

Planning Board Regular Meeting
Town of Fort Ann, NY
March 26,2018

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 26th day of March, 2018 at 7:00 pm.

PRESENT:

Don Bedeaux	Chairman
William Hohmann	Vice-Chairman
Richard Winchell	
Matthew Jones	
Brian Mattison	
Chad Wilson	
Jeff Meyer, Esq.	Attorney
Tiffany Ball	Secretary

ABSENT: Chairman Don Bedeaux, Matthew Jones

OTHERS PRESENT: Kaitlyn & John Moskos, Jeremy Treadway, Michael & Kaylie Kramer, Mark Miller

OPEN REGULAR MEETING:

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

APPROVAL OF MINUTES:

-The board reviewed the 2/26/2018 Meeting Minutes. Motion to approve minutes by William Hohmann, seconded by Chad Wilson. Approved unanimously.

CORRESPONDENCE: None

OLD BUSINESS:

Andrew for Monolith Solar/Site Plan: Proposal to install solar panels at Boats By George, 10018 State Route 149, #109.-1-32.7. Project is in Adirondack Park. Panels will be placed on 3 buildings to power the facility. Applicant was not present. Application tabled.

Moskos Holdings, LLC Dawson Way #110-3-1.4- Boundary Line Adjustment: 5074 Dawsons Way bought on easement. Applicant was previously advised that a small parcel could not be subdivided and that it would have to merge with adjoining parcel. Returning with maps showing surveyed portion being merged for Boundary Line Adjustment. Maps handed out to

planning board members with stamped one being given to Jeff Meyer to review. It was discussed that letter from APA stated that this did not require APA approval. William Hohmann made motion to approve and Richard Winchell seconded. Unanimously approved. Mylar stamped and signed by chairman and secretary.

Jeremy Treadway- Site Plan Application Resolution/ADK,MX Motorcross Track:

10786 State Route 149. Mr. Treadway wanted to confirm discussion from the February 26th meeting doesn't require any further action. Attorney Jeff Meyer explained that amending the two conditions wasn't done and that the board has possible language should they want to approve any changes. Reviewed questions from February 26th meeting regarding January 22nd approval and the wording brought up by Mr. Wilson. Richard Winchell asked if this should be on the agenda so that the public can be here? Jeff Meyer explained that that the board may take action on their own initiative, and further explained that the other option is for Mr. Treadway to apply. Richard Winchell said that he doesn't feel it's fair to the public that they don't know that Mr. Treadway is here even if it is just clarifying the verbiage of resolution.

Mr. Treadway requested that the conditions/clarifications that were requested in the February 26th meeting be adopted to the resolution for sections C & G.

C. The Applicant may vary the track size and dimensions, however, there shall be no motorcycles, atvs, utvs operating or racing; or other ground disturbance outside of the "Track Area Limit Line" as depicted on the Detailed Site Plan prepared by Hutchins Engineering, Last revised 10/4/17.

G. Noise levels arising from the site shall not result in a five (5) minute Leq. Measurement in excess of a 6 dBA increase above ambient sound level or a regular or periodic Lmax measurement taken at a residential property above 65 dBA

Mr. Treadway: " Was it changing verbiage or more of a clarification?"

Chad Wilson: "It was a little bit of both; you had wanted to remove the word operate."

Section C: The sound decibels were changed and the way the numbers were figured.

Jeff Meyer: "The board asked for options, that is what was provided. We can meet with counsel if needed. It is up to the board whether clarification is needed."

Mr. Treadway: "I am just trying to avoid an ugly mess in the future."

Don Bedeaux: " Do we move forward with the requested changes, or move to public hearing?"

William Hohmann: "The clarification refers to warm up space more than anything."

Don Bedeaux: "We are getting too technical. Park in the parking lot with motorcycles, and start them; we know that they will have to go from lot to the track."

William Hohmann: "They can be started and allowed to warm up in lot and then taken to the track."

The Board discussed the language and the various options for each condition. It was generally agreed by board and Mr. Treadway that the latest option with clarifications is acceptable. Everyone understands on what constitutes operate. Mr. Treadway will follow resolution as it is for this season, if it becomes an issue; the board could revisit in the future with no time limit on ability to revisit resolution.

