional and the applicant has met on site with APA. APA advised the applicant 1) they will need a permit 2) it is a minor project permit application for a 2-lot subdivision, which has been processed and submitted. The applicant is waiting to get the APA feedback. Mr. Hutchins provided an APA Local Government Notice Form and asked that it be processed at the meeting and to get the Board’s comments and feedback.

The Planning Board asked questions regarding the details of the split and the Right of Way road. Mr. Hutchins stated they believed the Right of Way road was old and dated back to when they used to cut ice from the lake and that one of the buildings was an icehouse. He established the Right of Way was not a road, there were no wells, there is a separate intake on each property, the water is drawn up from the lake, there is separate power and separate septic systems. The Planning Board asked if there was enough room to put in drilled wells and meet the septic requirements. Mr. Hutchins responded no, they could not meet separation requirements. Mr. Hohmann voiced concern about the camps becoming larger [residences] needing wells down the road. Ms. Stockwell advised an engineer can go to the properties and look at those concerns. Mr. Hutchins anticipates the APA will restrict any further expansion. Chris Sander elaborated that the APA verbally advised they will approve the project, conditioned that there is no structure change (increase in size) or the applicant would have to resubmit and the application be reapproved. Mr. Hohmann pointed out that since this is a subdivision, in the future something will be sold and that is the reason for subdividing. Mr. Hutchins responded one of the lots will be sold.

Ms. Stockwell advised the Board that someone can visit the property to determine if the water sources are functional and adequate and the septic adequate as two separate parcels. Mr. Hutchins replied that the APA will condition the permit with any modifications, which will bind both parcels regardless of whom owns them. Discussion regarding individual property wells and septic continued. Ms. Stockwell advised the Board they could request proof of the private access to the parcels. Mr. Hutchins responded they have a deeded Right of Way; it reaches to both parcels and would have to go into the deed for the new parcel.

7.0 New Business continued

7.2 **Tom Hutchins/** Hutchins Engineering for Christian and Eustacia Sander Subdivision, 3612 Echo Bay Lane, Tax Map #73.9-1-25.

The Chair asked the Planning Board for any other questions. There were no questions and one comment-there needs to be the correct language for the second parcel.

Motion made to set a Public Hearing at the Planning Board June 2014 meeting.

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

Ms. Stockwell read through the APA Local Government Notice Form and noted the project requires a municipal permit, the municipality received an application for this project, the municipality decision was to set a public hearing for the June 2014 meeting. Legal counsel advised if the applicant receives APA approval before the June 2014 meeting and is provided to the Secretary, it will be distributed to the Board.

Ms. Stockwell advised Mr. Hutchins that he is the entity to forward the original APA Local Government Notice Form to the APA as supplementary information for the applicant's [APA] application.

7.3 **Tom Hutchins /** Hutchins Engineering for Jenkinsville Sand and Gravel, LLC Site Plan Review.

Mr. Hutchins stated his clients, Ruben and Dana Ellsworth/Jenkinsville Sand and Gravel, are the contract buyers for the 210 acre parcel located at 7306 State Route 4, which encompasses an operating, DEC permitted, quarry. They propose to construct a stone aggregation processing facility on the parcel. He described it is located north of the existing access to the quarry to keep the traffic separated. The proposed building is a 50 foot by 100 foot building with parking and outdoor truck handling and access areas. In the future, the applicant envisions a similar sized office and retail stone display area. The applicant presented the "sketch plan" with details that still need to be developed for the Planning Board feedback.

The Planning Board discussed the project and asked the applicant questions, including exact location, if there was a new road (applicant reply: there has always been a road there, they needed to improve it), the relation of the building to the road and the timeframe in which they would construct the new building (applicant reply: tomorrow, soon as possible). Mr. Hutchins advised the project has to go to DOT, who will have some concerns due to the area being a high-speed traffic area and that the applicant will not be able to do anything with the new entrance without their approval. DEC will be involved with the storm water permit and the quarry/mining permit, which is in place. The Board asked how long the mining permit is in place (the applicant answered until they renew it) and if there was a well (applicant reply: well and septic not located yet).

