

**Planning Board Regular Meeting**  
**Town of Fort Ann, NY**  
**August 28, 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 28<sup>th</sup> day of August, 2017 at 7:00 pm.

**PRESENT:**

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

**ABSENT:** Ruth Petteys

**OTHERS PRESENT:** Jeremy Treadway, Attorney Jonathan Lapper, Sheila Sharrow, Joshua Silver, Lindsay Carte, Claudia Braymer, Paul Lapan, Debra Foote, Don Siano, Ralph Kolb, Frank Cresente

**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 7/24/0217 Meeting Minutes. A motion to accept the Meeting Minutes was made by Richard Winchell and seconded by Matthew Jones.

Vote: Ayes-6 Nays-0 Abstain-0

**CORRESPONDENCE: None**

**NEW BUSINESS:**

**Paul Lapan/Boundary Line Adjustment:** 483 County Route 16, Applicant displayed a map to show he is basically just joining one lot to another. Reapportion of lot to join another lot. Motion made by William Hohmann to approve lot line adjustment with language to say no new lots will be created. Seconded by Chad Wilson.

Vote: Ayes-6 Nays-0 Abstain-0

Applicant had Mylar to be stamped for approval, but revisions were required to show parcel merging with

adjoining property. Need to have Mylar revised by attorney with proper language, then dropped off for stamp of approval.

**Joshua Silver for T-Mobile/Site Plan/Public Hearing:** Co-Locate antennas at 89 Clay Hill Road cell tower. Applicant is only doing antennas, no other changes to tower. Question from public: Does it change electric vibes that come off the tower? Anytime antennas are added, they are required to operate within FCC mandated guidelines. The tower is 190 feet, the antennas will be located at 146 feet. 146 feet is well above the electro-magnetic field. Motion to close Public Hearing made by William Hohmann, seconded by Chad Wilson.

Vote: Ayes-6 Nays-0 Abstain-0

Attorney Jeff Meyer read the Short SEQRA Form to applicant. Motion made by William Hohmann to declare negative declaration. Seconded by Richard Winchell.

Vote: Ayes-6 Nays-0 Abstain-0

Motion made by William Hohmann to accept the application. Seconded by Brian Mattison.

Vote: Ayes-6 Nays-0 Abstain-0

**Michael Morrissey/Site Plan/Public Hearing:** Property is located at 10028 State Route 149. Applicant wishes to create spaces to store boats and recreational vehicles and construct two storage unit buildings. Applicant was not present. Application tabled.

## **OLD BUSINESS:**

**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. Applicant was not present. Application tabled.

**Attorney Jonathan Lapper and Jeremy Treadway:** ADK MX Motorcross Track. Applicant wishes to make changes at track and amend the conditions placed on the original approval. Since applicant was at last month's meeting, he has made a formal submission and submitted an updated site plan. Richard Winchell stated that local law of 1990, mobile home park, does not fit into this law. Attorney Lapper said they spoke to DOH. They do not want a campground, just overnight parking for the riders. Attorney Jeff Myer stated that the Town works under the local law of 1990, even though DOH may have different regulations. If seeking a waiver for camping, only the Town Board can grant the waiver, not the Planning Board. Chairman Bedeaux requested to start with #1- length of track. Do you want it wider? Everyday the track gets regraded based on conditions. It will not be wider or longer. If granted looking for flexibility as the track may naturally widen and narrow over the course of a day or season, but will not vary greatly. Just a minor variance is being requested, also provides flexibility to make modifications to potentially redirect bike noise. Board not willing to have open ended condition, need to propose limits the Board and Town can rely on. 15' was original width and 4300' was original length. Just a small variance may change. #2- sound. Applicant wishes to use the ANSI sound test as AMA is using this in all 50 states. Cannot get sanctioned through AMA without it. Applicant has done both tests, the ANSI and the 2 meter, but not every time. Can show the results, but did not have them at meeting. AMA claims ANSI is better. California has used the test for a long time. Engineer from AMA also agrees it is a more consistent test. #3- year round operation 7 days a week from 9:00 am till dusk. Chairman Bedeaux has a problem with this. William Hohmann feels he should be open if he has a special event planned. Richard Winchell suggested if he wants permission to open on a day he is closed, he should come before Board for