William Hohmann made motion to approve condition C & G changes and asked Attorney Jeff Meyer to read them. Brian Mattison Seconded.

Condition C. contained in the January 22, 2018 resolution shall be amended and replaced as follows:

C. The Applicant may vary the track size and dimensions, however, there shall be no motorcycles, atvs, or utvs, operating or racing, or other ground disturbance, outside of the "Track

Area Limit Line" as depicted on the Detailed Site Plan prepared by Hutchins Engineering, Last revised 10/4/17. This condition shall not prohibit the operation of motorcycles, atvs, or utvs in the parking area, traveling to and from the track, performance of the requisite noise tests, operation within the bounds of the "Track Area Limit Line", or the use of motorcycles, atvs, or utvs by the applicant, his agents and his employees, as part of the operation of the facility.

Condition G. contained in the January 22, 2018 resolution shall be amended and replaced as follows:

G. Noise levels arising from the site shall not result in a 6 dBA increase above the ambient sound levels. All sound measurements taken shall be based upon a five (5) minute Leq reading in accordance with ASTM E-1014 – Standard Guide of Measurement of Outdoor "A" Weighted Sound Levels, as the same may be amended.

Vote: Ayes-4 (Bedeaux, Hohmann, Mattison, Wilson) Nays-0 Abstain-2 (Winchell, Jones)
Resolution is approved.

NEW BUSINESS:

Simply Kombucha Taproom & Brewery – 297 Buttermilk Falls Road #109.-1-17.2

Site Plan Application: Kaylie & Michael Kramer began process to get site plan application, but have questions. Copies given to each board member. Michael & Kaylie explained that they are taking the retail space at the former Black Rooster and changing it to a different type of retail space. Kaylie & Michael gave description of kombucha product, and explained that they are looking to become a taproom, locally driven and would like everything carried in their establishment to be local & support the community. Wanting for this to be a family atmosphere. Looking to ultimately expand to include live music, and inquired about sound ordinances & parking regulations.

Per Chairman Don Bedeaux there is no sound ordinance. Don explained that they may need to collaborate with Department of Health to ensure that they are in compliance with their standards. Kaylie explained that based on their current offerings they are collaborating with Ag & Market and plan on staying small to see how it grows before expanding to the point that Department of Health gets involved.

Supplied Environmental Assessment both short and long versions. Recently upgraded well & sewer to accommodate future anticipated volume. Parking will be left as is, being accessed from Buttermilk Falls Rd instead of Rt 149.

Attorney Jeff Meyer suggested that they go to the county for a referral to verify the county impact.

William Hohmann made motion to set Public Hearing for April, Brian Mattison seconded.

Vote: Ayes – 6 Nays – 0 Abstain-0

Miranda & Adam Lynch – 347 Goodman Rd #102-1-9.2- Subdivision Review:

Don Bedeaux mentioned that the road listed on subdivision is a private road. Explained that it needs language that there is an easement and deed must say who will maintain the lot. Joy White explained that lot 2A will maintain. Don Bedeaux reiterated that it needs to be listed on the deed. Attorney Jeff Meyer confirmed that it has to have specific language on the deed as to maintaining the lot and explained that their attorney should have this language. William Hohmann made motion to set Public Hearing for April, Matthew Jones seconded.

Vote: Ayes – 6 Nays – 0 Abstain-0

Other Business:

Mark Miller explained that Jessica Mistrako would like to repair and replace antennas on the Clay Hill T-Mobile Tower. Do they need to come before the planning board for said repairs? Not adding additional antennas just replacing current ones. Chad Wilson explained that he felt they should have to clarify what exactly they are putting up, because replacement of an antenna could technically be larger than what is currently there. Attorney Jeff Meyer said that they are required to notify the board of any intended changes regardless of how small. Matthew Jones inquired about the equipment age and it was determined that equipment is roughly 5-6 years old. Jeff Meyer said that they need to file a site plan application. Mark Miller said that he would contact them to let them know.

Richard Winchell made motion to close meeting at 7:44, Brian Mattison Seconded

Vote: Ayes-6 Nays-0 Abstain-0

Tiffany A. Ball
Planning Board Secretary, Town of Fort Ann