

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD PUBLIC HEARINGS & REGULAR MEETING HELD ON WEDNESDAY, MARCH 27, 2019 AT TOWN HALL COMMENCING AT 7:00 P.M.

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

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

ABSENT: Max Fruchter
Donald Sanders, Jr.

OTHERS PRESENT: Matt Steves, Larry Clute, Tammy Boire, Patrick Boire, Michael Crowe, Andrew Lapitsky, Leo Lapitsky, Bill Agard, Gwendolyn Craig (Post Star), David Printy, Carly Printy, Samantha Printy, Floyd Saville, Sandy Buxton and Town Engineer Jim Houston.

APPROVAL OF MINUTES: MOTION by Zachary Middleton, Seconded by Frank Wells to approve the minutes of the regular meeting of March 13, 2019 **ALL AYES**

BUSINESS:

Public Hearing: 7:05pm
Williams Farm, LLC
Sullivan Parkway and Stevens Lane
Minor Subdivision
Presenter: Matt Steves

Matt Steves: I believe we submitted everything that Jim Houston asked for, I have the mylars with me with all of the changes as well as a couple extra paper copies.

SEQR Review was done at the Zoning Board of Appeals when receiving their road frontage Area Variance for deficient frontage on May St.

Chairman Belden opened the public hearing at 7:05pm

The following notice was published in The Post Star on March 20, 2019:

PLEASE TAKE NOTICE, the Town of Fort Edward Planning Board will hold a public hearing on Wednesday, March 27, 2019 at Town Hall, 118 Broadway Fort Edward, NY 12828 at 7:05pm to hear comments regarding the Minor Subdivision application of Williams Farm, LLC located on Sullivan Parkway and Stevens Lane in the Town of Fort Edward.

At the public hearing anyone who wishes to comment will be heard. The purpose of the application is to subdivide a 40.4 acre parcel into 2 lots; Lot 1 will be 30 (+,-) acres and Lot 2 will be 8.4 acres. Lot 2 will contain all of the land east of the railroad tracks and Lot 1 will be the remaining lands west of the railroad tracks. Tax map #163.13-3-1

Matt Steves: This is a 2 lot subdivision with the railroad splitting down the property. The frontage on the westerly portion is on the Hudson River and the access is off May St. We received a variance for the minimum road frontage and the primary area for the proposed development in the future would be on the easterly side which is off of Sullivan Parkway and Stevens Lane.

Board Comments: None

Public Comment: None

MOTION by Zack Middleton, Seconded by Valerie Ingersoll to close the public hearing at 7:08pm **ALL AYES**

MOTION by Zack Middleton, Seconded by Frank Wells to approve the subdivision contingent on payment of fees **ALL AYES**

**Public Hearing 7:10pm
Boire/Buxton
Boundary Line Adjustment
270 County Rte. 42**

Presenter: Michael Crowe (Fitzgerald, Morris, Baker & Firth)

Chairman Belden questioned Matt Steves about the property connection on the opposite side of Mahaffey Rd.

Matt Steves: The map shows just the portion that we surveyed but I can put a land hook on to show that.

Jim Houston: Has the white pipe been identified?

Michael Crowe: Yes, I received confirmation from the Buxton's Attorney that the pipe will be on the Boire Property after the subdivision is complete.

Board Member Valerie Ingersoll recused herself

The following notice was published in The Post Star on March 20, 2019:

PLEASE TAKE NOTICE, the Town of Fort Edward Planning Board will hold a public hearing on Wednesday, March 27, 2019 at Town Hall, 118 Broadway Fort Edward, NY 12828 at

7:10pm to hear comments regarding the Boundary Line Adjustment application of Patrick and Theresa Boire located at 270 County Route 42 in the Town of Fort Edward. The applicant is seeking a boundary line adjustment of .08 acres with the adjoining granting property owner Sandra Buxton located at 310 County Route 42 in the Town of Fort Edward. At the public hearing anyone who wishes to comment will be heard.

