

**Revised Draft Minutes**  
**PLANNING BOARD MEETING**  
**FORT ANN, NEW YORK**  
**August 25, 2014**

1.0 recording begins

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

**Pledge of Allegiance led by Chairman Donald 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
- Mary-Ellen Stockwell, Meyer & Fuller PLLC

3.0 **Open Regular Meeting**

3.1 **Organizational Meeting.**

Chairman Donald Bedeaux stated there is no organizational meeting and closed it.

3.2 **Review, correct and or approve Minutes of the Last Planning Board Meeting 7/28/2014.** The Secretary asked for the correct spelling of several names.

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

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
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.0 **Public Hearing: Tom Hutchins/ Hutchins Engineering for Jenkinsville Sand and Gravel, LLC Site Plan Review.**

Mr. Hutchins summarized his project saying it was before the Planning Board July 28th, that the application was accepted as complete and was referred to the county. Required notices of lead agency determination were sent out, no additional information was required and that he modified the long form EAF to include DEC and delivered it to Ms. Stockwell. The project went to the County Planning Board as referred and the county responded on August 12. The County Planning Board found the project to be a local concern and that the referring body should proceed to take final action on the matter. Mr. Hutchins read the comments from the County Planning Board: the County Planning Board would like to see the following items submitted to the local Planning Board prior to taking their final action:

- 1) DEC mine reclamation plan. Mr. Hutchins responded they have this in paper form, did not make multiple copies and that it could be submitted for the record at the meeting.
- 2) Waste water plan. Tom elaborated that the comment meant they should put together details for the septic system, design basis and flow numbers. This was done and incorporated into the updated set of plans. He did not resubmit the updated plans, because it was after the Board submission deadline [for the Fort Ann Planning Board].
- 3) Well detail. A well detail was put on the plans.
- 4) Rough grading plan for stormwater. Mr. Hutchins felt this was a vague comment and not what the County Planning Board was actually referring to. He explained the project provided a detailed topo with detailed grading. They used a USGS topo rather than detailed topo map on one small section of road. The County asked the applicant to show grading arrows on the USGS topo area and that was accomplished.
- 5) Stormwater calculations. Mr. Hutchins reminded the Planning Board that a complete stormwater report was included with the June submission.

**4.0 Public Hearing: Tom Hutchins/ Hutchins Engineering for Jenkinsville Sand and Gravel, LLC Site Plan Review continued.** Mr. Hutchins said the concept had not changed. The building went from 50' wide to 60' wide and what was formally an outside office was moved inside the building. Otherwise, nothing was changed with the exception of the additions outlined.

The Board asked where the well was located and if there was an existing well. Mr. Hutchins said there is no existing well and pointed out the [proposed] well location and the waste water system, saying the separation was 260 feet.

Mr. Bedeaux asked if the public or the Board had any additional questions. Ms. Stockwell pointed out letters to the involved agencies (the DEC, the County Planning Board and New York State DOT) went out. The County Planning responded on August 12 and DEC agreed to the Town of Fort Ann as the lead agency. The New York State Department of Transportation has not responded yet and the 30 (thirty) day period has not expired yet. The applicants stated they received a permit from the New York State Department of Transportation. Mr. Hutchins advised that DOT was on the site and issued a permit to do the work. Ms. Stockwell replied DOT has not formally responded to her letter and the 30 days has not expired. The applicants asked when the 30 days expired and Ms. Stockwell said she would have to check the date of her letter. She recommended the Board table the public hearing until next month's meeting unless the board planned to have a meeting before then.

The applicants offered to bring the DOT permit to Ms. Stockwell the next day. They did not want to wait another month for DOT, felt that DOT does not have anything to do with their project, that the road is in and DOT has no jurisdiction over the project. Ms. Stockwell replied DOT is an involved agency, they were put on notice, they have not responded and the 30 days has not expired.

The Board asked how DOT is involved and Mr. Hutchins explained DOT needs to consent to the Planning Board being the lead agency for the overall review of the project, because the project is a Type 1 action. If the DOT does not respond within the 30 days, it is deemed that the Planning Board is the lead agency. The applicant responded they do not want to go through another month of meetings to get their approval for two days of waiting [for the NYS DOT expiration date]. Ms. Stockwell answered they technically need to wait, unless the Board holds a special meeting. The Board asked Ms. Stockwell if they could close the Public Hearing and she replied the [DOT] answer is not back yet. The applicants asked if the Board could approve their application on the contingency that the Board receives a DOT response on/by August 30. This would allow them to proceed with their project. They felt losing another month would be a hardship. Mr. Hutchins said he had never seen DOT request to take lead status on a project.

