

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD CONTINUED  
PUBLIC HEARING & REGULAR MEETING HELD ON WEDNESDAY, SEPTEMBER  
11, 2024 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  
Donald Sanders, Jr  
Joe McMurray  
Dolores Cogan  
Zachary Middleton  
Max Fruchter

**OTHERS PRESENT:** Shawn VanVeghten, Dan McQuay, Bruce Cushing, Evan Callahan, Matt Carletts, Mitch Quine, Moriah Mathis, Caitlin Mahoney, Planning Board Attorney Bill Nikas, Town Engineer Chris Koenig and Planning Board Clerk Aimee Ives

**APPROVAL OF MINUTES: MOTION** by Zach Middleton, Seconded by Don Sanders, Jr to approve the minutes of the meeting of August 28, 2024 **ALL AYES**

**BUSINESS:**

**Mathis Major Subdivision  
State Rte. 197**

**Moriah Mathis:** We bought this property and would like to subdivide the land to offer to builders. We want to make as many lots as possible and our surveyor said we may be able to get right of ways to get to the lots in the back.

**Chairman Belden:** New York State law says that if the Planning Board subdivides a lot it has to be buildable. We would stick to your well/septic location placements when we subdivide it and we would expect the builder to put it in the same place. The reason is so that you have enough room for septic/well separation. As far as asking for a right of way; you would have to go to the Zoning Board of Appeals and ask for 30' of road frontage instead of 100' and they would have to review and decide. You are going to have driveway cuts on a State road which requires NYS Dept. of Transportation approval. I understand you are not building them but we can't subdivide a lot that wouldn't be buildable and would need those driveway cuts up front.

**Attorney Nikas:** They would need Department of Health approval for anything less than 5 acres if there is more than 5 lots.

**Chris Koenig:** It is known as a Realty Subdivision when you get to this scale and Department of Health will need to approve everything including well tests, septic locations & Storm Water Plan for the disturbance.

**Chairman Belden:** Does DOH assign someone to do that testing or do we have someone do it and send it to them?

**Attorney Nikas:** The applicant is responsible for that.

**Moriah Mathis:** Our other option was to do fewer lots.

**Attorney Nikas:** These lots will be on a public highway, you will have to dedicate the road to the Town of Fort Edward and the frontage would apply to each buildable lot.

**Max Fruchter:** The road would also have to be built to Town specifications.

**Zach Middleton:** Is this one lot now or two?

**Moriah Mathis:** One lot, we are going to renovate the existing house and barn and sell the rest of the lot.

**Chairman Belden:** A lot of this is out of Town control because of the size of the project. Do you have an Attorney and Engineer hired?

**Moriah Mathis:** We have a lot of Attorney's and a couple Engineers.

**Max Fruchter:** One of the notes states: Subject to all rules and regulations set forth by the Town of Fort Edward regarding the subdivision of real property.

**Attorney Nikas:** The surveyor is trying to get his client as many lots as possible without taking the subdivision regulations into account.

**Chairman Belden:** If you hire an Engineer then they can speak directly to the Town Engineer and get that started. When we start projects this large we require a retainer to cover both Legal and Engineering fees.

**Moriah Mathis:** Which would eat up the profit I am trying to make. I was just thinking it would look better if the houses were set up like the Knolls rather than just out randomly in a field.

**Attorney Nikas:** You may want to print out the Town Subdivision Code on the Town website and that will give you a list of everything required.

**Chairman Belden:** That property is zoned R-Ag without public water & sewer which makes the lot size requirement 20,000sf minimum and based on your well/septic you are going to need closer to 1 ½ or 2 acres depending on how good the soil is for perk. Your minimum lot width is

100' and your minimum lot depth is 100' and where your surveyor has the 30' section calling it a right of way that would have to go to the Zoning Board of Appeals for approval.

**Max Fruchter:** There is a fee per lot that has to be paid to the Town for a major subdivision also.

**Aimee Ives:** The Recreation Fee for a major subdivision is \$895.00 per lot or they have to provide a recreational space for the residents of the development.

**Chairman Belden:** Is this in the Important Bird Area?

**Chris Koenig:** The classification as a Realty Subdivision makes it automatic Type 1 Action under SEQR per the DOH policy.

**Zach Middleton:** The way this is set up you would have to put a road in and build it to the standards of the Town.

**Moriah Mathis:** I assumed that but we were hoping we could get away with a Right of Way. You would think Fort Edward would want more tax money.

**DMSV Property, LLC  
344 Broadway  
Sports Complex**

**Shawn VanVeghten:** We have invested in the old Agway building; the building is in great shape and we feel we can do a good deed with it. Our kids play sports and we are seeing that there is a demand for training facilities for high schoolers, etc. We decided that the space works for that need.

**Chairman Belden:** When Market 32 came in, the previous owner of Agway had an easement with them. Do you still have access to get in and out?

