

**Planning Board Public Hearing**  
**Jeremy Treadway-ADK,MX**  
**Site Plan – Proposed Motorcross Track**  
**Town of Fort Ann, NY**  
**September 13, 2016**

A Public Hearing was held by the Planning Board of the town of Fort Ann, County of Washington, and the state of New York was held at the Fort Ann Central School, 1 Catherine Street, Fort Ann, NY on the 13th day of September, 2016 at 7:00 pm.

**PRESENT:** Donald Bedeaux                      Chairman  
                    William Hohmann                      Vice Chairman  
                    Brian Mattison  
                    Butch (Lewis) Barrett  
                    Chad Wilson  
                    Richard Winchell  
                    Jeff Meyer,Esq                      Attorney  
                    Deborah Fified                      Secretary

**ABSENT:** None

**OTHERS PRESENT:** Don Siano, JoAnn Siano, JoAnn Rouse, Earl Rouse, Denny Fletcher, Patti Carte, Lindsay Carte, Janice Morris, Robin Morris, David Foote, Debra Foote, Michael Borgos Esq., Claire Greene, Ralph Greene Jr, Scott White, Kathy White, Joelle Loso, Karen Campbell, David Campbell, Tim Loso, L.E. Killmeier, John Coddington, Lorraine Connor, Gloria Quinlan, Nancy Rushlow, Jon Lapper Esq., Jeremy Treadway, Brandi Burns, Kendra Cartier, Ruth Cartier, Sheila Sharrow, Bruce Mowery, Jason McCarty, Chane Sutliff, Charron Sutliff, Robert Sutliff, Keith McCarty, Chris Greene, Tori Riley, Tom Martinson, Jason Bowman, Jeff Briscoe

**OPEN PUBLIC HEARING:**

Chairman Donald Bedeaux called the Public Hearing to order at 7:00 p.m. with the pledge of allegiance Jeremy Treadway is proposing to build a Motorcross Track located at 10786 State Route 149, Fort Ann NY 12827.

**Tom Martinson, 597 West Road:** Has some new points to make. Last week he was not opposed to track, however he feels answers have not come in, now is opposed. Mr. Martinson claims property is not owned by the applicant. It is owned by an LLC. Board needs to ask who owns the property. Still no answer as to the track. Is it a professional or an amateur. Sterling report says it is a professional. He still has not gotten an answer to the water usage and where it is coming from. 500 gallons of water is not enough. Other issue is sound study. NOVUS study says pilot race was no basis for sound. Lastly, Mr. Martinson feels board has a mess. Inconsistent answers. Strongly urges board to reject application and have applicant come back at a later date with completed application.

**Lindsay Carte, 10662 State Route 149:** Has 2 issues he would like to address. One is the water issue. Should look into the source of the water and amount that will be used to control dust. The original SEQRA form filed by the Shovah's when golf course was built, shows 1 well on property. It has come to his attention

the water for the ponds is coming from Halfway Brook. DEC is looking into how much water can legally be withdrawn from the brook without a permit. Dust control is essential for a track of this size. DEC is also looking into the fish habitat. Second issue is the noise issue. All sound study done by Sterling have been showed by NOVUS to be seriously flawed. Mr. Carte then went over various charts and tables that have been submitted. Finally, Mr. Carte stated how applicant has always stressed his phone is always on. He called and asked if he could come to the noise test, the applicant told him no. Because the Town Engineer has given the board plenty of evidence the sound will exceed the DEC guidelines, the application should be denied.

**Michael Borgos, Esq/Attorney from Queensbury:** Attorney representing some of the residents opposing track. Not going to repeat the facts and figures that Mr. Martinson and Mr. Carte had just stated. Will summarize the position of the neighbors and what we are doing here as a planning board and as a community. Fort Ann does not have zoning, but they do have a planning board. Local Law #4 from 1990 should be your mission statement. Application is still incomplete as not enough information has been provided. Drawings and plans are incomplete. This all has to do with property rights. He is all for Mr. Treadway, but there has to be limits. We can all do what we want with our property, has long as it is not impacting the properties around us. If Mr. Treadway could assure us there will not be any objectionable sound, I don't think any neighbor would really oppose this. However, NOVUS says we don't have all the answers yet. If application is approved, the following conditions should be included. No camping, no artificial lighting, no public address system, installation of a 10' berm on western side, a one year conditional special use permit be issued, limit the months of operation from May 15<sup>th</sup> thru October 15<sup>th</sup>, limit hours from noon-6pm, except Saturdays, 10am-6pm, decibel limit on bikes be 105, submit monthly report to code enforcement of Washington County, if noise is violated, applicant be given 30 days to satisfy. Lastly, Mr. Borgos asked if any new information arises, give the public time to respond.

