

**MINUTES OF THE TOWN OF FORT EDWARD ZONING BOARD OF APPEALS
MEETING HELD ON THURSDAY, SEPTEMBER 3, 2026, AT TOWN HALL
COMMENCING AT 6:00 P.M.**

Acting Chairman James Maskell called the meeting to order at 6:00pm

Pledge of Allegiance

PRESENT: James Maskell
Phillip King
Richard Fisher

ABSENT: Ken LaFay

OTHERS PRESENT: Amy Broz, Town Attorney Bill Nikas and Zoning Board Clerk Aimee Ives.

APPROVAL OF MINUTES: MOTION by Phillip King, seconded by Richard Fisher to approve the minutes of the meeting of March 19, 2026, **ALL AYES**

BUSINESS:

**Use Variance
Amy Broz
1061 State Route 4**

Amy Broz: Last time I was here it was to convert the church and the attached rectory. After the flooding the rectory portion had to be torn down. Originally my mother and my daughter were going to be living there, and we have since lost my mom and my daughter got married. I am left with a property that I have put substantial costs in to keep it from going to ruin which is why I am proposing a third apartment. The church had the sanctuary and a daycare which had 2 bathrooms and the church also had 2 bathrooms in the sanctuary portion. The property is in the flood zone so the drainage behind the building always must be cleared. One of the questions the Town Engineer had was about the size of each unit; they have to be at least 500sf and they are.

James Maskell: There was a daycare in that building? Isn't that commercial?

Amy Broz: No, it was just for church purposes.

PUBLIC COMMENT:

Bruce Cushing: This is already done; there are 3 apartments there now. I appreciate the work, but this is already done and we are setting a dangerous precedent for the whole neighborhood.

Gail Cushing: Is it a residence or is it an apartment building? The rest of the community is residential, single-family residences. I don't know how that property is zoned but there are already 3 mailboxes there plus a fourth. Are we asking for a variance before the work got done or after the work has already been done and how does that impact the rest of the community? If you

have a residence that was taken down because of flooding, can you go back and rebuild that residence and then that makes it 5 apartments? How does what has already been done impact the rest of the community?

Amy Broz: Many of the houses in Fort Miller are vacant.

Attorney Nikas: To answer your question this property lies in the Industrial Zone, and many things could come into an Industrial Zone. It was granted a variance for residential use years ago, but it is in an Industrial Zone, so it is residential by reason of a prior variance. The Board will have to consider factors for a variance such as, was it a self-created hardship? Will the 3 apartments have a higher impact on the neighborhood?

Bruce Cushing: What is to stop anybody from doing the work and then asking for the variance?

Attorney Nikas: The application would cure the violation to allow 3 apartments. What were the circumstances to put in the 3rd apartment?

Amy Broz: To recoup my financial losses from tearing down the rectory; I was surprised at the cost of tearing down a building.

MOTION by Phillip King, seconded by Richard Fisher to declare the Town Zoning Board lead agency for SEQR review **ALL AYES**

MOTION by Phillip King, seconded by Richard Fisher to refer the application to the Washington County Planning Department **ALL AYES**

Next Meeting will be September 30, 2026 at 6:00pm

ADJOURNMENT:

MOTION by Richard Fisher, seconded by Phillip King to adjourn the meeting at 6:35pm **ALL AYES**

Dated: September 9, 2026

Aimee Ives, Zoning Board Clerk