

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING
HELD ON WEDNESDAY, JUNE 23, 2021 AT TOWN HALL COMMENCING AT 7:00
P.M.**

Chairman Belden called the meeting to order at 7:06pm

Pledge of Allegiance

PRESENT: Chairman Mark Belden
Valerie Ingersoll
Donald Sanders, Jr.
Zachary Middleton
Max Fruchter
Joseph McMurray

ABSENT: Frank Wells

OTHERS PRESENT: Town Engineer Chris Koenig

APPROVAL OF MINUTES: MOTION by Max Fruchter, Seconded by Zachary Middleton to approve the minutes from the meeting of June 9, 2021 **ALL AYES**

Max Fruchter recused himself

BUSINESS:

**Fruchter Family Subdivision
300 Hunter Road**

Max Fruchter: I'm dividing my land for my grandchildren and if I could find more land at a reasonable price I will buy it if it's near me.

BOARD:

Chairman Belden: You have 1 lot that will come out on Hunter; you have 3 lots that will come out on Harper.

Max Fruchter: Yes and 1A is what I am keeping.

Chairman Belden: Can you describe the wetlands.

Max Fruchter: Nothing will be built there, it is where the drainage ditch is and that is the only place that we have wetlands. It borders John's and my property.

Chairman Belden: So the only wetlands are on 1A?

Max Fruchter: Yes

Chairman Belden: The well that is on Ben and Shannon's, is that something from 100 years ago?

Max Fruchter: No, there is another hand dug well all the way at the end of the property line right next to Wheeler's.

Chairman Belden: So the well on the corner of where John and Millie own that's a newer well and not something that's been there forever or is that the hand dug well you are talking about?

Max Fruchter: That's the hand dug well and we have it covered with logs now.

Chairman Belden: Any idea or interest of where they might want to build?

Max Fruchter: No, they are 8 years old. I am putting a covenant on the deed so that the property has to be offered to the family member at assessed value.

Valerie Ingersoll: Page 2 on the EAF #12 (b) should be marked no.

Chris Koenig: No issue with the layout and that well you referenced off site that doesn't currently supply water does it?

Max Fruchter: No it does not.

Chris Koenig: You sent an Ag Data Statement since the site is in the Ag District and it adjoins Ag District properties so that was very forward thinking of you thank you for submitting that. Because you adjoin Ag land you would normally have to be referred to the County Planning Board. Last time we submitted to the county they came back and said we do not comment on subdivisions. Do we send it as a formality and have her get back to us the next day instead of waiting for a meeting. If they don't want to see it at all we need to get that in writing. The other question that has actually been answered was normally a 5 lot subdivision or greater is considered a realty subdivision through public health law which has countless requirements for approval from the state. This is different because realty subdivisions don't include lots that are given as a gift or left in a will to family members because there was no sale or offer for sale of the lots. This is an unlisted action under SEQR. With no municipal sewer in the area I would like to see some perk tests.

Max Fruchter: Like to see or is it mandated? I am not selling them as building lots; I am giving away lots.

Chairman Belden: I get where Chris is coming from because when I did the subdivision training, the lady from the state was very specific that everything you subdivide has to be a buildable building lot.

Max Fruchter: Each lot is 3 or 4 acres. A perk test makes no sense to me seeing as I don't know where they are going to build so I don't know where I would even test it.

Chairman Belden: Not for family subdivisions but traditionally we ask for housing locations because if you know where your neighbors septic and well is the problem we have is our building inspector has never held anyone to that. If you go out 197 toward Argyle, we spent all that time laying out those houses, septic systems and wells and the building inspector let the people put stuff anywhere and where things were allowed to be placed now there are septic's running onto neighboring properties and it is going to be a fiasco. I understand where our engineer is coming from but I also understand that these lots are pretty big and for all we know one of your grandchildren could buy out the other three and it could end up being all one big lot or they could come back 5 years from now and want to subdivide again.

Zachary Middleton: My problem is I don't think we should have any authority to spec houses on a lot. If the perk test fails they can mound it, so why have a perk?

Chris Koenig: The intent is so the board is approving buildable lots, it's similar to not approving a land locked lot. Standard practice is to prove that it can handle septic disposal on the site, not so concerned about water because the lots are big enough and you have a well on your property. This situation being a family subdivision is a little different than your typical 5 lot subdivision where homes will go in within the next 4 or 5 years. It's a recommendation but the board has the ability to not require that.

For the next meeting:

- Fill out subdivision application
- Correct the signature block on the map
- Correct the spelling of Rieger after Victoria on the map
- 6(c) add 5 year subdivision restriction on the map
- Add 5 year restriction covenant to the deed
- 5a-5e per town subdivision law (up to Board)
- Need copy of existing deed
- Affidavit of relationship for family subdivision
- Draft deed for conveyance

MOTION by Zachary Middleton, Seconded by Donald Sanders, Jr. to set a public hearing on July 14, 2021 at 7:05pm **ALL AYES**

ADJOURNMENT:

MOTION by Zachary Middleton, Seconded by Donald Sanders, Jr. to adjourn the meeting at 8:09pm **ALL AYES**

Dated: June 25, 2021

Aimee Mahoney, Clerk