The Chair asked for additional questions. The Planning Board had a brief discussion. Visibility from the road was established. Mr. Hohmann asked about a previous state restriction (no cuts) and if it is still enforced. Mr. Hutchins reaffirmed the application has to go to DOT and has not gone yet. The applicant would like the Planning Board to accept the application, inform them of any additional information they need and a spot on the next meeting at which time they will have more detailed information. The application does not have enough detail to send to the county yet.

Ms. Stockwell summarized that the Planning Board had reviewed the plans, that they will table the application, and not make a determination until the next meeting when further information (location, DOT feedback) will be provided.

Motion made to table the application until the June 2014 meeting pending receipt of additional information.

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

7.0 New Business continued

7.3 **Tom Hutchins/** Hutchins Engineering for Christian and Eustacia Sander Subdivision, 3612 Echo Bay Lane, Tax Map #73.9-1-25.

Mr. Hutchins asked for clarification on the information needed to be reviewed at the next (June) meeting and the deadline for the additional information to be submitted. The secretary responded all material needs to be at the Fort Ann Town Hall 10 calendar days prior to the next meeting to be included in the Planning Board packets. The Board noted the applicant will need to update the project plans and include any DOT project response. Planning Board legal counsel pointed out the applicant submitted a short SEQR form and the Planning Board will need to determine whether there is 5 acres or more being disturbed. Mr. Hutchins clarified if the area disturbed is 5 acres or more than it would go to a type I SEQR or the long SEQR form. It was confirmed the quarry was pre-empted by state law, that the area in question would be the road and building area and what would be disturbed. The secretary advised if the applicant is not ready with their material, they would be put in the next month's schedule.

7.4 **Mike Varga,** subdivision or boundary line adjustment (is not sure what app), tax map #s 57-1-6.1/6.2/6.3
 Mr. Varga was not present; he rescheduled his appearance for the June 2014 meeting.

7.5 **Little & O'Connor** for Boundary Line Adjustment Between James G. Bennett & Eugene H & Myra Lewis. Nathan Hall/Little & O'Connor introduced himself and asked if the Planning Board had seen the survey they sent on the project. The secretary confirmed that was included in the Planning Board packets sent out. Mr. Hall summarized the project as being a simple Boundary Line Agreement and pointed out the 15' wide area on the map will be re-configured so the crushed stone driveway lays within the Lewis Boundary Line parcel. The Planning Board asked if the line was ever a Right of Way or just a proposed line and Mr. Hall responded it was a proposed line the applicant would like to adjust, that his firm submitted a jurisdictional inquiry to the APA and that he spoke with APA this day. The APA typically has a three-week turnaround and his office does not foresee them needing a permit for Boundary Line, it is not a subdivision and is not the intention to be a stand-alone, buildable lot. They do not have a formal determination from the APA since it is not required. The Planning Board could make that a condition.

The final Motion made to accept the application and deem it a minimal Boundary Line Adjustment, which does not require the subdivision approval and is an exempt from subdivision approval conditioned on the following: the merger language needs to be included in the deed and on the mylar as well as language that no new lots are created on both the deed and mylar with proof provided to the Planning Board attorney.

Before a vote was taken, a Planning Board member asked the size of the property the parcel is being taken from or what size will it be after the Boundary Line Adjustment. Mr. Hall did not know, checked his documents, said it is ¾ acre before the Boundary Line Adjustment, the applicant owned more than one lot, he showed the Planning Board a larger map of the properties, answered Planning Board questions and offered to get the acreage.

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-absent	<input type="checkbox"/> Barrett

Mr. Hall asked for clarification of "proof" and Ms. Stockwell replied the deed and a copy of the language on the map (they can photocopy that part).

Planning Board question: the Board attaches the condition of APA approval, what happens if they do not approve it?
 Legal Counsel's reply: it would come back to the Planning Board.

8.0 Information

8.1 Information was skipped.

9.0 Public Discussion

9.1 *Public Discussion is subject to the Privilege of the Floor Parameters.* Public discussion was skipped.