**Dan McQuay:** When the Bank bought the ½ acre in the front the easement was put in place between Agway and the Bank.

**Chairman Belden:** There was something between him and Market 32.

**Dan McQuay:** We have not received anything from Market 32.

**Shawn VanVeghten:** What we understand is that Market 32 would like the opportunity to discuss what was going in there before they granted permission to use the entrance and exit. We aren't selling anything besides space to train kids.

**Dan McQuay:** We would like to move that entry point off of State Route 4 and use the traffic light.

**Shawn VanVeghten:** We aren't looking for a huge capacity; it will be very low key. Our kids play travel sports in the winter on their off season; it is a training facility so there will not be games with spectators. We have Pickle ball courts we put on the existing parking lot.

**Attorney Nikas:** Did you speak with Code Enforcement Officer Matt French?

**Shawn VanVeghten:** Yes and he has signed off on the occupancy and from what we understand has signed off on the project and directed us here to the Planning Board.

**Dolores Cogan:** Is the facility going to be open to the public? Will there be fees charged?

**Shawn VanVeghten:** No, teams will rent out blocks of time to come in.

**Max Fruchter:** Your Pickle Ball courts are in the middle of the Right of Way.

**Shawn VanVeghten:** Yes, they are in the easement which is why we asking to move that and those courts will be phase 2.

**Chairman Belden:** How big is the building?

**Shawn VanVeghten:** Approximately 17,000sf with usable space being a little over \$15,000sf. What we have proposed on the plan is separating the building into 2 spaces; the old warehouse space and the old retail space which will be separated by fire doors which gives us the 98 person occupancy.

**Valerie Ingersoll:** Is the structure sound?

**Shawn VanVeghten:** Yes 100% sound; the building is concrete block, steel roof system and wood deck. We had it looked at by our Engineer.

**Chairman Belden:** You show 173sf per parking space which puts you in the requirements we have for other retail type businesses.

**Dan McQuay:** In the deed it shows that we have shared parking with the bank.

**Zach Middleton:** I spend a lot of time at places like this and they will never have all of those parking spots filled.

**Dan McQuay:** Correct, it will be switching people every hour.

**Chairman Belden:** You are proposing 98 parking spots total, 93 regular and 5 handicapped.

- **Parking sufficient**

**Chris Koenig:** Are you adding any paved areas or just rehabbing what is there?

**Shawn VanVeghten:** No, we will not be adding any paved areas.

**Chris Koenig:** Did Saratoga Engineering Design do the survey as well?

**Shawn VanVeghten:** No, the survey was done by Don Pigeon.

**Chris Koenig:** This has to be referred to the Washington County Planning Dept. due to being on State Rte. 4 and the SEQR would be an unlisted short form.

**Chairman Belden:** I would suggest that before you meet with the County that you know where your ingress/egress is going to be and that is something you will have to work out with Market 32.

**Shawn VanVeghten:** Our goal is to use the light at Market 32 for ingress/egress, it makes sense. In the process of getting up and going we ask to not be held up from using the existing entrance.

**Chairman Belden:** I would also suggest taking the Pickle Ball courts off the drawing if you aren't planning on doing them in this phase.

**Chris Koenig:** You could leave them with a note stating after the access point is granted to the north.

**Valerie Ingersoll:** What will the hours of operation?

**Dan McQuay:** Approximately 10am-8pm or 9pm 7 days/week depending on the demand.

**MOTION** by Max Fruchter, Seconded by Valerie Ingersoll to refer the project to the Washington County Planning Department and set a public hearing for October 9, 2024 at 7:05pm **ALL AYES**

**Dolan Solar  
Continued Public Hearing**

**Mark Belden – RECUSED**

**Donald Sanders, Jr – RECUSED**

**Valerie Ingersoll – Acting Chairman**

**Evan Callahan:** We have extended the 2 rows of evergreen trees adjacent to Moses Creek Farm to meet the existing tree line. I would like to start with the comment letter; we acknowledge that the SWPPP is incomplete right now. One of the comments I want to address is in regards to call outs for level spreaders on slopes over 5%, we will make that change. We added some additional information on our supplemental planting area which is question #18; we will be topping trees over 20' in height as well as using the tree species that are currently proposed and fill in the gaps where necessary.

**Chris Koenig:** Complete removal of the tall trees?

**Evan Callahan:** Yes that is the intent.

**Chris Koenig:** Add that description to the site plan.

**Evan Callahan:**

- Question #16: If we have to increase our turn arounds to 70-feet we can fix that.
- Question #45: I spoke with our storm water design engineer and his understanding was that the Champlain Canal is a tributary to the Moses Kill.

**Zach Middleton:** The Moses Kill and the Champlain Canal never connect. The Moses Kill drains into the Hudson River; unless he is classifying the Hudson River as the Champlain Canal.

**Evan Callahan:** We can clarify that, we will have the MS4 Acceptance Form complete at the final stage. We have not done the detailed Geo-Tech Analysis yet. We will summarize our responses in a detailed letter.

**Max Fruchter:** It says in the grading plan that during decommissioning you are going to put all the soil back. Where does the compaction come into it?