**Jon Lapper, Esq, Attorney for Jeremy Treadway:** Has Ron Aldrich from Sterling and Lucas Dobie from Hutchins here. Pleased with the outcome of the noise study. Jeremy is a responsible guy and doesn't feel this will affect the neighbors. When applicant applied he was under contract for 2 pieces of property, the house and the golf course. He bought the house in his individual name. The golf course and the restaurant is an LLC, which he owns 100%. The track is an amateur track for families, but is hoping a few times a year may get professional events. The water to hose the tracks is coming from the ponds on site, not Halfway Brook. Don't have an actual engineering design for track. It changes due to the layout of the dirt track. In terms of noise study, Jeremy proposed core inserts. The NOVUS report done in July was done mathematically, which is now history, as an actual sound study was done. Most of the conditions that Attorney Mike Borgos addressed, Jeremy has already agreed to.

**Jeff Briscoe:** Representing District 3 Motorcross Asso. He feels the biggest problem is people think Hells Angels are coming in. Not at all, he has been doing this since he was 5years old. Motorcross is a family sport. Most of the noise is when the bikes take off. It shouldn't be an issue. But it's easy for him to say, he is not a resident. Motorcross rules are same for professional and amateur.

**Jason Bowman:** representing District 3 Motorcross Asso. Addressed the water situation. A lot depends on weather that week and also the type of soil. Mr. Bowman had AMA rule book where they only allow 101 decibels. District 3 has sound rules at every race. Presented a list of 200 signatures of people from Northern NY who would like to come to Fort Ann. The chance of a professional track are pretty much slim to none.

**Lindsay Carte:** Had one more thing to add. The ponds are fed from the brook. And the Town hired an engineering firm, and he hopes the board goes by what they say.

**Tom Martinson:** Wanted to add that he does not feel anyone in opposition of the application has ever said anything negative against the sport. What bothers him is that the application is very ad hoc. Will it be 500 gallons of water, or will they need more. Why were the AMA pro racing rules appended to the Sterling report?

Motion made by Brian Mattison to close the public hearing, seconded by William Hohmann.

Vote: Ayes- 6 Nays- 0 Abstain- 0

Motion made by Richard Winchell to go into executive session. Attorney Jeff Meyer and Board members excused themselves to confer Counsel and seek legal advice.

Upon return Attorney Jeff Meyer went over the SEQRA Environmental Assessment Form with the board. Motion made by William Hohmann to make a negative declaration pursuant to State Environmental Quality Review Act based upon responses. Seconded by Butch Barrett

Vote: Ayes- 6 Nays- 0 Abstain- 0

Chairman Bedeaux then asked if anyone wanted to make a motion to approve the application. Chad Wilson made a motion to accept the application with conditions. Seconded by William Hohmann. Attorney Jeff Meyer read attached resolution.

**PLANNING BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. \_\_\_\_ of 2016

Adopted September 13, 2016

Introduced by Chad Wilson

who moved its adoption

Seconded by William Hohmann

**RESOLUTION APPROVING THE SITE PLAN APPLICATION  
OF  
JEREMY TREADWAY**

**WHEREAS**, pursuant to Local Law 4 of the year 1990, also known as the Town of Fort Ann Site Plan Review Law (hereafter the “Site Plan Review Law”) and Article 16 of the Town Law of the State of New York, the Town of Fort Ann Planning Board (hereafter the “Planning Board”) is authorized and empowered to review, approve, approve with modification, and disapprove all site plans in the Town of Fort Ann as required under said Site Plan Review Law; and

**WHEREAS**, Jeremy Treadway (hereafter the “Applicant”), has proposed to create and operate a 15 foot-wide, 4300 foot motocross track located on 10786 NYS Route 149, Town of Fort Ann, the improvements related to which are found in the Application (hereafter the “Proposal”), which requires Site Plan approval under the Site Plan Review Law; and

**WHEREAS**, the Applicant has submitted documentation in support of his application, including but not limited to the Site Plan Application; Environmental Assessment Forms; Site Plan; Neighborhood Site Plan; Detailed Site Plan, SWPPP Notes & Detail Plan Sheet; Traffic Assessment; Noise Assessment and Noise Assessment Studies; plus additional correspondence and materials from the Applicant and their representatives, which are expressly referenced herein as if fully set forth herein and all of which shall constitute the “Application”; and

**WHEREAS**, the Planning Board is also in receipt of the comments from Highlander Engineering, PLLC and Novus Engineering, who were retained by the Town to review the Proposal and offer comments thereon, and the same have been incorporated in the plans and/or the conditions contained herein; and

**WHEREAS**, the Planning Board is also in receipt of the recommendation of the Washington County Planning Board, which Planning Board found it to be a matter of essentially Local Concern; and

**WHEREAS**, a duly noticed public hearing has been held on the Proposal as presented in the Application, and the comments of the public are included in the record hereof; and

**WHEREAS**, the Planning Board is prepared to review the application and make a final determination thereon in accordance with Section 8 of the Town of Fort Ann Site Plan Review Law.