10.0 Correspondence and Miscellaneous

10.1 Fort Ann Planning Board Secretary, Questions/Comments/Answers from the Planning Board.

Ms. Stockwell updated the Board about a previous question regarding if a subdivision division is approved but the map is not filed with the county: what is the recourse? If not filed within 62 days, the applicant has to start over

10.0 Correspondence and Miscellaneous continued

10.1 Fort Ann Planning Board Secretary, Questions/Comments/Answers from the Planning Board continued.
again. For example, if the Code Inspector found a building on a subdivision that is past that [time] marker and was never approved or filed with the county.

Planning Board Question: the Boundary Line Adjustment-could the language (merger and no new lot created) be put into the Application process ahead of time, so the applicant knows that has to be done before the application is submitted to the Planning Board? Legal counsel replied if the Planning Board determines it is a minimal Boundary Line Adjustment, it can be part of the Planning Board’s determination and that the Board cannot not know ahead of time what it will determine. For that reason, it would be premature for an applicant to already have it included in their documents. Question: how are we determining what is “minimal”. Answer-it is the Planning Board’s determination each time for each application. The secretary pointed out the applicant could prepare their paper work both ways and they would be prepared and done at that one meeting.

Mr. Miller said he received a phone called from Salina Bollar [sp], a representative for Hunt GR realtors and their client may wish to buy the Clayhill Campground. They want to know what they would have to do to get it back in working order as a campground as far as the Planning Board is concerned. Mr. Miller mentioned they would probably need to go back through site plan review, meet the Health Department’s requirements and determine if DEC would be involved, because it has been a long time and rules have changed. The Planning Board guessed it had been approximately 15 years and that they would need to come back to the Planning Board with this site. Legal Counsel added the Planning Board would need to know what type of business they want to run, are there additional approvals required like DEC; the Planning Board would need to be updated. Ms. Stockwell noted the Planning Board would need to know what conditions would be different from 15 years ago, citing the propane tank discussion last month for Moosehill Lock. Mr. Miller interjected he had been to Moosehill Lock, spoke with Ed Paridas [sp] and mentioned the Planning Board was expecting “as built” drawings that would include anything that was added on after the site plan review. He described the propane station at that site as a complete package that is simply unloaded off the truck, the placement is in the middle of the parking area island with a guardrail and posts, not close to any of the structures and something someone would expect at a place like this. The Secretary offered to email the link for the Planning Board applications to Mark so that he could forward it to the Clayhill Campground interested parties, stating the FortAnnForNow applications have not been updated yet and the only online updated applications are on the OneDrive venue at this time. Mr. Miller said there was no specific application requested. He also brought up the Moosehill Lock sign, its location and direction. The Planning Board thought it might still be a contemporary construction sign. He wondered if as the new owner, they would have to pay a [permit] fee for each campsite. The Planning Board responded saying that is between the Town Board & the attorneys; it is not in their jurisdiction.

Chair asked for any other miscellaneous business. Ms. Stockwell updated the Planning Board regarding the ATT Pilot Knob tower escrow, saying Jeff Meyer reached out to their attorney, their attorney was authorized to prepare the agreement and should send them that soon. She warned Mark if asked to sign a permit, not to sign it because the escrow has not been paid yet and that the escrow is a requirement to sign a permit.

The Secretary updated the Planning Board that the Jenkinsville application paid their \$1000.00 engineering fee this day and a request for a subdivision application packet on behalf of George Smith was taken. His application fee was paid. It was requested by [Town Board member] Gretchen Stark on behalf of Mr. Smith.

11.0 Public Discussion

Public Discussion is subject to the Privilege of the Floor Parameters. Public Discussion was skipped.

12.0 Executive Session (skipped)

Executive Session was not required.

13.0 Adjourn.

Motion made to adjourn the meeting.

Tabled

Motion Bill Hohmann

Second Don Bedeaux

Vote: All Ayes All Nays Abstentions
 Bedeaux Hohmann Wilson-absent
 Mattison Rehm-absent Barrett

The meeting adjourned at 8:46 PM.

