

**Planning Board Regular Meeting**  
**Town of Fort Ann, NY**  
**November 28, 2016**

A regular meeting was held by the Planning Board of the town of Fort Ann, County of Washington, and the state of New York at the Fort Ann Town Hall, 80 George Street, Fort Ann, NY on the 28th day of November 2016 at 7:00 pm.

**PRESENT:** Donald Bedeaux                      Chairman  
                    William Hohmann                      Vice Chairman  
                    Brian Mattison  
                    Chad Wilson  
                    Richard Winchell  
                    Jeff Meyer, Esq                      Attorney  
                    Deborah Fifield                      Secretary

**ABSENT:** Lewis Barrett

**OTHERS PRESENT:** Claire Greene, Gretchen Stark, Lindsay Carte, Carl Hansen, Mike Morrissey, Jean Hayes, John Bruhns, Denny Fletcher, Dan Monahan, Kelly Harrington, Ryan Sesselman, Georgia Vanguilder, Mark Miller

**OPEN REGULAR MEETING:**

Chairman Donald Bedeaux called the meeting to order at 7:00 pm with the pledge of allegiance.

**APPROVAL OF MINUTES:**

- The board reviewed the 10/24/2016 Meeting Minutes with one correction.
- A motion to accept the 10/24/2016 Meeting Minutes was made by Brian Mattison and seconded by William Hohmann

Vote: Ayes-5 Nays-0 Abstain-1

**CORRESPONDENCE: None**

**OLD BUSINESS:**

**John Bruhns/Sub-Division Application/Public Hearing:**

Property is located on State Route 149, tax map #110.18-1-10. Applicant previously appeared before the Planning Board. Mr. Bruhns owed 11 acres for 47 years and rents trailer on property. Surveyers have separated 1 acre from the original 11, as trailer has been sold. No one had any questions. Motion made to close the public hearing made by William Hohmann, seconded by Richard Winchell.

Vote: Ayes-5 Nays-0 Abstain-0

Attorney Jeff Myer read the Environmental Assessment Form. Motion made by William Hohmann to accept the negative declaration pursuant to State Environmental Quality Review Act based upon responses provided,

seconded by Richard Winchell. Brian Mattison had a question about the APA determination that was dated July 7, 2005. Attorney Jeff Myer said that the determinations do not expire and so long as it is the same proposal it remains valid.

Vote: Ayes-5 Nays-0 Abstain-0

Motion made by Richard Winchell to approve the project, seconded by William Hohmann.

Vote: Ayes-5 Nays-0 Abstain-0

**Jean Hayes/2-Lot Sub-Division/Public Hearing:** Property is located at 1154 Farley Road, Tax Map #119-2-26.1. Applicant previously appeared before the Planning Board. Applicant is proposing a 2-lot sub-division, both lots having road frontage, together with a 50 foot right of way to 14 acres for farm use only. No one had any questions. Applicant handed in APA form. William Hohmann made motion to close public hearing, seconded by Brian Mattison.

Vote: Ayes-5 Nays-0 Abstain-0

Attorney Jeff Myer read Environmental Assessment Form. Motion made by William Hohmann to accept negative declaration pursuant to State Environmental Quality Review Act based on responses provided. Seconded by Brian Mattison.

Vote: Ayes-5 Nays-0 Abstain-0

Motion to approve the project made by Richard Winchell, seconded by William Hohmann.

Vote: Ayes-5 Nays-0 Abstain-0

**Carl Hansen/Site Plan Review/Public Hearing:**

Property located at 1112 State Route 22, Comstock, tax map #96-1-34.4. Applicant proposes a boat storage and repair business, which has been there for 10 years. He is looking to expand to 40 boats. Has had 20 in the past. Georgia Vanguilder of Comstock raised the following concerns:

1. The business has been in place for 10 yrs. She would like the soil tested.
2. Parcel is 1 acre which includes house and 2 garages. How many boats will be approved.
3. Are the garages permitted to be on site.
4. Is the oil removal from the site being documented.
5. Has electrical inspections been done.
6. Has a fire inspection been done, as there are many residents adjacent to site.
7. How is storage of non-registered boats being handled.
8. Would like noise and hours of operation addressed.
9. Was the DOT or the Town notified when an access road was put in on Thomas Road.
10. Many boats have porta potties on them. What is being done with the waste from them.
11. A drainage ditch was put in years ago which leads to an access brook to the Mettowee. Concerned about what is going into the drainage ditch.