**NOW THEREFORE BE IT RESOLVED:**

Section 1. Various public comments were raised concerning the application including concerns over lighting, noise, water runoff and pollution, traffic, and impacts to neighbors. The Planning Board has considered these concerns and finds that:

The Proposal is a permitted use in the Town of Fort Ann. Based upon the materials submitted by the Applicant and the engineering that was completed as part of the Application, any potential negative impact will not be significant and has either been sufficiently mitigated through amendments to the Proposal, or will be addressed as a condition of this resolution.

Section 2. Having reviewed the Application, the comments of the Town Engineers, the comments of the Washington County Planning Board and the comments of the public, and having reviewed the criteria for the review of site plan applications in Section 8 of the Town of Fort Ann Site Plan Review Law, the Planning Board hereby makes the following findings:

- a. Is there adequate, and is the arrangement of, vehicular traffic access and circulation, including intersections, road widths, channelization structures, and traffic controls. Consideration will also be given to the project's impact on the overall circulation system as it relates to adjacent uses. (§7(B))

Vehicular traffic on-site has been sufficiently addressed. There is ample room on site for vehicles and trailers to safely circulate as proposed.

Vehicular access for ingress and egress onto NYS Route 149 is also adequate as presented. Based upon the traffic study submitted by Creighton Manning, as reviewed by Highlander Engineering, the site distances are acceptable and as a busy thoroughfare, there is adequate capacity on NYS Route 149 to handle any possible increase in traffic.

- b. Is there adequate, and is the arrangement of, pedestrian traffic access and circulation, including, but not limited to separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience? (§7(C))

The Proposal is adequate at addressing pedestrian circulation on-site. There is no need for pedestrian circulation off-site nor was any proposed. On-site there is adequate separation from the motocross bikes and any pedestrians viewing the events.

- c. Does the Planning Board approve of the location, arrangement and setting of off-street parking and loading areas? (§7(D))

The Planning Board approves the arrangement and setting of off-street parking areas. The Planning Board voiced concerns with regard to the need to include gravel parking areas, should mud and stormwater issues arise. The Applicant has represented and affirmed if it becomes an issue, gravel parking areas will be added to the plan and the grass parking will be removed.

- d. Does the Planning Board approve of the location, arrangement, size and design of building, lighting and signs? (§7(E))

The motocross track will not be lit. The Planning Board approves the location, arrangement, size and design of the buildings, lighting and signs.

- e. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a notice deterring buffer between these and adjoining properties. (§7(F))

The Planning Board finds the proposed landscaping adequate. The Proposal is set back from NYS Route 149, and with the inclusion of a berm, the Planning Board is approves as presented.

- f. In the case of multiple family complexes, is there adequate usable open space for controlled and informal recreation? (§7(G))

Since the project is not a multiple family complex, the Planning Board finds that this consideration does not apply.

- g. Are there adequate provisions for the disposal of storm water, sanitary wastes, water supply for both fire protection and general consumption, solid waste disposal, and snow removal storage areas? (§7(H))

The Planning Board finds that there are adequate provisions for the disposal of storm water, sanitary wastes, water supply for both fire protection and general consumption, solid waste disposal, and snow removal storage areas.

The Planning Board finds that there are adequate provisions for the disposal of storm water due to the relatively flat track elevation and soils on site. The Applicant is will not discharge into existing waterbodies and tributaries as part of this application.

The Planning Board finds that snow removal will not be an issue, since the site plan approval is based upon summer operation.

- h. In areas with moderate to high susceptibility to flooding and ponding and/or erosion, is there adequate structures, roadways and landscaping? (§7(I))

There are no areas susceptible to flooding and ponding. This provision does not apply.

- i. Is there protection of adjacent properties against noise, glare, unsightliness or other objectionable features? (§7(J))

Yes, the adjacent properties are protected against noise, glare, unsightliness and other objectionable features. As it relates to glare, unsightliness and other objectionable features the Planning Board finds that these provisions to the extent they may apply will not result in detrimental impacts.

