

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING HELD
ON WEDNESDAY, JUNE 25, 2025 AT TOWN HALL COMMENCING AT 7:00 P.M.**

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

Pledge of Allegiance

PRESENT: Chairman Belden
Valerie Ingersoll
Don Sanders, Jr.
Max Fruchter
Joe McMurray

ABSENT: Zachary Middleton
Dolores Cogan

OTHERS PRESENT: Moriah Mathis, Brian Mathis, Ruth Shippee, Jessica Denué, Shawn Denué, Corissa Maynard, Jeremiah Gifford, Sharon Tasker, Town Engineer Chris Koenig, Town Attorney Bill Nikas and Town Planning Board Clerk Aimee Ives.

APPROVAL OF MINUTES: MOTION by Valerie Ingersoll, Seconded by Joe McMurray to approve the minutes of the meeting held May 14, 2025 **ALL AYES**

BUSINESS:

**Smart Home Holdings LLC
Shawn Denué
1099 Burgoyne Ave.
Site Plan Review**

Shawn Denué: We are planning to use it for short-term storage for a towing company. We will be adding a few solar lights as well as repairing the exiting fence and gate.

Max Fruchter: Will the cars have oil in them?

Shawn Denué: Yes, they are all running cars.

Max Fruchter: Is the surface macadam on the lot?

Shawn Denué: It is a mixed surface right now, looks like there was a fire at one point.

Max Fruchter: How will you address the runoff?

Shawn Denué: That parking lot has been there for a long time; it's all towable cars not wrecked cars.

Valerie Ingersoll: Where is the towing company located?

Shawn Denué: We have one here and one in Stephentown, NY.

Valerie Ingersoll: Where do you park the trucks?

Shawn Denué: There will be 1 truck here and the rest will be at my shop.

Valerie Ingersoll: How many cars do you plan to have in the lot at 1 time?

Shawn Denué: 90 max; it is almost 3 acres, and the cars are on a 20-30 day turn around going out. There may be 10 cars, there may be 40 cars it just depends on what we pick up but 90 is the max.

Max Fruchter: This is not for car wrecks so is it a bank recall?

Shawn Denué: Yes, it is.

Max Fruchter: Until the title changes the title is to the bank, correct?

Shawn Denué: Yes, that is correct.

Max Fruchter: Do you have to provide a pollution policy to the bank?

Shawn Denué: Nothing for the bank that I know of.

Chairman Belden: What are the hours of operation?

Shawn Denué: It will be 24/7.

Chairman Belden: What type of gate will you have?

Shawn Denué: Eventually I would like to have an automatic gate; right now, the gate that is there will be repaired and secured.

Valerie Ingersoll: Does the fence go all the way around the property?

Shawn Denué: Yes, a few sections are missing that I will be repairing. We have also removed all the garbage that was left up there; I have at least 4 roll offs full of couches and TV's and everything that has been thrown in there for years.

Valerie Ingersoll: Are you putting any lighting on the lot?

Shawn Denué: They will be solar lights with cameras.

Valerie Ingersoll: Any light that you put in can not shine off the lot onto neighboring properties.

Chairman Belden: How many trips per day?

Shawn Denué: I would guess around 10 trips per day. We will be using medium duty flatbed trucks.

Attorney Nikas: Is this allowed in the C-1 District? The principal permitted use is a local retail business, personal service establishments such as grocery, drug, hardware store, meat or food market, barber, beauty shop, shoe repair, and the like. Where such uses are necessary to supply the daily living needs of the community. I do not see this falling within that definition.

Chris Koenig: The accessory uses include public and private parking and loading, which would be an accessory use to a principal permitted use. Special uses include automobile service, repair, filling stations, planned development groups, not including residential development groups, commercial trucking and taxi stands.

Attorney Nikas: Even if this was considered a commercial trucking stand it would need Zoning Board Approval due to it being a special use. They can go to the Zoning Board and ask for a variance unless the Zoning Board considers it a special use but the only special use that comes close is a commercial trucking stand.

Max Fruchter: What was the past use of that property?

Jeremiah Gifford: It was a body shop and motorcycle club. It was a body shop when it burned down in 2020.

Attorney Nikas: Any pre-existing use would be abandoned after 1 year that didn't comply with the current code.

Chris Koenig: Are you doing any paving?

Shawn Denué: Not now.

Chris Koenig: Are you adding any signage?

Shawn Denué: Not on the road but we will have a small sign on the fence.

Chris Koenig: This is a SEQR unlisted action, has the bank asked for any Phase 1 Environmental Assessment?