Denny Fletcher of Comstock has the following concerns: Applicant has basically run his business for 10 years with no permit and is still running it. Has concerns about the chemicals, how are they being stored. Has any damage been done to the surrounding properties. There are 20 boats on 1 acre at the present, and applicant wants to double the boats. If there is a fire, how will it be handled with that many boats. Because he has had no permit for 10 years how is the property being taxed, as commercial or residential. Mr. Fletcher is concerned about loss of revenue to the Town and County. The money is not going into the cofers. Feels he is only here

because he got caught. Lastly, if he is going to be running a business, Mr. Fletcher would like everything brought up by Mrs. Vanguilder and himself to be gone through thoroughly by the Planning Board to make sure the property is kept clean. Also, he is still doing business.

Richard Winchell- it's time to address these concerns. Applicant said he has not had fire inspection yet. DEC has been there and found no issues, and permit application has been filed. He is just waiting for it come back. Brian Mattison- we will need paperwork on all that. DEC paperwork, fire inspection to be done and detailed plan as to the boats. Code Enforcement Officer Mark Miller stated the County will be inspecting the garages. One garage was permitted, but never finalized. County will also do fire inspection. Mark said there are 2 garages on property and a metal building. Applicant disagreed. Mark said there is a garage behind house, a metal building and a service garage. Chairman Bedeaux wants more detail as to where all the buildings are, confirmation from DEC that they are OK with everything. Applicant said DEC was OK with everything, but he needed to file for a stormwater permit, which he has done. Brian Mattison questioned that maybe a fence should be put up. Mr. Hansen said he has been in business for 10 years and the neighbors have never complained. Chairman Bedeaux asked how he disposes of oil. He takes it in small amounts to recycling. Will also have to have a fire inspection done yearly. Resolution to table public hearing made by Brian Mattison, seconded by Richard Winchell.

Vote: Ayes-5 Nays-0 Abstain-0

### **NEW BUSINESS:**

**KELLY HARRINGTON & RYAN SESSELMAN:** purchased property at 89 Clay Hill Road, Fort Ann, formerly Fort Ann Campground. They are in the process of reinstating the campground using the existing plans. They would like to put in cabins and a venue for weddings and events. Applicants presented map of property and existing plans. The sites are still in good shape with water and power going to them. William Hohmann- because the property has been abandoned for so long, will have to have water, septic and electrical inspected. Any new buildings such as cabins will be through the County. Planning Board needs to know what is existing and in detail what they are doing.

### **COMMENTS FROM THE FLOOR:**

Lindsay Carte of Fort Ann stated he was there as a taxpayer. He passed out one page pertaining to Local Law #4. Stated that this is a problem with the track. When he reads the law and looks at the approval given to the track, it appears it says approval w/modifications. He stated that all the conditions have not been met because the Town Attorney had to send owner a letter. Brian Mattison asked what conditions have not been met. The DEC water issue and detailed engineering of berm. Attorney Jeff Myer said those were the only two conditions that hadn't been settled. Mr. Carte asked what about the sound reports. Also the report for the testing of the bikes done on the 15<sup>th</sup>. Attorney Jeff Myer said that was upon request, not a stipulation. Also some conditions are being violated, as the track has been observed running 4-wheelers on the track, when it was only approved for bikes. Another condition was the track was to use the 2 meter max test and it is not using it. According to the wording of Local Law #4, there are conditions that have not been met, so he feels the Planning Board cannot give final approval until they are met. As taxpayer he is concerned Town will have to continue to pay Attorney until these conditions are met. Reference was made to a posting on the AMA website where Mr. Treadway says that once he gets certified as an AMA track, he will not have to abide by the conditions anymore. This will be a headache. The Planning Board can still approve if conditions are met, or deny it. As taxpayer, he is asking that it be denied.

Code Enforcement Officer Mark Miller brought up the fact that Mike Morrissey was at the meeting earlier and mentioned that he is storing boats on his property on State Route 149. He is not working on them or anything, just storing them. Apparently the APA is looking into it. Mark was asked if he was charging. Mark said we never got into that, but that is part of the APA investigating, if he is charging, then he is considered a

commercial business. It was determined he is charging a fee, as the Towns float boats are stored there. Chairman Bedeaux- if that is the case, he will have to appear before the Planning Board and get APA approval. Motion made by Brian Mattison to adjourn the meeting at 7:45. Seconded by Chad Wilson.

Vote: Ayes-5 Nays-0 Abstain-0

Deborah A. Fifield

Planning Board Secretary, Town of Fort Ann

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