

**MINUTES OF THE TOWN OF FORT EDWARD ZONING BOARD OF APPEALS  
MEETING HELD ON TUESDAY, AUGUST 15, 2017 AT TOWN HALL COMMENCING  
AT 5:00PM**

Chairman LaFay called the meeting to order at 5:00pm

**PRESENT:** Chairman Kenneth LaFay  
James King  
James Maskell  
Michael Suprenant

**OTHERS PRESENT:** Andy Rymph (Chazen), Town Engineer Jim Houston, Special Counsel Stefanie Bitter

**APPROVAL OF MINUTES: MOTION** by Jim Maskell, Seconded by Mike Suprenant to approve the minutes of the meeting of July 18, 2017 **ALL AYES**

**BUSINESS:**

**MHW Properties, LLC  
Variances**

**Stefanie Bitter:** Easement is still outstanding and can be placed as a condition to move forward to the Planning Board.

**Andy Rymph:** Negotiations are ongoing between the owner of MHW and Market 32 regarding the easement. The easement can happen 1 of 3 ways so it will happen one way or another.

**Kenneth LaFay:** Any traffic flow idea yet?

**Andy Rymph:** Nothing for sure yet but we have speculated a 50/50 split.

**Town Engineer Jim Houston submitted the following comment memo:**

Dear Chairman LaFay:

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 MHW Properties Area Variance Application. The package of information that we reviewed included the following documents:

- 1.) Area Variance Application, signature page dated May 30, 2017.
- 2.) Short Environmental Assessment Form last signed July 20, 2017.
- 3.) Minor Subdivision Sketch Plan / Preliminary Plat prepared by Chazen Engineering, last revised July 19, 2017.

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

1. Page 6 – at the bottom of the page the two variances being requested include: • Minimum lot width – required is 125’, proposed (Lot 2) is 74.3’. A variance of 50.7’ is being requested. • Minimum green space – required 20%, proposed (Lot 2) is 5.8%. A variance of 14.8% is being requested.

Short EAF 2. Comment addressed.

3. Comment addressed. C.T. MALE ASSOCIATES, D.P.C. August 15, 2017 Mr. Kenneth LaFay – MHW Properties (Agway) – Area Variance Page - 2 Architecture & Building Engineering • Civil Engineering • Energy Services • Environmental Services • Survey & Land Services Plot Plan

4. Comment addressed.

5. The plan should clearly show the areas that will be “green” so that it is possible to confirm that the proposed green space percentage can be verified.

Response – The plan has been modified as suggested to more clearly indicate the proposed green space areas. The plan shows the proposed green space for Lot 2 but does not show the existing green space that was supposedly used to compute the 5.8%. Note that for Lot 1 the existing green space is 0% (a waiver of 20% is needed). The plot plan shows possible development plans that could provide more than the minimum green space on both lots.

New Comment(s)

- A. The plot plan shows driveway access to the north onto the entrance drive to Market 32. There has not been any paper work submitted documenting that such an easement exists. Regardless of the status of the easement to the north it is possible for vehicles accessing Lot 1 to cross Lot 2 and utilize the remaining Lot 2 driveway entrance.

**Stefanie Bitter:** Under the Commercial Plaza zone, letter (H) it speaks of non-conforming uses. Non-conforming uses obviously can continue as long as they don’t get extended or enlarged. I wouldn’t classify a subdivision extending or enlarging the non-conforming use. If I classify the greenspace as being maintained for Lot 1, I would have to do the same for Lot 2 because neither of these uses are changing; we are just putting a line through subdivision. When site plan goes forward we are not exempting this greenspace; they have to correct it because that is when the use will get extended or enlarged. There cannot be any uses there until it is corrected; they cannot move forward with site plan without addressing green space. Section 108-12.2 (H) Non-Conforming uses

Chairman LaFay opened the public hearing at 5:32pm

No Public Comment

**MOTION** by Mike Suprenant, Seconded by Jim King to close the public hearing at 5:33pm  
**ALL AYES**

**The Board went through SEQRA Short Form:**

**MOTION** by Michael Suprenant, Seconded by James Maskell to declare the proposed action an unlisted action under SEQRA and to declare a negative declaration for SEQRA review due to no potentially large adverse environmental impacts as a result of the project **ALL AYES**

**AREA VARIANCE CRITERIA:**

- 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: **Board consensus: NO**
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: **Board consensus: NO**
- 3) Whether the requested area variance is substantial: **Board consensus: NO**
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: **Board Consensus: NO**
- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance: **Board consensus : NO**

**MOTION** by James King, Seconded by James Maskell to approve the Area Variance request for lot width for lot 2 of 50.7' contingent on subdivision approval from the Planning Board, issuance of building permits requires site plan approval and greenspace to be brought up to code and payment of fees **ALL AYES**

**ADJOURNMENT:**

**MOTION** by Mike Suprenant, Seconded by Jim Maskell to adjourn the meeting at 5:45PM

DATED: August 16, 2017

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Aimee Mahoney, Clerk

