

**Planning Board Regular Meeting**

**Town of Fort Ann, NY**

**July 24, 2017**

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 24th day of July, 2017 at 7:00 pm.

**PRESENT:**

Don Bedeaux	Chairman
William Hohmann	Vice-Chairman
Chad Wilson	
Richard Winchell	
Matthew Jones	
Brian Mattison	
Ruth Petteys	
Mary-Ellen Stockwell, Esq.	Attorney
Deborah Fifield	Secretary

**ABSENT:** None

**OTHERS PRESENT:** Jean Hayes, Tracy Monahan, Jeremy Treadway, Melanie Dinwiddie, Attorney Jonathan Lapper, Gretchen Stark, Theresa Reynolds, Sheila Sharrow, Denny Fletcher, Jason Bowman, Don Schuster, Joshua Silver, Monolith Solar, Thomas Martinson, Lindsay Carte, Ryan Sesselman

**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 6/26/2017 Meeting Minutes. A motion to accept the Meeting Minutes was made by William Hohmann and seconded by Brian Mattison.

Vote: Ayes-6 Nays-0 Abstain-1

**CORRESPONDENCE: None**

The Board's Chairman Don Bedeaux made a request to confer with counsel on legal matters and the Board entered in to the Court's chambers to conference with legal counsel to discuss legal questions from the Board directly with counsel.

**OLD BUSINESS:**

**Jean Hayes/ Boundary Line Adjustment:** 1154 Farley Road, #119.-2-26.1. Applicant had Mylar with proper language and APA approval letter. Motion made by William Hohmann to accept and approve the application for Boundary Line Adjustments without conditions. Seconded by Richard Winchell.

Vote: Ayes-7 Nays-0 Abstain-0

**Theresa & Vernon Edwards/Jeffrey Reynolds/Boundary Line Adjustment:** 1117 Copeland Pond Road, #110.-3-3.5 and 1093 Copeland Pond Road, #110.-3-3.5. Applicant had map for boundary line adjustment to move 60 feet following the fence line. Chairman Bedeaux read the APA approval letter. The Board asked Attorney Stockwell to explain the language that is to appear on completed Mylar. Board directed applicant to submit Mylar with modified language and to contact Town Planning Board attorney with any questions regarding language to be included. Motion to accept boundary line adjustment with condition of proper language on Mylar made by William Hohmann, seconded by Brian Mattison.

Vote: Ayes-7 Nays-0 Abstain-0

### **NEW BUSINESS:**

**Joshua Silver for T-Mobile/Site Plan:** Co-Locate antennas at 89 Clay Hill Road cell tower. Applicant is only doing antennas. Does not need APA approval, as not in the Adirondack Park. Project is pretty much straight forward. Some ground equipment will be placed, but is inside the fencing. Motion made by William Hohmann for a Public Hearing on August 28, 2017. Seconded by Brian Mattison.

Vote: Ayes-7 Nays-0 Abstain-0

**Andrew for Monolith Solar/Site Plan:** 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. Any left over will go back to Monolith to credit accounts. Residual power will go to Kingsbury Golf Course. Before project can be approved, a decommissioning plan and financial surety must be provided, and approval from the APA. Project is also within 500 feet of State highway. Neighboring municipalities need to be put on notice with affidavit of mailing. The Board directed the applicant that they should be sending out these notices once a public hearing was set. It was decided that more information is needed before going to the County and having a Public Hearing. The Board asked the applicant to come back with more information and to submit any additional information prior to the meeting to be on the agenda.

**Attorney Jonathan Lapper for Jeremy Treadway:** ADK MX Motorcross Track. Applicant wishes to make changes at track. Attorney Lapper went on the record with the procedural issue with Planning Board member Petteys not being impartial on the application. Mrs. Petteys advised that she will abstain for now, but will be seeking her own independent legal counsel for advice. Previously a request was submitted to clarify items that were prior approved and seek modification on some others. Would like clarification on starting gate and size of track, which changes at all times due to regrading. Starting gate is off to the side. Existing tank on property holds off road fuel used for mowing, grading, etc. Restaurant uses propane with a tank that is buried. Mr. Treadway stated that some of the conditions that were put in place have stopped him from running a successful business and have been a challenge. #1. The ANSI sound test was explained to the board. The AMA is now requiring this be used. The 2 meter max test is what is being used now. Board would like more information on the ANSI. Some of the conditions placed are hindering applicant from being AMA sanctioned. Richard Winchell feels Board can accept request #5, as fuel tank was in fact on property prior to track, and is only being used for off road fuel and he has personal knowledge of this being there when it was a golf course. As for other considerations, he feels it warrants a new site plan application be submitted and acted on. Chairman Bedeaux agreed. Attorney Lapper asked if the Board could consider acting on the starting gate. The gate is considered a safety issue. Motion made by William Hohmann to approve starting gate as it is a modification to existing site plan that does not extend track, is on a grassy area basically unimproved except for the starting gate and only to be used for starting races which is already approved. Seconded by Brian

Mattison. Roll call vote was done.

Chairman Don Bedeaux- no  
William Hohmann- yes  
Brian Mattison- yes  
Chad Wilson- yes  
Richard Winchell- no  
Matthew Jones- yes  
Ruth Petteys- abstain

Matthew Jones asked when the 5 proposals come before the Board, are they voted on as one or are they broken down. He feels 5 resolutions submitted as one might make it difficult for applicant to get everything or nothing. Attorney Stockwell noted the site plan application can be reviewed and have discussions on all of them. It will be looked at collectively relative to those items once submitted. Site plan will be reviewed at August meeting and Public Hearing for September but applicant needs to submit new materials and completed applications with requests.

### **Public Comment:**

**Thomas Martinson**, 597 West Road, Fort Ann: 1. Mr. Treadway references a professional builder as to the width of the track. Feels board should find out who the builder was and if he was ever on site. Mr. Martinson called the builder in So. Alabama and he would neither confirm nor deny he was building the track. Should find out who was in charge. 2. The board just voted Mr. Treadway a modification without a public comment. Is that binding. 3. Mr. Treadway talks like the board is interfering with his business. Has anyone run the tax effect of his business. His neighbors estimate there are 100 properties affected by the business. Two million dollars worth of property value. A loss of \$500,000 in assessed value to the Town. Is his business making that up for us, or are we losing money and subsidizing his race track as a Town. Someone should look into this before making modifications.

**Lindsay Carte**, 10662 State Route, Fort Ann: The Board had just voted on letting him use the starting gate. Why does it not bother the Board that he was told not to use it before approval, but has been using it anyway. Does not seem to affect anyone. As for the ANSI test that the AMA says is more accurate, it is only done at less than half or half throttle. Does not give sound at full throttle. Will send an article from Motorcross magazine that states this test is a waste of time to test at half throttle. It is only done to make bikes equal to each other. Does not require to quiet decibels. Novus Engineering talked to the person in California who said if you want accurate sound, the 2 meter max has to be used. Feels track is in complete violation.

**Melanie Dinwiddie**, 116 Nicholson Road: Wants sno-mobiles to be tested. Wants to know the difference between the noise from the track and sno-mobiles out at all hours of the night. Just came back from a race in MA where track is in the middle of a community that benefits from the track. Her son races. It keeps them out of trouble. Track could bring money to community.

**Don Shuster**, South Bay Road: Does not feel people can say Mr. Treadway is not doing his job. If you were to go by track, you have noise everywhere. Such has trucks, cars.

No further public comments.

Motion made by Richard Winchell to adjourn meeting at 8:30, seconded by William Hohmann.

Deborah A. Fifield

Planning Board Secretary, Town of Fort Ann

