

## Planning Board Regular Meeting

Town of Fort Ann, NY

September 25, 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 25<sup>th</sup> day of September, 2017 at 7:00 pm.

### PRESENT:

Don Bedeaux	Chairman
Richard Winchell	
Matthew Jones	
Brian Mattison	
Ruth Petteys	
Jeff Meyer, Esq.	Attorney
Deborah Fifield	Secretary

**ABSENT:** William Hohmann, Co-Chairman, Chad Wilson

**OTHERS PRESENT:** Jeremy Treadway, Attorney Jonathan Lapper, Lindsay Carte, Claudia Braymer, Debra Foote, Don Siano, Attorney Joe Nichols, Attorney John Winn, Claire Greene, Roy Harrison, Sheila Sharrow, Karen Campbell, Harry Treadway

### 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 8/28/2017 Meeting Minutes. A motion to accept the Meeting Minutes was made by Brian Mattison and seconded by Richard Winchell.

Vote: Ayes-4 Nays-0 Abstain-1

### CORRESPONDENCE: None

### NEW BUSINESS:

**Attorney Joe Nichols for Walker Farms, LLC/Boundary Line Adjustment:** Between Walker Farms, LLC, Tax #94.-1-14.3, 575 County Route 16, Fort Ann and William Brown & Sheila Tuttle, Tax #94.-1-13, 511 County Route 16, Fort Ann. Agricultural Stewardship has been involved. Attorney had letter of approval from them. Applicants are joining 17 acres of property previously owned by Brown and Tuttle to adjacent property of Walker Farms LLC for agricultural purposes only. Property is not in the APA. Motion made by Matthew Jones to approve the boundary line adjustment as an exempt subdivision, seconded by Richard Winchell.

Vote: Ayes-5 Nays-0 Abstain-0

**Attorney John Winn for Marilyn Haviland/Sub-Division/Family Exemption:** Applicant owns 96.80 acres on State Route 22, Comstock and wishes to convey 14.83 acres to Daughter and Son-in-Law as an exempt subdivision, pursuant to the immediate Family Exemption. Motion made by Richard Winchell to approve the proposed subdivision and deem the same exempt pursuant to the immediate family exemption. Seconded by Brian Mattison

Vote: Ayes-5 Nays-0 Abstain-0

Mylar to be dropped off for approval.

**Attorney Jonathan Lapper for Phillip Fox & Kit Burkich/Boundary Line Adjustment:** Between Phillip Fox, 3943 Whipple Way, Catskill Bay, Tax #73.9-1-33 and Kit Burkich, 3947 Whipple Way, Catskill Bay, Tax #73.9-1-34. Fox is conveying 1.3 acres to Burkich. Attorney had non-jurisdictional letter from APA. Both lots will be roughly the same size with no new lots created. Motion made by Brian Mattison to approve the boundary line adjustment as an exempt subdivision. Seconded by Richard Winchell.

Vote: Ayes-5 Nays-0 Abstain-0

### **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.

**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.

At 7:15, the Board adjourned the meeting to confer with counsel for legal advice. The Board entered into the Courts chambers to conference.

At 7:36, the Board reopened Public Session. Board member Ruth Petteys excused herself and left the meeting.

**Attorney Jonathan Lapper and Jeremy Treadway:** ADK MX Motorcross Track. Applicant wishes to make changes to track and amend the conditions placed on the original approval. Based upon discussion at last month's meeting, applicate has cut back on requests based on what board wanted to see and submitted the revised materials. Chairman Bedeaux started with:

#1- length and width of track. Track will not get bigger outside. Inside, curves may change due to regrading every day. Will try to depict on site map, but variation will always occur. Brian Mattison brought up safety issues. Track can't be changed as it has to be so many feet from fencing. Applicant will show box around perimeter, indicating a not to exceed dimension and the applicant would be permitted some variance on the interior of the perimeter.

#2- sound. Chairman Bedeaux has read up on this and feels the ANSI test is better than 2 meter and has no problem with it. Richard Winchell would like readings dropped off weekly to Town Clerk. Presently, the readings are by request. Applicant will comply with request.

#3-year round operation 7 days a week from 9:00am till dusk. Applicant has revised his request to only 5 days, and will not be running year round. Request includes being able to operate on the Monday of holiday

weekends, i.e. Memorial and Labor Days. Would like a 5 day float to accommodate for weather. Upon questioning by the Board, would agree to the 4 days, but could really use a 5<sup>th</sup> day if weather is bad. Would use the 5<sup>th</sup> day on a Monday, Tuesday or Wednesday for a dry day. Attorney Myer asked what day would week start, as there will always be that problem. Floating days may end up being 7 days open. The Applicant stated their request would remain as 4 days of operation, and a float. As for hours, applicate is looking for 9:00am until 6:00pm on practice days and on race days, from 9:00am until 7:30pm or dusk, whichever is earlier. It will also depend on the number of races he has next year, and the different classes. Chairman Bedeaux feels 7:00pm is sufficient. Matthew Jones asked if 8:00am until 6:00pm would work. Applicant was agreeable. As for length of time track is to stay open, based upon feedback from the Board, the applicant proposed April 1<sup>st</sup> until October 31<sup>st</sup> as acceptable.