Board Comments: None

Public Comment:

Sandy Buxton: I was here at the end of February and the application was not in front of the Planning Board yet, I did not come on March 13th. Aside from what was in the paper, my mother received no notice of the public hearing today or that the application was before the Planning Board. She knew things were moving forward but I am sure when I was here at the end of February I was told that the property owner would be notified that things would be moving forward. I asked about the application and was told you didn't have anything yet but I asked if we would be notified and you assured me yes.

Chairman Belden: I never assured anybody that they would be notified. What questions do you have? We would be happy to answer them.

Sandy Buxton: The white pipe that Jim was concerned about should be duly noted that was an issue that the code enforcement officer was not concerned about before but we have gone through this whole process and that is now resolving itself. When you guys are doing things with the Planning Board and working with property owners and different things, those types of things need to be discussed.

Chairman Belden: Boundary line adjustments are different as far as noticing requirements.

Aimee Mahoney: The only time neighboring properties are notified is for a variance for a Zoning Board of Appeals application. The noticing requirement for a public hearing on a subdivision or boundary line adjustment is that one is placed in The Post Star 5 days prior to the meeting as well as posted on the Bulletin Board at Town Hall. If you have a Boundary Line Adjustment application in front of the Board then it is your responsibility to know when the meetings are going to be held.

The Board went through the Short EAF Part II:

MOTION by Zachary Middleton, Seconded by Frank Wells to declare the Planning Board lead agency for this unlisted action and to declare a negative declaration for SEQRA Review after reviewing all of the necessary application materials due to no significant adverse environmental impacts as a result of the project **ALL AYES**

MOTION by Zack Middleton, Seconded by Frank Wells to close the public hearing at 7:20pm
ALL AYES

MOTION by Zack Middleton, Seconded by Frank Wells to approve the boundary line adjustment contingent on the land hook being added to the mylar and payment of fees **ALL AYES**

**Lapitsky Family Subdivision
533 County Rte. 46
Presenter: Bill Agard**

Valerie Ingersoll returned to the meeting

Bill Agard handed out a clearer sketch plan to the Board

Chairman Belden: Have you done a perk test yet? When I drive by it looks like the property rises up and then drops off again and you have your septic proposed at the top of the knoll correct?

Bill Agard: We haven't done a field survey yet, this is just estimation.

The following memo was submitted by Town Engineer Jim Houston:

Dear Chairman Belden:

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 Subdivision of Land Application package associated with the above referenced project.

The package of information that we reviewed included the following technical documents:

- Sketch Plan for Lapitsky Proposed Minor Subdivision dated March 3, 2019.
- Subdivision of Land Application, signature page dated March 3, 2019.
- Short EAF, Part 1 dated March 3, 2019.

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

1. Sketch Plan – the following information should be added to this plan or submitted separately: utilities available, existing and proposed well and septic locations (this site and adjoining sites), utilities that are available to service the proposed lot and topography.

2. Subdivision of Land Application, Table at top of page 4 - several entries in this Table need to be corrected. In particular the "Min. Lot Depth (ft)" is misleading – the existing and proposed lot depths appear to be far greater than 100' such that a variance is not required.

3. Short EAF – a response to question 11 should be provided and per the EAF Mapper the entry for question 12.b. is "Yes" not "No" – the lot to be subdivided is located in an archeological sensitive area.

Board Comments:

Zack Middleton: On the application under general information, the proposed lots should be 2 not 1. Also on the next page regarding wetlands it should be yes because the existing lot has wetlands that are marked Federal on the map they gave us.

Joe McMurray: The applicant is shown as Andrew and Leo is doing the subdividing.

Bill Agard: All 3 of them are on the deed, Leo, Andrew and Donna.

Chairman Belden: Have Donna sign the agent form in the application.

Valerie Ingersoll: Under combustible fuel, nothing is checked.

Andrew Lapitsky: We are thinking propane.

Valerie Ingersoll: Page 2 of the EAF #11, Septic should be written there.