The issue of noise pollution and the possible impacts associated therewith have been the subject of extensive debate and public comment. The Applicant has submitted numerous documents from the AMA, noise readings he has taken on his own and noise studies performed by Sterling Environmental Engineering, P.C. with the assistance of Novus Engineering. This information was submitted to the noise engineer retained by the Town of Fort Ann to perform an independent review and recommendation. The Planning Board acknowledges there may be an impact due to noise, however, it finds that any possible impact will be minor and can be sufficiently mitigated. The Proposal is located along NYS Route 149, and as such the ambient sound levels on the adjoining property mitigates the potential impact. Additionally, the Applicant has included an earthen berm. Based upon the report from Sterling, the predicted increase in decibels at the adjoining properties are all less than 6 dBA. The Planning Board finds that having kept the decibel levels below that recommended standard contained in the NYS Department of Environmental Conservation Noise Guidance Documents that the adjoining properties will be sufficiently protected.

j. Is there retention of existing trees for protection and control of soil erosion, drainage and natural beauty? (§7(K))

The Applicant is proposing retaining existing trees. The site as it exists has minimal vegetation and is used as a golf course. The Proposal is in keeping with the topography of the site.

k. For industrial site development plans, will there be impacts on air and water quality standards? (§7(L))

Since the project is not for industrial site development, the Planning Board finds that this consideration does not apply.

### Section 3. Approval and Conditions.

Based on all of the foregoing, and all of the evidence and materials submitted by the Applicant, the Application is hereby approved with the following conditions:

a. The Applicant shall perform a sound test on every motorcycle prior to operating on site to ensure that all motorcycles shall not exceed 105 dBA based upon the two-meter max sound test. The Applicant shall keep detailed records, including tachometer readings, of every test and supply the same to the Town upon request. No motorcycle shall be permitted to operate on site that exceeds the sound limit established herein.

b. The Hours of Operation: The track operation shall be permitted to operate between the last week in April (4/23) through the second week of October (10/15); during the open period motorcycles shall only be permitted to operate on-site Thursday – Saturday from 9:00 AM – 6:00 PM and Sunday 10:00 AM – 6:00 PM.

c. The Applicant shall not permit more than 20 motorcycles to race at a single time.

d. No alcohol will be permitted in the staging, pit, or track areas.



- e. The Site shall be operated based upon the AMA requirements for Amateur Racing.
  
- f. The Applicant shall submit detailed engineering of the proposed berm and ensure the finished grade at the top of the berm is no less than 10 feet in height above existing.
  
- g. There will be no exterior lighting of the track, nor sound amplifying equipment used on site.
  
- h. Noise levels on the adjoining properties shall not exceed a 6 dBA increase above the ambient sound levels, as established in the August 26, 2016 report by Sterling Environmental Engineering, PC.
  
- i. Applicant shall remit payment to the Town of Fort Ann, or directly to the engineering firm, with copy to the Town of Fort Ann for all engineering and publication costs incurred during the review of the Proposal within 30 days.
  
- j. No camping shall be permitted on site.
  
- k. No fuel station shall be permitted on site.
  
- l. The Applicant shall submit written acknowledgment from the NYS Department of Environmental Conservation confirming that upon their inspection no water is being drawn from Halfway Brook onto the premise. In the event water is being drawn, the Applicant shall submit a copy of a non-jurisdiction letter from the DEC or a copy of the permit, prior to any water being drawn from Halfway Brook.

Section 4. This resolution shall take effect immediately.

<u>Voting:</u>	<u>Ayes:</u>	<u>Nays:</u>	<u>Abstain:</u>	<u>Absent:</u>
Donald Bedeaux, Chairman	<u>X</u>	_____	_____	_____
Chad Wilson	<u>X</u>	_____	_____	_____
Richard Winchell	_____	<u>X</u>	_____	_____
Lewis (Butch) Barrett	<u>X</u>	_____	_____	_____

Brian Mattison	<u>X</u>	—	—	—
William Hohmann	<u>X</u>	—	—	—
Curt Rehm	—	—	—	<u>X</u>

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Deborah Fifield, Planning Board Secretary

Chairman Don Bedeaux called a motion on the floor. Motion made by Chad Wilson for roll call vote, seconded by William Hohmann.

Richard Winchell- Nay

Butch Barrett- Aye

Chad Wilson- Aye

Brian Mattison- Aye

William Hohmann- Aye

Don Bedeaux- Aye

Vote: Ayes- 5 Nays 1 Abstain 0

Motion made by Brian Mattison to adjourn the meeting at 8:25 p.m. Seconded by Butch Barrett.

Deborah A. Fifield,  
 Planning Board Secretary  
 Town of Fort Ann

AD

