

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING
HELD ON WEDNESDAY, FEBRUARY 12, 2020 AT TOWN HALL COMMENCING AT
7:00 P.M.**

Chairman Belden called the meeting to order at 7:00pm

PRESENT: Chairman Mark Belden
Valerie Ingersoll
Joseph McMurray
Zachary Middleton
Max Fruchter

ABSENT: Donald Sanders, Jr.
Frank Wells

OTHERS PRESENT: Russell Howard and Town Engineer Jim Houston

APPROVAL OF MINUTES: MOTION by Zachary Middleton, Seconded by Valerie Ingersoll to approve the minutes of the regular meeting of November 13, 2019 **ALL AYES**

Minutes of the meeting of June 26, 2019 – TABLED

BUSINESS:

**Lopez Minor Subdivision
174 North River Rd.
Presenter: Russell Howard**

Russell Howard: This application is for the remaining lands from the former subdivision; its 2 lots and both of these lots have the house on them. Tom lives in 1 house and he owns the other one. They want to separate the lots and sell the one he doesn't reside in.

Zachary Middleton: That was the recording studio right?

Russell Howard: Yes it was.

The following memo was submitted by the Town Engineer regarding the project:

Re: 174 North River Road, Lopez Minor Subdivision (Lots 2A/2B) Subdivision of Land Application Package Review Comments C.T. Male Project No. 14.4052-081

Dear Chairman Belden:

C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. (C. T. Male) has completed a review of the project documents that we received from the Town of Fort Edward for the Subdivision of Land Application package associated with the above referenced project. The package of information that we reviewed included the following technical documents:

- Subdivision of Land Application, signature page dated January 23, 2020.
- Map of a Subdivision of Land dated January 23, 2020 prepared by Russell E. Howard Licensed Land Surveying.
- Short EAF, Part 1 signed January 23, 2020.

As an overview, the same applicant was before the board in the summer of 2019 and received approval to subdivide the same property at 174 North River Road. The subdivision approved at that time involved the subdivision of a 32.2 acre lot into two (2) lots – Lot 1 was 5.22 acres and the remaining lot (Lot 2) was 26.98 acres. Lot 1 was located at the southern end of the original lot.

The current subdivision application involves the further subdivision of the main lot (formerly Lot 2) creating two (2) lots one Lot 2A (3.02 acres) and Lot 2B (22.87 acres). Lot 2A is at the northern end of the main original lot and has frontage on North River Road to the west and to the north.

Based on our review of these project related documents, we offer the following comments for consideration by the Planning Board.

1. Subdivision of Land Application, Table at top of page 3:

- The existing lot size shown (25.89 acres) is not consistent with the former subdivision acreage. Prior subdivision included 32.2 acres of land (per tax map) subdivided into 5.22 acres (Lot 1) and 26.98 (Lot 2). Current application states that Lot 2 is 25.89 acres. Applicant should clarify this inconsistency.
- For clarification purposes the existing non-conforming front yard setback is associated with the existing house on Lot 2B. The minimum front lot setback for new development is 20' and the actual setback is 12'.

2. Map of a Subdivision of Land.

- Note 10 indicates that the federal wetlands shown on this plan were scaled from Warren County GIS information. Perhaps this reference should be changed to Washington County.
- The map shows the FEMA regulated floodplain boundary and it shows that both lots are largely within the 100-year floodplain.
- The map shows a dirt road going between the barns on Lot 2B that traverses across Lot 2A. Is an easement needed to keep this gravel road/drive accessible?

3. Short EAF – the applicant should include an excerpt of the effective FEMA floodplain mapping.

Russell Howard: I have FEMA maps for the Board to show the flood zones. Most of the property is in the flood zone and was discussed at length when they did the 5 acre lot. I don't think we have to this time because these are existing houses. Years ago I did an elevation certificate on the recording studio so they could get flood insurance. They took the house out of the flood zone, even though the land is in the flood zone but because the house was high enough they took it out. We didn't survey the upper part at the time that we did the 5 acre lot so all we had to rely on was a tax map. I will make a note that says lands not surveyed and that the acreage is based on the tax map. The tax map published area isn't correct and our survey is correct and that is why there is a difference. It has a lot to do with the road mostly because this is a turnpike road and there is .5 acre difference just in the widths of the road. The deed wasn't just 1 deed; it was multiple parcels, excepted out parcels so it's hard to compute. The acreage will be changed to match the survey.

Jim Houston: Does the deed have the acreage in there as well?

Russell Howard: The deed is in multiple old parcels so the title came together over the years in different pieces.

Chairman Belden: When we do something like this with an existing septic/well we do not look into whether or not they work, that is a problem for the buyer and his bank. This is a very straightforward project. I get that there is a setback issue but it is very old and I'm not sure there is an easy fix and the house could have been the proper setback before the turnpike was done. It is not intentionally non-conforming.

BOARD COMMENTS:

Joe McMurray: Is the recording studio building occupied?

Russell Howard: It's occupied but there is not anyone living in it. He has his equipment in there.

Chairman Belden: There is nothing in the Town Code that says you can't have 2 residences on 1 parcel.

Valerie Ingersoll:

- Septic is less than 100' from the Federal Wetlands

Russ Howard: It is DEC that requires that, these are Federal Wetlands not DEC Wetlands, this is just an open field and there are many different classifications. The 100' is a DEC rule and these are not DEC Wetlands.

Jim Houston: The other key thing is that if there is a failed system there is enough room on the property to go and construct it someplace else.

- Inconsistency with this map and the map from July, 2019. The land across from the houses is not shown on your other map.

Russ Howard: The reason for that is because we are not surveying the entire property. It's not an inconsistency it's a mapping limit.

Zachary Middleton: What do you use for your high water mark?

Russell Howard: My professional opinion, on the Hudson River it is not elevation defined. In other places like Lake George it is elevation defined. Where it is not elevation defined then it is my professional opinion.

Valerie Ingersoll:

- Add total parcel acreage to your general information in the application
- Add the subdivision from July, 2019 under the question regarding previous Town, Planning, or Zoning determinations because if you have any more subdivisions it will turn into a major since there will be more than 3 lots.

Russell Howard: 5 lots, less than 5 acres in 5 years or less is what the County says so you could have 10 5 acre lots and they would still call it a minor subdivision because they are not 5 acres or less.

Valerie Ingersoll: Add well and septic to #'s 10 and 11 on the Short EAF.

MOTION by Zachary Middleton, Seconded by Max Fruchter to set a public hearing for February 26, 2020 at 7:05pm **ALL AYES**

ADJOURNMENT:

MOTION by Zachary Middleton, Seconded by Joseph McMurray to adjourn the meeting at 7:51pm **ALL AYES**

DATED: February 14, 2020

Aimee Mahoney, Clerk