**Evan Callahan:** Laydown yards will be compacted during construction as well as access roads.

**Mitch Quine:** My understanding of the Ag & Markets guidelines is that post construction we have to do penetration testing throughout the site and anything that gets compacted during operation or construction has to be de-compacted including access roads.

**Max Fruchter:** Are you taking soil off site?

**Mitch Quine:** No

**Max Fruchter:** Are you having a problem getting equipment or panels?

**Mitch Quine:** Yes, everyone is.

**Max Fruchter:** Do you have a specific timeline that you have to start or get commitments for before the State makes you start over?

**Mitch Quine:** We are in the current round with NYSERDA, assuming all goes well this time with procurement we have 5 years to get the system operational.

**Evan Callahan:** We submitted our application to DEC for the wetland permit and received preliminary feedback but no detailed review until we receive a negative declaration for SEQR. They did suggest that we leave the trees in that we are planting within the adjacent area; once the project is decommissioned it will be up to the landowners what they do with the trees.

**Chris Koenig:** You may run into issues with Ag & Markets on that; they will want you to grub out all the screening that was put in. Do you plan on keeping any of the access roads at the discretion of the landowner?

**Mitch Quine:** We will get clarification on the access roads.

**Valerie Ingersoll:** We had discussed adding any damage done to the road during construction would be the responsibility of the applicant, is that part of the construction logistics plan?

**Chris Koenig:** It's not in the draft conditions because we said it would be handled by the Town Highway Superintendent when he issues the driveway permits.

**MOTION** by Zachary Middleton, Seconded by Dolores Cogan to close the public hearing at 8:02pm **ALL AYES**

**Town Engineer Chris Koenig went through Part II of the SEQR Form with the Board:**

**MOTION** by Zachary Middleton, Seconded by Dolores Cogan to declare a negative declaration for SEQR review **ALL AYES**

**- Town Engineer will write up the SEQR Negative Declaration**

**MOTION** by Zachary Middleton, Seconded by Dolores Cogan to approve the Dolan Solar Site Plan with the following conditions:

1. Prior to commencing construction of any structural or electrical components of the Project, or commencing Project-related ground disturbance activities, the Applicant shall apply for and receive a building permit from the Town of Fort Edward Code Enforcement Officer.
2. Prior to issuance of a building permit, the Applicant shall submit final site plans and a final SWPPP, both signed by a NYS P.E., for review and approval by the Town Designated Engineer (TDE). The building permit shall not be issued until the TDE has accepted the final site plans and SWPPP.
3. Prior to the issuance of a building permit, the Applicant shall demonstrate coverage under the applicable NY State Pollutant Discharge Elimination System (SPDES) Construction General Permit.
4. All SWPPP inspection reports shall be submitted to the Town Code Enforcement Officer and the TDE during construction/SPDES permit coverage.

5. Prior to the issuance of a building permit, the Applicant shall obtain and submit to the Town all other State and Federal permits and authorizations, as required by law, including approval from National Grid to interconnect the power plant onto their infrastructure through a signed interconnection agreement.

6. Prior to the issuance of a building permit, the Fort Edward Town Board shall accept the decommissioning plan and form and amount of financial surety by executing a decommissioning agreement. The final decommissioning plan and cost estimate shall be signed by a NYS P.E. The Town Board shall also review and accept the final O&M Plan. The Town Attorney shall review and accept final documents. The decommissioning bond shall be provided prior to the issuance of a building permit.

7. Prior to the issuance of a building permit, the Applicant shall provide to the Town of Fort Edward a surety bond for landscape maintenance in the amount of \$100,000.00 for a period of 10 years after planting, increased 2% annually for the 10-year bond period . A landscape maintenance agreement shall be executed between the Town of Fort Edward and the Applicant to go along with the bond.

8. Prior to the issuance of a building permit, the Applicant shall submit a construction logistics plan to account for temporary construction-related impacts including but not limited to increased traffic and road use, parking, hours of operation, noise, lighting, fugitive dust, emergency response, and excess soil management. This plan shall also include impacts and construction related planning associated with the Somers Solar Project as appropriate. This plan shall be accepted by the TDE and may be reviewed by the Town of Fort Edward Planning Board at their discretion.

9. Prior to the issuance of a building permit, the Applicant and landowner(s) shall agree in writing to allow the Town entry onto the lease parcel or private property to remove an abandoned installation in accordance with the decommissioning agreement. This agreement shall be legally binding and run with the land, in the event the property is sold during the life of the project. This agreement shall be reviewed and accepted by the Town Attorney.

10. Prior to the issuance of a building permit, the Applicant shall hold a meeting with the Fort Edward Fire District, to provide an overview of the Project and construction plans, and to verify emergency contact information.

11. Prior to the Project entering commercial operation, the Applicant shall hold a meeting with the Fort Edward Fire District, to provide training for the major equipment installed and review procedures to address an emergency at the Project site.

12. Payment of fees.



**ADJOURNMENT:**

**MOTION** by Zachary Middleton, Seconded by Dolores Cogan to adjourn the meeting at 8:41pm  
**ALL AYES**

Dated: September 26, 2024

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Aimee Ives, Planning Board Clerk