**Motion** made to close the Public Hearing.

The Chair asked Ms. Stockwell: if they close the Public Hearing, the 30 days expires and they have not heard from DOT can the applicant go on with their project? Ms. Stockwell said if a motion is worded that way, there are 3 possible scenarios with DOT: they reply and say yes, reply and say no or not reply. A discussion of what might happen followed. The applicant offered to wait, not do anything until the 30 days expired and until they heard from the Board. The Motion was withdrawn and reworded.

**Motion** made to close the Public Hearing contingent upon [New York State] Department of Transportation's notification that they decline lead agency status or the 30-day limitation expires, at which time the applicant can proceed with their project.

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

The secretary asked the Board if they wanted the applicant to leave their updated material for the Board's records. Mr. Hutchins will submit a full updated record hard copy to the Planning Board for their record file and a digital set to Ms. Stockwell to review.

Ms. Stockwell checked her records, determined her notice letter to DOT, DEC and Washington County Planning

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

Board was dated August 4, 2014, making September 4<sup>th</sup> the expiration date for DOT to respond. The applicants responded that Friday, September 5<sup>th</sup> was fine and offered to not do anything until the following Monday [September 8].

The 2<sup>nd</sup> page of the County referral response form for the Jenkinsville project was filled out and signed by Mr. Bedeaux. The secretary will submit it to the Washington County Planning Board and put a hard copy in the project folder.

**Motion** made to approve the application conditioned on receipt of the materials requested by the Washington County Planning Board August 12, 2014 referral review form response and the determination by New York State Department of Transportation to decline lead agency status.

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

The secretary provided Mr. Hutchins with several copies of the Washington County Planning Board Referral response form, page 2, for their records.

**5.0 Public Comment**

**5.1** Skipped.

**6.0 Reports from Committees**

**6.1** Mr. Bedeaux stated there were no committee reports.

**7.0 Old Business**

**7.1** Finish Jenkinsville discussion: the Jenkinsville discussion was already finished.

**8.0 New Business**

**8.1 Mike Varga**, subdivision or boundary line adjustment (is not sure what app), tax map #s 57-1-6.1/6.2/6.3  
 Mr. Bedeaux asked Mr. Varga to address the Board. Mr. Varga distributed a survey map to Board members and began by saying he was present to seek information from the Board. His family is referred to as “Fish Hill Partnership”, it is not a conglomerate and his parent’s grandchildren formed a partnership to own property at the end of Fish Hill Rd at the end of South Bay. They were unable financially to purchase the entire track, so their neighbor Kevin Carroll, Mr. Varga’s nieces, nephews and daughters purchased the entire track in 2002. They would like to subdivision, consolidate or have a Boundary Line Adjustment. He said the APA considers this a minor subdivision and that they will apply to APA, which will take 30-90 days for approval. The full tract was shown and how they wish to subdivide it on the distributed material. There is no existing housing; and he said everything would stay the same, except that the boundary lines would change.

Mr. Varga asked the Board if there is a simplified/abbreviated process to accomplish this, because he felt it is simply adjusting the boundary lines and asked if they need to go through the full-blown process. The Board asked what is the actual boundary line adjustment/what is being changed. Mr. Varga responded they have 3 tax map parcels currently. They wish to divide them so after the boundary line changes, Mr. Carroll will own 162.9 acres and the Fish Hill Partnership will own 162.9 acres.

The Board asked if they are creating a new lot and Mr. Varga replied he did not think so. The Board asked if it is all family and Mr. Varga replied Kevin Carroll is not family, but Fish Hill Partnership is, there is no desire to put in housing or subdivide it and that the three parcels combined add up to 325 acres, which they wish to divide. In the end, Mr. Carroll would own 162 acres and Fish Hill Partnership will own 162 acres [2 lots total]. Santo Associates did the original applicant’s survey. The material given to the board was preliminary drawings. Mr. Hohmann summarized stating Mr. Varga is taking 5 parcels and combining them into 2 parcels. Mr. Varga confirmed that was correct.

