

**MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD MEETING
HELD ON WEDNESDAY, OCTOBER 10, 2018 AT TOWN HALL COMMENCING AT
7:00PM**

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

Pledge of Allegiance

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

OTHERS PRESENT: Brian Brockway, Donna Brockway, Bruce Agard and Town Engineer Jim Houston

APPROVAL OF MINUTES: Minutes of the April 11, 2018 meeting were tabled until the Board can review them.

BUSINESS:

**Dennis Williams
Boundary Line Adjustment
Presenter: Bruce Agard**

Bruce Agard: The applicant would like to take 1 ½ acres from the adjoining property to add to his existing parcel and merge it with the existing parcel to get road frontage and also to get a pole barn to go into the single parcel.

Town Engineer Jim Houston submitted the following memo regarding the project:

C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, 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 Van Der Werken – Williams Booundary Line Adjustment. The package of information that we reviewed included the following documents:

- 1.) Boundary Line Adjustment Application dated 9-20-2018.
- 2.) Short Environmental Assessment Form, signature page (3 of 4) dated 10/03/2018.
- 3.) Agricultural Data Statement.

4.) Boundary Line Adjustment Survey – “Lands now or formerly of Michael G. & Trisha A. Van Der Werken to be conveyed to Dennis J. & Ann Marie Williams”; dated October 23, 2017.

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

1. Regarding the “Boundary Line Adjustment Application”:

a. Page 1, A.2. – This condition states that the adjustment area be of a size and configuration that could not reasonable accommodate the construction of a structure. The Boundary Line Adjustment Area as shown in the application materials could accommodate the construction of a structure. (Section 87-3.1, A(2))

b. Page 2, B. – This condition states that the deed or the boundary line adjustment agreement must contain a covenant with specific language. No such covenant was submitted with the application.

c. Page 3, top – The survey map provided does not include the following information/documents: buildings, wells, septic system, driveways, fences...

d. Page 4 and 5 – The “Granting Parcel Data” and “Receiving Parcel Data” tables should be filled in along with the “Utilities” information at the bottom of Page 5.

e. Page 7 – Signature Page should be signed.

2. Regarding the Short EAF there were differences noted between the application filled out by the applicant and the DEC EAF Mapper. The differences pertain to question numbers 7, 12.b., 13.a., 15. and 20. Accompanying this letter is a copy of the summary provided for this parcel area from the NYSDEC EAF Mapper.

3. Regarding the Agricultural Data Statement, the form asks for a map that shows the project parcel and adjacent parcels within 500-feet and identify those parcels that contain agricultural uses named above. This information should be added to the survey map.

4. Regarding the Boundary Line Adjustment Survey, the information requested in comment 1 above should be added to the plan. Consideration should be given to adding a table on the survey map that indicates what the area of each lot is before and after the adjustment.

Chairman Belden: At no point could you get setbacks.

Zachary Middleton: The minimum lot width is 100’ so it will not work.

Jim Houston:

- 2nd page of application: Covenant in deed with language, none was submitted so it will need to be finished. There was no survey map with buildings, well or septic and no documents.
- Page 4 & 5: The granting parcel data was not supplied, the meets required zoning information was not submitted.

Bruce Agard: Dennis doesn't want to create a new lot; he wants to merge 2 lots.

Zachary Middleton: Dennis built a new barn close to the boundary of the new lot which doesn't meet setback.

Chairman Belden: A Boundary Line Adjustment will make it a conforming lot, at this point it is a non-conforming lot.

Max Fruchter: Boundary Line Adjustment data over the years has been 20'-40', this is quite a jump looking forward.

Zachary Middleton: Clarification, the lot will not meet minimum lot width because it is not 100'.

Jim Houston: Wording limited to 1 structure on lot.

Donald Sanders, Jr.: I am not opposed to the Boundary Line Adjustment but would be opposed to building another structure.

Joseph McMurray: There is too much acreage to be a Boundary Line Adjustment. We would put in restrictions but still doesn't restrict putting up another structure.

Zachary Middleton: The fees for minor subdivision are not listed on the Town fee schedule.

Joseph McMurray: If we allow this then someone could come back with a 10 acre Boundary Line Adjustment and say we allowed it once.

Chairman Belden: The setback minimum of 10' on one side, total of 25' for 2 sides, front 20' and 25' rear for R-Ag district.

Jim Houston: This would be a 2 step process, one to subdivide and the other to merge the properties.

Donald Sanders, Jr.: We should table the application until our Attorney reviews it.

Valerie Ingersoll: The proposed lot is too large for a Boundary Line Adjustment; there are 2 pages on the application with no data which makes it hard to review accurately.

Chairman Belden: If it is over 30% lot coverage it is a non-conforming lot, Boundary Line Adjustment is only on non-conforming lots.

Max Fruchter: Would like to make a motion to get all data and have our new Attorney review it. Applicant needs to supply density with setbacks, buildings put on maps, and the map needs to be completed.

Chairman Belden: There needs to be an active agent for VanDerwerken and Dennis Williams needs to be at the next meeting.

Brian Brockway Information

Brian Brockway: I am looking for information about a subdivision. There is a deeded right of way to my house off Burgoyne Ave. There is a separate lot that is land locked behind my property that I own. I would like to give that lot to my daughter. The Village water comes from Kelly Ave. and also from Burgoyne Ave. The lot has no road frontage but has a deeded right of way.

Zachary Middleton: Go to the Zoning Board of Appeals and get a variance for road frontage.

Chairman Belden: What is it zoned?

Brian Brockway: R-2

Chairman Belden: The lot meets all the requirements, the applicant should only have to go to the Zoning Board of Appeals and his Attorney needs to figure out the right of ways.

Jim Houston: There are no provisions in the Town Code for flag lots.

Chairman Belden: Is there underground power?

Brian Brockway: No, there is a pole on my mother's lot.

Donald Sanders, Jr.: This is a grandfathered lot with a deeded right of way. It is a buildable lot.

Max Fruchter: Have the Clerk send a letter to the building inspector and the ZBA saying we as a Planning Board have no standing because it is already an existing lot.

Board: Yes

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Joseph McMurray to adjourn the meeting at 8:45pm
ALL AYES

DATED: October 16, 2018

Valerie Ingersoll (Planning Board Member)