Jessica Denué: No this is a cash purchase contingent on whether we can do what we want to do on it.

Chris Koenig: More information is needed on the lighting, bring specs to the next meeting.

MOTION by Joe McMurray, Seconded by Don Sanders, Jr. to refer the application to the Washington County Planning Dept. **ALL AYES**

MOTION by Valerie Ingersoll, Seconded by Don Sanders, Jr. to declare the Planning Board lead agency for this unlisted action **ALL AYES**

**Mathis Major Subdivision
297 State Rte. 197**

Moriah Mathis: We have changed the road frontage on the flag lots to 100' or more; we also designated lot 15 of the 17 lots as a forever wild lot. The forever wild lot is landlocked and would be offered for sale with one of the neighboring lots with the caveat that it cannot be developed. The plans for the septic systems have been provided and I spoke with the highway department, and they said we didn't need driveway permits until after the project was approved.

Max Fruchter: Can we approve lot 15 if it's non-conforming due to it being land-locked?

Attorney Nikas: We have the same issue that we discussed last time; you have many lots that are under 5 acres, and I do not believe you have Department of Health approval, do you?

Brian Mathis: We do not.

Chairman Belden: The best thing for you to do is to connect lots 14 and 15 to eliminate the non-complying lot. In the State of New York, we can't subdivide a lot unless it is buildable.

Attorney Nikas: The Department of Health requires in a subdivision where there is no municipal water or sewer to get approval for a subdivision that is more than 4 lots, less than 5 acres each. You have quite a few lots that are less than 5 acres. The Department of Health will have to stamp the plans, giving approval for all the lots before this can be considered complete.

Chairman Belden: What is the soil condition on lots 8,9,10 and 11?

Brian Mathis: Essentially the entire property is all clay.

Chairman Belden: Theoretically you could get a well and a septic on a 1-acre lot in clay but that will be difficult and the house, well and septic location that you pick would be set in stone because you have to have expansion area in case of septic failure.

Chris Koenig: The Department of Health classifies this as a Realty Subdivision.

Chairman Belden: They will question the number of bedrooms/bathrooms when reviewing the size of the septic.

Brian Mathis: We are going with three bedrooms or under and some 2 baths but mostly 1 ½ baths.

Don Sanders, Jr.: Would the proposed well and septic be a 200' separation, if you look at lots 8-11; that lot would drain towards the swale and the wells are proposed on the lower side of the lot.

Chris Koenig: I'm not sure, there is not a grading and drainage plan provided so I don't have contours to go by. If that is the case then yes, you would have an increased setback. 100' is the minimum but can be more if site conditions require it. There are also setback requirements from wetlands as well. Have you done any well yield testing?

Brian Mathis: Not yet.

Valerie Ingersoll: Most of the water in that area is sulfur.

Chairman Belden: Is the northern end of lots 1-5 the highest end?

Brian Mathis: It is mostly flat.

Valerie Ingersoll: The swale between lots 1,2 and 3 is not showing.

Chris Koenig: We would suggest doing wetland delineation.

Max Fruchter: Is the applicant required to put the septic systems in, or will it be the responsibility of the property owner?

Attorney Nikas: It's his choice.

Brian Mathis: My intention is to put a model home up and try to sell homes based off that home. If that plan does not work, then we will see the lots on their own.

Don Sanders, Jr.: I think the plan looks fairly good.

Valerie Ingersoll:

- Lot 15 landlocked
- Swale on Lots 1-3
- Runoff on lots 8 and 12 from driveways
- Lot 12 doesn't have a driveway shown
- Lot 11 is 1.28 acres and looks like 1.4 of it may be in the swale

Chairman Belden: The wells/septics are up to the Dept. of Health, feel free to get an Engineer and have him talk with our Engineer.

Don Sanders, Jr.: What is your timeline?

Brian Mathis: If we build the homes, we will build then 1 by 1 which would be 90-120 days/build. In a couple of years, the project will be complete.

Valerie Ingersoll: Why do you want to do smaller lots? Why not do the same homes on larger lots?

Brian Mathis: Trying to keep it affordable with our best return.

Chairman Belden: Have you ever done a Planned Unit Development?

Brian Mathis: No.

Chairman Belden: Look into it.

Chris Koenig:

- Wetlands
- Storm Water
- Grading/Drainage
- State Highway (10 curb cuts)
- Utility/Drainage Easements
- Recreation Fee Requirement

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Joe McMurray to adjourn the meeting at 8:10pm **ALL AYES**

Dated: June 30, 2025

Aimee Ives, Planning Board Clerk