The applicant initialed all of the changes

Chairman Belden: In our end of the town we do not have good soil for septic systems; I live on Hunter Rd. just down from you. If you do a mound you will have to figure in area in case you need to repair or replace it. You may have to do a test pit, sometimes on 1.5 acres it can be tricky to get your well and a big mound depending on what you are trying to do. We generally ask for the location of the well/septic and the house as well as the location of the well and septic on neighboring properties as a community protection plan as well as to help out the builder. You will have to contact Debbie Donohue at the County Highway Dept. regarding your driveway cut as well.

Zack Middleton: They changed the law on septic systems, if the well is downhill from the septic drainage the separation is 200'.

Jim Houston: The other key thing in that regard is where the well and septic is on the adjoining property or in this case the main homestead that is on the property now.

Chairman Belden: We do not have a meeting on April 10th so we wouldn't see this application again until our second April meeting on the 24th.

Jim Houston: You will need to have both a test pit and perk test done.

Chairman Belden: You can coordinate that with Matt French who is the Building Inspector for the Town. You don't have to have an engineer do it as long as Matt is there to witness it.

Andrew Lapitsky: Our builder planned on doing a perk test for us this spring.

MOTION by Joe McMurray, Seconded by Valerie Ingersoll to set a public hearing for Wednesday, April 24, 2019 at 7:05pm **ALL AYES**

PUBLIC COMMENT:

David Printy: I thought there was going to be something about Dollar General this time; I thought this was the date that I was given. They were doing the road count and I wanted to see what was going on with that.

Chairman Belden: We approved that based on a couple of conditions at our last meeting on March 13th. We had a traffic study done and that is being reviewed by our Engineer as well as the revised plan. I haven't signed off on it yet, we are waiting for a lighting plan. There was a gentleman here that said at peak traffic time it took him 15 minutes to get out of Hillview Ave. but nothing in the traffic study backed that up.

David Printy: I am the resident at 290 Broadway and I am trying to get an idea of how long I have before I have to move my family and my business. They haven't purchased it yet it is just a handshake, there is no contract.

Sandy Buxton: So you said there is an agent form for the boundary line adjustment for my mom?

Chairman Belden: No it wasn't an agent form it was all of the legal paperwork that our Attorney went through because that was the first time we have had that amount of legal paperwork for a boundary line adjustment. Our boundary line adjustments have been a point of a lot of heated discussion in the past 6 months and what you came in for was exactly what a boundary line adjustment is supposed to be for, to fix a boundary line.

Sandy Buxton: This wasn't fixing anything.

OTHER BUSINESS:

Chairman Belden: Max couldn't be here but he sent a written request that the Board hold off on approval of the Dollar General until they get a declarative document or formal statement from Fire Chief Matthew Hurlburt. Chief Hurlburt stated "of course I would want a sprinkler system in that new commercial building" Max reached out to the Washington County Planner Pamela Landi who reached out to John Graham from County Code Enforcement and he agreed that the Town Code Enforcement Officer has the authority to ask for a change even if above and beyond

the code and the Fire Chief can raise the question as well, but it must be raised specifically during the review process only.

We consulted our Attorney on this and our Attorney's advice was different from the individual at the County.

Zack Middleton: The County agrees in that Town Code Enforcement can do it or the Fire Chief can do it but the County never said that the Planning Board could do it.

Chairman Belden: I sent this application to Code Enforcement first to make sure that it was an allowed use and he didn't mention it at that time.

Aimee Mahoney: Code Enforcement Officer (Matt French) says he can't do that because it would be a law suit. The Fire Chief did call me today and say that he could do it.

Chairman Belden: It seems like we are singling out 1 business in the Town and forcing them to do something that no other business in the Town has had to do.

Zack Middleton: I agree we haven't forced anyone else to go above the State Code. As a Planning Board we shouldn't enforce rules bigger than laws because then we could basically single out projects, industries, etc.

Chairman Belden: Even if the Town Board passed an ordinance how would you retroactively make everyone comply?

NEXT MEETING WILL BE APRIL 24, 2019

ADJOURNMENT:

MOTION by Zack Middleton, Seconded by Joe McMurray to adjourn the meeting at 7:57pm
ALL AYES

Dated: March 29, 2019

Aimee Mahoney, Clerk

