

Draft Minutes
PLANNING BOARD MEETING
FORT ANN, NEW YORK
June 23, 2014

1.0 recording begins

Call to order, (7:00 PM)

Pledge of Allegiance led by Vice-Chairman Bill Hohmann

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.**

Vice-chairman Bill Hohmann stated there would be no organizational meeting and it would be kept on the table.

3.2 **Review, correct and or approve Minutes of the Last Planning Board Meeting 5/19/2014.** The vice-chair asked for corrections. There were no corrections from the board. The secretary pointed out that the pages had been re-numbered after their draft copies were printed to correct that error.

Motion made to approve the minutes.

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

4.0 **Public Hearing: Tom Hutchins/ Hutchins Engineering for Christian and Eustacia Sander Subdivision, 3612 Echo Bay Lane, Tax Map #73.9-1-25**

Mr. Hutchins advised the Planning Board nothing had changed with the application since the last meeting. They received a completed application notice for the Adirondack Park Agency. The permit was drafted and is going through necessary channels to become final. They should have their permit within several weeks.

He recapped the project citing they will create a line between two houses, which will remain 'as is'. They have committed to an APA condition that they will not expand. He asked Mr. Hohmann if he should show the public the site plan. The vice-chair asked for public comments, there were none and the public hearing was closed.

Motion made to close the public hearing.

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

5.0 Public Comment (there were no public comments)

6.0 Reports from Committees

6.1 Mr. Hohmann stated there were no committees.

7.0 Old Business

7.1 Tom Hutchins/ Hutchins Engineering for Jenkinsville Sand and Gravel, LLC Site Plan Review, 7289 State Route 4, Fort Ann, NY.

Mr. Hutchins introduced himself and asked if the Planning Board was finished with the Sanders' application. Mr. Hohmann decided to finish the Sanders' application first.

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

Mr. Meyer read the Planning Board the Sander application SEQR.

Motion to make a negative declaration based on the outcome of the **EAF (Short Environmental Assessment Form)**: the proposed action will not result in any significant adverse environmental impacts.

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

The secretary asked if the project's mylar required a Planning Board signature and if it had to go to the county. Planning Board legal counsel advised the applicant has 60 days from the date of this meeting to submit their mylar to the county and Planning Board approval was necessary still.

Motion made to accept the application contingent on APA approval.

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

The secretary asked if she should be responsible for getting the signed mylar to the county and was advised Mr. Hutchins will get a mylar once the APA permit is received, and get it to the county after it is signed.

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

The Planning Board returned to the Jenkinsville Sand and Gravel application.

Mr. Hutchins reintroduced the project and attending applicant Ruben Ellsworth. Reviewing the application, he stated the site is located on [State] Route 4, that they brought a preliminary submission before the Planning Board in May, that their submission is complete and before the board this evening.

He said substantively nothing had changed from last month's submission. Storm water controls, some grading, and a number of details were added. They met at the site with DOT, have processed the DOT highway work permit application and received verbal confirmation by phone. Planning Board legal counsel asked the applicant where the project stands with DEC. Mr. Hutchins asked which DEC SWIP [solid waste implementation plan] or Mining, saying this is not mining and that they are under DEC permit for mining, it is in place and separate. This application covers the 'adjoining field' for display and processing. Planning Board Legal counsel asked if this was disturbing 5 acres and Mr. Hutchins replied no. The Planning Board confirmed the applicant would not have to worry about being a Type 1 [SEQR].

An informal Planning Board discussion ensued and the applicant was asked if stone would be crushed at this location. The applicant replied no. There will be splitters to create dimensional stone and there will be noise. Planning Board legal counsel asked about noise in the building and the applicant replied he did not feel noise would

7.0 Old Business continued

7.3 Tom Hutchins/ Hutchins Engineering for Jenkinsville Sand and Gravel, LLC Site Plan Review continued be heard over Rte. 4 [traffic]. There are no residences in close proximity.

Mr. Hohmann asked for any other questions from board members. There were none. He asked if the board members wanted the Town Engineer to review the application; they answered no.

Motion made to set a **public hearing** for the application on July 28, 2014 and accept the application.

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

Mr. Hutchins asked if the county needed sets of the application and the secretary confirmed twelve [12] sets and a CD with the full application and all supporting material are required. She advised the turnaround time from a Planning Board meeting to the county Planning Board meeting is very short, that she would coordinate pick-up and delivery from her Queensbury office and provide the necessary referral form.

8.0 New Business

8.1 John Grady for Martin Graves, subdivision, 7387 Rte 4, tax map #95.-1-7.4

Mr. Grady presented the application as being a Family Exemption of father to son. Martin Senior owns a 24 acres parcel on the west side of Route 4 and would like to convey a 2-acre parcel to his son Martin Junior as a residential lot. He said he understood that the Town of Fort Ann has an Immediate Family Exemption and was told that is correct. The applicant submitted as a subdivision so the Planning Board could see what the action was. The Planning Board asked to clarify if it was located on Weller Road, if Weller Road was a town road, if there other residences on the road and whether Niagara Mohawk had a right of way or owned the land. They said Niagara Mohawk will not allow access to residential lots and asked if this [access] was in their deed. If it is not in the deed, the applicant may have trouble down the road. Mr. Grady stated there were lots of camps on the road and they do not have to cross Niagara Mohawk property or go under the [power] lines. [\[The Planning Board corrected this statement at the July 2014 meeting, stating that Weller Rd does go under the power line\]](#). The Planning Board mentioned that Niagara Mohawk might question the subdivision. The applicant stated the property also fronts Route 4 (the 24-acre parcel of Martin Senior). The Planning Board discussed other property owners' difficulties trying to access land going under power lines and that agricultural use might be granted, but not residential. The Planning Board asked if the right of way language would be in the deed and was told yes.

The secretary asked if the applicant would like her to check whether an extra copy of the exemption form was available, so they could complete the paperwork at the meeting. She was not able to find an extra form quickly from a blank subdivision packet or the Planning Board laptop. She printed the entire family exemption "local law" section for the applicant.

Planning Board discussion continued. They asked the applicant what other access was available and were told there is access off Route 4. Mr. Meyer advised the action is Type II under SEQR.

Motion made to approve the application as an Immediate Family Exemption, Type I under SEQR and conditioned on deeded access to New York Route 4.

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

Vice-Chairman Hohmann stamped the mylar map and signed it. The secretary signed the mylar and provided the applicant with a copy of the Realty Subdivision Checklist and the New York State Department of Health form. The applicant offered to submit the mylar to the county.

9.0 Information

Enforcement Officer Mark Miller updated the Planning Board on where the Ace Carting Application stood. He was