Mr. Hohmann asked Ms. Stockwell if this could be considered a simple Boundary Line Adjustment (5 parcels

## 8.0 New Business

### 8.1 Mike Varga, subdivision or boundary line adjustment (is not sure what app), tax map #s 57-1-6.1/6.2/6.3 continued

combined to make 2). Ms. Stockwell asked the applicant about his conversation with the APA and Mr. Varga said he had spoken with Brian Ford over the years, that he spoke with Brian recently and was told it is a minor subdivision. The applicant, Planning Board and Ms. Stockwell discussed semantics, if there are right of ways involved, what access roads exist, what the required process should be, pointing out it appeared to be a “re-division” rather than a “subdivision”.

Mr. Varga responded by saying he felt Kevin [Carroll] has the rights of way. These would be combined as one parcel. He was asked about Military Road and responded that Fish Hill Rd ends and Military road begins, that it goes through the property and Fish Hill Partnership would own that portion of it to the state land, and it [Military Road] is all private property now & not maintained. The Board felt it would be a minor subdivision considering all factors. Ms. Stockwell read the legal code description of a minor subdivision. Mr. Varga asked for confirmation that for the Town of Fort Ann, they have to go through the paper process of a minor subdivision. The Board confirmed that was correct.

Mr. Varga asked if there would be someone to guide them through the process to make sure they fill out the right papers. The Board answered “the secretary”. The secretary double-checked that Mr. Varga has the subdivision packet and necessary forms and he confirmed he does. Because the secretary’s resignation will be effective August 31, Mr. Varga again asked if there is someone for guidance so they make sure they fill out the correct papers. He expressed how much information there is to go through in the packet and wanted to make sure they do everything necessary.

Ms. Stockwell asked if the Board would like to speak to the applicant about the APA referral. Mr. Varga called Ms. Stockwell with questions about this and legal counsel considered it a conflict of interest, because they represent the Board. The Board responded by suggesting Mr. Varga get something in writing from the APA, saying that the APA often favors combining properties. Once a complete application is submitted to the Board, they can respond with their questions. The earlier the application is submitted, the easier it is for the Board to thoroughly review it and be prepared with their questions.

### 8.2 Mr. Bedeaux asked if there was anyone else in the audience who wished to approach the board.

Cliff Dutcher asked to speak to the Board about his Boundary Line Adjustment project located at 23 Barthel Lane. They wish to adjust the boundary between Dutcher and Brewer 20 feet to the east. The Board asked the reason why they wanted to do this and if there were any wells/buildings, right of ways, easements involved and Mr. Dutcher said no. He wants to add an addition to his structure in a few years and intends the change to be a buffer for the property line. A future addition to their house would be located on the east side towards the adjustment [Brewer side]. Mr. Dutcher provided a property location map for the Board to share and review. Responding to Board questions, he said the house is 45-50 feet away from the line, pointed out the Warren/Washington County line and that the adjustment would ‘go into the woods’.

The Board recommended he submit a survey and an application to them. They determined he was given the correct application form by the secretary. Mr. Dutcher asked if Mr. Brewer has to fill out a separate application and was advised Mr. Brewer should provide a signed, notarized affidavit and signed the Boundary Line Adjustment form [both owners need to sign off] as part of the application or have Mr. Brewer attend the meeting. The secretary mentioned in the past language on the survey map was required and in a proposed deed. The Board added the language should state that no new lots are created and that it is a merger. Ms. Stockwell offered they could help with that language. Mr. Dutcher was told he needs to get a survey depicting the current line as well as the proposed line and the Board recommended he put forth the proposed deed so the Board and their legal counsel can review it and recommend any additional language so he can move forward to do his adjustment.

## 9.0 Information

Information was skipped.

## 10.0 Correspondence and Miscellaneous.

### 10.1 FA Planning Board Secretary, Questions/Comments/Answers from the Planning Board

Mark Miller updated the Board since his July update. He received a call last Wednesday from Tom Owens, who was in the completing stages of Ace Carting. John Ward, Washington County, was scheduled to do his CO inspection on Friday. Mark arranged to be on site at the same time. The applicant’s site foreman came to the Town Hall on Thursday to get a LRCC #2 signed (the Town’s portion of the building permit). Mark could not sign it, because it has to be signed after the County inspection is done. The electrical had not been finished, the overhead doors were not installed.. Mr. Miller commented the building looks fantastic. He contacted Tom Jarrett to make sure stormwater was in order because Mr.