#4-number of bikes has been withdrawn.

#5-adding ATV'S and UTV'S. They have to meet the AMA rules and follow the ANSI test. They make no more noise than the bikes. Races should be on the same day as the bikes. Will not have an extra day of racing for these additional heats.

#6- camping. The Planning Board has no jurisdiction at this time. The Mobile Home Local Law will need to be complied with and if formal request is to be made, the Planning Board would refer to the Town Board for their review of the variance request that would be required. The Applicant formally withdrew this item from the present application. If he chooses to pursue, understands will need to appear before the planning board, and also obtain Town Board and DOH approvals.

Applicant needs to come back with map, submit readings every week. Motion made by Brian Mattison to set Public Hearing at October 23, 2017 meeting. Seconded by Don Bedeaux.

Vote on Public Hearing- Ayes-5, Nays-0 Abstain-0

Applicant asked he could stay open until the end of October. Request was denied.

### **Public Comment:**

Lindsay Carte: In regards to the sound test, the original condition limited it to 105 decibels which was 7 decibels lower than what those bikes normally produce. They are normally around 112 decibels. The other test applicant is asking for is only performed at half throttle, then they are in the 94/95 range, which is not indicative to what they are when you rev them up. They will be over 105. In June they tested 11 bikes with the 2 meter max test, only 2 of them were 105. So if you allow him to use this other test, pretty much all bikes will be over 105. Noise is the problem. If they were being tested at 105 it would be a lot quieter. Now you are saying that bikes don't have to be quiet. It is like a step backward. Will be sending an article about noise tests.

Roy Harrison: Asked if Mr. Wilson was absent. He (Mr. Harrison) has been hostile on motorcross forever. Can't see where it is beneficial to village. Pretty soon there will be no restrictions left.

Jeremy Treadway: In response to Lindsay Carte's comment, the 2 meter test is done at 6', the ANSI test is done at 20", which is a lot closer. ANSI test is not at half throttle. It shows what RPM'S are to be at 20'. It is more consistent and stricter. Throttle is inconsistent on the 2 meter.

Claire Greene: Would like to know if any Board members would be willing to come to her house, 1068 State Route 149, to listen to the noise without Mr. Treadway being aware.

Debra Foote: Mr. Myer, in the paper you were asked what you do to relieve stress. You said that you search for quiet. You were also asked why you think the region is a good place to work and live. You said because the

community is focused on the quality of life for all of its residents. Which is Queensbury. Wants to remind Board that they work for the people of Fort Ann, not someone from out of the area with a history of not paying taxes.

Attorney Claudia Braymer: Representing some concerned neighbors opposed to the motorcross track's revised application. Would like the Board to consider having applicant do a sound test every time they operate. Seems to be conflicting information whether or not they are racing. Feels it will be very hard to enforce. He is racing two times a weekend already, but he says he has only had 3 races this year but is planning for a whole bunch of new races for 2018. Noise will be there every time they operate, so a noise test should be submitted every time, not when applicant is just calling it a race.

Lindsay Carte: Whatever happened to the mobile home law that says an application has to go before the planning board. Applicant is asking for trailer/campers, so he has to go before the Town. Town law prohibits it, so he has to go before Town Board to seek relief. Mr. Carte reads it as you have to go before planning board, then they make recommendations to the town board. Attorney Myer stated the applicant had withdrawn the request.

Sheila Sharrow: Asked if they raced 2 stroke or 4 stroke. It was answered that both were done.

Don Siano: Last year it was said that the track would be important to Fort Ann. It appears it is only important to a small group of people. Has anyone contacted any businesses in the surrounding area to see if they have felt an impact. Chairman Bedeaux stated that he hadn't. Richard Winchell said if you ask three different people at the same business, you will get three different answers. Feels conditions that were set last year have gone down the pike. Has concerns of length of time track will be open and hours of operation. Next will be snow mobile races. He gets a set of conditions, then changes them one at a time. As for the taxpayers that foot the bill for the Town, what are we getting out of the track.

Harry Treadway: Not a resident of Fort Ann. What locals are getting out of the track is tax dollars from Washington County. The only way you get people to spend money in a community is to have a destination, and that's what the track has become. He knows the owner has gone and talked to other businesses to see if there was a value added to their business during the time he was open. As far as noise, he knows for a fact the owner has spent money on 2 noise tests. A small group of individuals who are concerned with spending the Town's money have forced the Town to do another noise test, again that passed. Decibels have not changed.

Karen Campbell- Has had decibels at her house on Goodman Road way over. Can be as much as 12 over and can be heard in the house.

Motion made by Brian Mattison to adjourn meeting at 8:25 p.m. Seconded by Richard Winchell

Ayes-5 Nays-0 Abstain-0

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



