

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING
HELD ON WEDNESDAY, JANUARY 25, 2017 AT TOWN HALL COMMENCING AT
7:00PM**

Chairman Belden called the meeting to order at 7:05pm

Pledge of Allegiance

PRESENT: Chairman Mark Belden
Valerie Ingersoll
Joseph McMurray
Zachary Middleton
Frank Wells

ABSENT: Max Fruchter
Donald Sanders, Jr

OTHERS PRESENT: Matthew VanDoren, Town Engineer Jim Houston and Town Attorney Mary-Ellen Stockwell

APPROVAL OF MINUTES: MOTION Frank Wells, Seconded by Zachary Middleton to approve the minutes of the public hearing and regular meeting of January 11, 2017 **ALL AYES**

BUSINESS:

**Gunderman/Major
Family Subdivision
Rep: Matthew VanDoren**

Matthew VanDoren: Mary & Paul Major are looking to subdivide and sell to their daughter and son in law the Gundermans.

BOARD:

Chairman Belden: Before the paved drive, out in the field it looks like someone is haying the land, there is also a tremendous amount of water around that property? Is it in the 100 year flood plain?

Matthew VanDoren: I do not believe the land is being used for haying. The spot they picked is a bit higher due to that but yes is in the 100 year flood plain.

Chairman Belden: Our master plan prohibits building in the 100 year flood plain.

Jim Houston: You could get a letter of map amendment from FEMA if the property is not in the flood plain.

-Need to know the elevation of the home first and then submit to FEMA for the letter.

Town Engineer Jim Houston submitted the following comment memo:

Dear Chairman Belden:

C.T. Male Associates Engineering, Surveying, Architecture & Landscape Architecture, 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 Gunderman Minor Subdivision of Land Application. The package of information that we reviewed included the following documents:

- 1.) Subdivision of Land Application, signature page dated January 12, 2017.**
- 2.) Plan - Minor Subdivision of Lands of Mary C. Major and Paul Major, dated July 11, 2016.**
- 3.) Short Environmental Assessment Form, signature page dated January 12, 2017.**

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

Subdivision of Land Application

- 1. Page 4 and 5 – note that the parcel for the project site is located in a designated floodplain, contains designated wetlands and is located close to historic properties or cultural resources.**
- 2. Page 6 – Under Site Plan Requirements the following additional boxes should be checked: Runoff/Drainage and Impervious.**

Plan - Minor Subdivision of Lands

- 3. Consideration should be given to showing the entire parcel that is being subdivided on this plan. An overall plan showing the entire parcel is provided in the application package and it is attached to the Short EAF.**
- 4. The overall plan should show the house locations and approximate well and septic system locations for the existing structures.**
- 5. A note should be added to this plan stating that the newly created lot is located in a regulated floodplain and that it will be necessary for the applicant to obtain a floodplain development permit (issued by the Town of Fort Edward) prior to constructing the proposed residence.**

6. The wetlands mapping (from ERM) shows that the wooded area east of the proposed septic system contains federally regulated wetlands. A note should be added to this plan indicating that soil testing should be performed prior to designing and constructing the wastewater disposal system.

Short Environmental Assessment Form

7. Page 1 of 4, question 3.b. - the acreage of disturbance will be less than 4.21 acres (that is the area of the newly created lot). Note than more than 1.0 acre of disturbance requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

8. Page 2 of 4, question 7 - EAF Mapper indicates “NO” for this parcel.

9. Page 2 of 4, question 12.b. – EAF Mapper indicates “YES” for this parcel.

10. Page 2 of 4, question 15. – EAF Mapper indicates “YES” for this parcel.

11. Page 3 of 4, question 20. – EAF Mapper indicates “YES” for this parcel.

Matthew VanDoren: Sounds like the next step is the FEMA protocol.

Chairman Belden: It would be a non-buildable lot which isn't something we normally approve. If the applicant wants to go through FEMA they can, I also want a test pit for septic and well quality checked.

Mary-Ellen Stockwell: I feel we should go through the other items in case the applicant does want to go through the FEMA process.

- Federal wetlands would have to go through Army Corp.

Joseph McMurray: We can't approve it even though they aren't putting a house there now?

Chairman Belden: We have never approved a lot that someone can't build on.

Joseph McMurray: Do we know it's not buildable.

Chairman Belden: It's in the 100 year flood plain and can't be built on. We have never crossed the Master Plan.

- Letter of map amendment takes the parcel out of the flood plain and erases the designation

Valerie Ingersoll: We didn't get a whole picture of the lot, how is the 11.8 acres divided down? How big is the leftover piece?

Matthew VanDoren: A note should be on the map about that, correct. I can also find out what the leftover acreage is.

Valerie Ingersoll: Where is the existing house and garage on parcel 1?

Matthew VanDoren: That can also be added.

Valerie Ingersoll: On #4 on the short EAF agriculture is not checked but on pg. 14 it is checked.

Mary-Ellen Stockwell: They are both correctly checked but you can check agriculture on #4 due to neighboring properties. Ask the applicant if their neighbors use their property agriculturally.

- The property is out of the Ag. District

Chairman Belden: On the deed, 2nd to last page it mentions the Hudson Valley Railroad. I don't see anything on that piece about the Hudson Valley Railroad.

- We can set a public hearing but I don't know what we would do without knowing the FEMA issues.

Mary-Ellen Stockwell:

- The familial relationship is on the record for the requested waiver. Mrs. Gunderman is the daughter of the Majors.
- Existing total acreage needs to be added to the map.
- Deem the subdivision major or minor.
- Look into whether or not an Agricultural Data Statement is needed; the property is listed at the County as farm.
- Language pertaining to Family Subdivision needs to be added to the map.
- Deed for the new parcel shall contain a covenant or provision stating the five year restriction against further subdivision.
- Copy of the draft deed for conveyance of the proposed lot be submitted by the applicant with the required map and other application materials.

MOTION by Joseph McMurray, Seconded by Frank Wells to deem the project a minor subdivision **ALL AYES**

- The application is not considered final at this time

OTHER BUSINESS:

February 8th meeting: Potential application coming in for WCC, LLC, and their attorney has contacted me. They asked if Kingsbury and Fort Edward could do a joint meeting. They can't get their whole Board here but Kingsbury Planning Board Chairman Bob Dingman can attend.

ADJOURNMENT: MOTION by Joseph McMurray, Seconded by Zachary Middleton to adjourn the meeting at 7:55pm **ALL AYES**

DATED: January 26, 2017

Aimee Mahoney, Clerk