**10.0 Correspondence and Miscellaneous.**

**10.1 FA Planning Board Secretary, Questions/Comments/Answers from the Planning Board continued.**

Ward wanted to make sure stormwater was in order before he signed a CO.

Mr. Ward was supposed to return to the site today or tomorrow to inspect the electrical. Mr. Jarrett advised Mark that he felt he did not need to visit the site unless Mark determined there were significant changes to project plan specifications. Mr. Miller and Mr. Ward reviewed both Mark's set and Mr. Ward's larger set and were very impressed with what the applicant had done with stormwater, saying it was a very nice job and exactly to what was drawn.

The applicant requested a release from the Planning Board stating the stormwater was acceptable as built. Mark requested a letter from the Board stating that stormwater is satisfied as built so Mr. Ward could sign the CO.

Mr. Miller brought up the DEC involvement for this application. The applicant had not received their DEC permit yet, because part of that permit is based upon meeting stormwater, building requirements and parking lot requirements etc. This will be issued after the CO. Mr. Ward will provide the Board with a copy of the DEC permit as soon as it has been released.

Ms. Stockwell asked if the DEC will directly comment on stormwater and Mr. Miller felt they probably would but was not sure. The Board brought up they need paperwork from Mr. Jarrett saying stormwater is what it is supposed to be and the DEC permit. Mark will call Mr. Jarrett and let him know the Board's comments. In addition, they brought up that County Waste is required to submit an "as built" set of drawings and asked Mark if an "as built" set of drawings is available. Mark responded he only saw the plans originally submitted to him in May. The secretary asked for clarification on procedure, was told the paperwork needs to be submitted to the board (next board meeting) for their review and final determination, that it is helpful to define what should be included for applicant packets, that the Board needs to review the paperwork before their final determination and therefore it will be another month before that can occur. The Board asked Mr. Miller if this would hold the project up and he responded probably not if Mr. Jarrett submits his letter so Mr. Ward can issue the CO. Mark will issue a demolition permit on Tuesday to remove the old structure. He did not think County Waste was going to remove the concrete foundation at the old building location and may build a new building on the old foundation in the future.

The secretary advised the Board that anything new that comes in will be filed in the "print" folder for next month as it is faster and easier to print last minute updates from this one folder. The laptop PB files will be updated just prior to turning it in. The Board clarified that the next meeting will be September 22<sup>nd</sup> and not the 29<sup>th</sup> as posted on the Town Hall calendar. The secretary updated the Board on the County Waste Engineering deposit vs. the final engineering fee. Helen Denno billed County Waste for the \$537.05 over their deposit on 18 August. The secretary advised that she received an email August 12 from Barbara Winchell regarding a FOIL request from C.T.Male for the Boats by George site and responded by issuing the meeting minutes.

Mr. Bedeaux opened discussion on the August 18 APA email regarding the Boats by George site submitted at the beginning of the meeting by the secretary. They questioned why the APA challenged outside boat storage when a close property [Dacker Boats] has open, neat boat storage and that even if they were to say 'yes' to this email, their [formal] approval was contingent on APA approval. Ms. Stockwell stated that the APA is raising concerns about the visual impacts of the project. There was discussion about the original application submission to the Board covering internal boat storage in several buildings, not exterior storage. Until the APA grants their final approval, there is no further action the Board can take [other than to discuss it] because their approval was contingent on APA approval. The secretary will ask Mr. Jarrett to keep the Planning Board informed of any future APA correspondence regarding APA decisions on this application. No further action or decision was made, except for the reaffirmation of the Board's prior opinion.

The secretary asked if there were any more questions or comments for her, thanked the Board for being patient, working very hard since she came on board and that it was a pleasure working with the Board.

**11.0 Public Discussion**

Public Discussion was skipped.

**12.0 Executive Session (if needed).**

Executive Session was not needed.

**13.0 Adjourn.**

**Motion** made to adjourn the meeting.

Tabled

Motion	<u>Brian Mattison</u>	Second	<u>Bill Hohmann</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 meeting adjourned at 8:10 PM.

Secretary note: the Christian & Eustacia Sander Subdivision mylar was signed, stamped prior to the meeting and turned over to the applicant's representative, VanDusen & Steves to the meeting opening. One print copy was retained for the project application file.

Leslie Barker, August 29, 2014