Leslie Barker, May 27, 2014

**PLANNING BOARD OF THE TOWN OF FORT ANN
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Adopted

Introduced by Bill Hohmann
who moved its adoption

Seconded by Brian Mattison

**RESOLUTION REGARDING SITE PLAN APPLICATION
OF
BOATS BY GEORGE**

WHEREAS, pursuant to Local Law 4 of the year 1990, also known as the Town of Fort Ann Site Plan Review Law (hereafter the “Site Plan Review Law”) and Article 16 of the Town Law of the State of New York, the Town of Fort Ann Planning Board (hereafter the “Planning Board”) is authorized and empowered to review, approve, approve with modification, and disapprove all site plans in the Town of Fort Ann as required under said Site Plan Review Law; and

WHEREAS, George PenseL, on behalf of BOATS BY GEORGE (hereafter the “Applicant”), has proposed to expand and operate a boat storage and maintenance facility located on State Route 149, Town of Fort Ann, tax map number 109.-1-32.7 the improvements related to which are found in the Application (hereafter the “Proposal”), which requires Site Plan approval under the Site Plan Review Law; and

WHEREAS, the Applicant has submitted documentation in support of its application, which are expressly referenced herein as if fully set forth herein and all of which shall constitute the “Application”; and

WHEREAS, the Planning Board is also in receipt of the recommendation of the Washington County Planning Board, which Planning Board recommended to approve with the following conditions:

and

WHEREAS, a duly noticed public hearing has been held on the Proposal as presented in the Application, and the comments of the public are included in the record hereof; and

WHEREAS, the proposed action is a(n) Unlisted action under the State Environmental Quality Review Act found in 6 NYCRR section 617.5(c); and

WHEREAS, the Planning Board is prepared to review the Application and make a final determination thereon in accordance with the Town of Fort Ann Site Plan Review Law.

NOW THEREFORE BE IT:

RESOLVED, having reviewed the Application, the comments of the Board, the comments of the Washington County Planning Board and the comments of the public, and having reviewed the criteria for the review of site plan applications in the Town of Fort Ann Site Plan Review Law, the Planning Board hereby makes the following findings:

- a. Is there adequate, and is the arrangement of, vehicular traffic access and circulation, including intersections, road widths, channelization structures, and traffic controls. Consideration will also be given to the project's impact on the overall circulation system as it relates to adjacent uses.

The board had no concerns on these issues.

- b. Is there adequate, and is the arrangement of, pedestrian traffic access and circulation, including, but not limited to separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience?

The board had no concerns on these issues.

- c. Does the Planning Board approve of the location, arrangement and setting of off-street parking and loading areas?

Yes.

- d. Does the Planning Board approve of the location, arrangement, size and design of building, lighting and signs?

Yes.

- e. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a notice deterring buffer between these and adjoining properties.

The board had no concerns on these issues.

- f. In the case of multiple family complexes, is there adequate usable open space for controlled and informal recreation?

The board had no concerns on these issues.

- g. Are there adequate provisions for the disposal of storm water, sanitary wastes, water supply for both fire protection, and general consumption, solid waste disposal, and snow removal storage areas?

The board has addressed these concerns with the applicant and the applicant has provided information sufficient to satisfy the Board's concerns.

- h. In areas with moderate to high susceptibility to flooding and ponding and/or erosion, is there adequate structures, roadways and landscaping?

The board had no concerns on these issues.

i. Is there protection of adjacent properties against noise, glare, unsightliness or other objectionable features?

The board had no concerns on these issues.

j. Is there retention of existing trees for protection and control of soil erosion, drainage and natural beauty?

The board had no concerns on these issues.

k. For industrial site development plans, will there be impacts on air and water quality standards?

The board had no concerns on these issues.

and be it further

RESOLVED, based on all of the foregoing, and all of the evidence and materials submitted by the Applicant, the Application is hereby approved with the following conditions:

a. Any State or Federal permits or approvals required by the project will be secured by the applicant prior to commencing any construction activities requiring that permit. Copies of those permit shall be submitted to the Planning Board.

and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT:

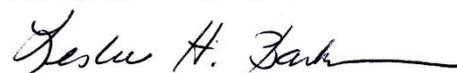
Donald Bedeaux, Chairman
William Hohmann, Vice Chairman
Chad Wilson
Brian Mattison
Lewis Barrett
Maryellen Stockwell, Meyer & Fuller PLLC
Les Barker, Planning Board Secretary

AYES: Bedeaux, Hohmann, Mattison, Barrett

NAYES:

ABSENT: Rehm

ABSTAIN: Wilson


Les Barker, Planning Board Secretary