permission. Mr. Treadway referenced this past 4<sup>th</sup> of July when it rained Saturday and Sunday. He could not race Monday or Tuesday as he is closed. Memorial Day, Labor Day are big days for the track, if he can use those days he really needs to. William Hohmann feels he should be allowed to be open his 5 days, and maybe swap days when he has an event planned. Mr. Treadway is willing to be flexible. It was suggested he submit a schedule at the January meeting with a list of events for the upcoming year with rain dates. He is not looking to be open year round. Would like to be able to be open into October, maybe November weather permitting. Would like to open April 1<sup>st</sup>. If allowed to stay open longer, could get back the days he lost to rain. Presently schedule is third week of April until mid- October. As for hours, Chairman Bedeaux feels dusk is too much. Mr. Treadway asked if possible till 7, or dusk, whichever is earlier. Also, potential for extra summer hours on special event days. #4- Number of bikes. Wants to increase to 40 bikes to be sanctioned by AMA, which is in their rule book. The largest gate he has seen this year was at Unidilla with 34 riders. The 40 bikes would be for an event only, and can add extensions to the gate. Had 4 events this year, would like 6 next year. Applicant is asking for 40 bikes, what about track size, as it can't be changed. It would be tight, but it is also safe. Off the gate, the bikes funnel down. Can regulate bikes. How will 40 bikes affect engineering sound study? Sound test needs to be done with that amount of bikes. Also, with that many bikes, there will be traffic coming in and out, so DOT should be notified and a study done. The applicant said traffic comes in and out at all different times, and he has not had any issues. Brian Mattison asked if anyone remembered the traffic study for the Moose Hillock campground. Information can be looked at. #5- Adding ATV'S and UTV'S to have races with them. They follow the same regulation as dirt bikes and have the same engine, so noise is the same. There is a district 3 that allows them to race, but applicant can't hold these races as they are not allowed. He was asked how many are allowed on the track, he would have to look that up. They take up a double gate. Going back to camping, they would only stay one night, and they are self- contained. No tents. Working closely with DOH; they will have a truck there to pump-out wastes until a dumping station is put in. DOH will also require installation of potable water. Does not need APA approval, outside of the Adirondack Park. Requests were gone over with Attorney Lapper. Operation of April 1<sup>st</sup> until October 31<sup>st</sup>. Max number of 40 bikes is for events only. Flexibility on track width. Sound study for 40 bikes and ATV'S and UTV'S. Extended hours request is for events only. Chairman Bedeaux does not like until dusk. Needs dusk if can't get races done in time frame. Chairman Bedeaux also does not want 7 days. Applicant would like 5 day flex. It was decided more information is needed for September meeting.

### **Public Comment:**

Attorney Claudia Braymer: Representing some concerned neighbors opposed to the motorcross track's revised application. Applicant is not asking for a simple modification, he is asking for a whole new site plan and is asking to operate all year long, 7 days a week, 365 days a year. We are asking that the applicant submit a full application, a new site plan. Should not have to just look at letters from Attorney Lapper to see what is happening. Should fill out all documents with new proposed operating conditions as well as changes such as fuel sales, washing stations, dumping stations. Would be useful to see all changes put on a site plan map so public can review prior to public hearing. There will be greater impact on noise, traffic and environment concerns. Project is already violating conditions from last year. Noise is already causing excessive noise over approval. The Town should issue a stop work order and demand applicant comply with original conditions. Would like applicant to prepare a traffic study with DOT. Finally, would like board member Chad Wilson to recuse himself from any discussion or voting as he has strong bias toward motorcross track.

Debra Foote: Would like to reiterate what she said previously about Chad Wilson cheering at a meeting in favor of applicant. Also when the lawyer brought up the SEQRA form, he used the short form which was untruthful. It needs to be done over and answered truthfully.

Lindsay Carte: Face book page says he will be selling racing fuel there. How much will be stored there? Chairman Bedeaux replied he knows nothing about face book page, but at last meeting applicant was told no fuel will be sold there.

Don Siano: Size of track, width of track, 40 bikes. No one mentioned the gate, which will have to be expanded to accommodate 40 bikes. Only accommodates 20 now. Travel trailers, will need dumping station or a truck and power. If no power, they will be running generators

Ralph Kolb: His feeling this is a friendly conversation but doesn't stand up under scrutiny. Many conditions were not followed over the year. Need to take a closer look. Check into regulations. This is not a minor modification, it is a whole new project. This was originally a practice track, now has become a racing track. Mr. Treadway never refers to the impact this is having on his neighbors.

Frank Cresente: Has house next to track. Board needs to take note of positive impact track has brought to Town. It has brought a lot on new people to area.

Sheila Sharrow/Pine Hill Lane: Would like Board to consider leaves on the trees. If extend track from early April until late October, noise test needs to be done when there are no leaves on the trees.

Motion made by William Hohmann to adjourn meeting at 8:10 p.m. Seconded by Brian Mattison.

Ayes-6 Nays-0 Abstain-0

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

