

**Planning Board Regular Meeting  
Town of Fort Ann, NY  
May 24, 2021**

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 May, 2021 at 7:00 p.m.

**PRESENT:** Donald Bedeaux, Chairman  
William Hohmann, Vice Chairman  
Brian Mattison  
Chad Wilson  
Jeffrey Meyer, Attorney for the Planning Board

**ABSENT:** Tiffany Ball, Secretary

**OTHERS PRESENT:** John Heath & Representation, Christopher Knauf, Adirocky Land Holdings Representative

**OPEN REGULAR MEETING:** Don review the minutes from last meeting. Does anyone have any questions or corrections?  
Brian motion to approve Chad 2<sup>nd</sup>

Ayes – 5 Nays – 0 Abstain – 0

**CORRESPONDENCE:** None

OLD BUSINESS:

**John Heath Subdivision:**

John Heath: I was here last month.

Don: Do you have any other material with you?

Subdivision presented last month from John Heath, one was existing house, the other small structure which used to be diner, the 3<sup>rd</sup> is 3 storage buildings. 2 has frontage on 22, the one in the back would be serviced by existing driveway.

Don: There was no road frontage on that third lot.

Sir: yes but it would be serviced by the driveway which they own.

Bill: So this would be an independent lot?

John: Yes to be serviced by the driveway which I will retain the ownership of.

Don: We can't do that. If there is no road frontage it would be land locked.

John: But that right of way would make it accessible.

Bill: But it would need a maintenance agreement. Who is going to maintain it etc?

Rep: There is no proposal for John to maintain the right of way.

Bill: Right, but we can't do that. It has to have a maintenance agreement.

Rep: So let me get this right, the owner of the property granting the right of way has to maintain it?

Don: Someone has to. There has to be an agreement.

Rep: Yeah, the person that buys the 3<sup>rd</sup> lot.

Jeff: In the 15 years that I have been here, this board has never approved a subdivision that did not have road frontage. This lot does not have road frontage. Secondly access is via Easement they are required to see and approve whatever that easement says, but we don't even get to that second question because this lot doesn't meet that first criteria of having road frontage; which they have never approved before.

Don: What does everyone think?

Brian: The right of way would have to go across all these lots. What's going to happen to the rest of this stuff when you sell this someday?

Rep: So is it my understanding that town of fort ann doesn't approve any lots that are served by an easement?

Jeff: no, it's that any lot to be created must have road frontage. It can be served by an easement, but still has to have road frontage. Don't have to use it that's where the easement comes in, but it has to have it.

Rep: Okay, thank you.

## **New Business:**

### **Chris Knoff Boundary Line Adjustment:**

Chris Knoff: I have a parcel between myself and my neighbor. Neighbor wants to buy parcel. Changing 3 foot angle on the forward line. No plans to build anything. Changing it very small. Borderline of a few feet, we both agree on it.

Don: Just this one corner?

Chris: Yes, it's only like 5 feet.

Don: Do you guys have any questions, do you see what he is doing?

Board Members: Yes, seems straight forward.

Bill made motion to approve, Dave 2<sup>nd</sup>.

Ayes – 5 Nays – 0 Abstain – 0

### **Scott Priest Mobile Home Application:**

Scott: I sent in a packet last month. We are talking about buttermilk falls rd parcel. My brother in law owns it so I am speaking for him. We want to put RV sites on it. 3 RV sites, to supplement my retirement. We are targeting mobile vans, I don't want big RV's. Property is 300 feet deep 50 feet wide 500 gallon dump station for waste. No separate septic for each site. Possible buffer fence down one side of it. Just looking for those 3 sites.

Don: What about water?

Scott: At one point we wanted water but not right now because of the cost. Most RV's have self contained units. I was more worried about waste water. APA 35 feet from stream, we went 50 feet.

Don: You would need to go through the state too because you are calling it an RV park. Sewer may be okay as you state it, but I am not certain. But, water would be required. Town of Fort Ann has a mobile home ordinance.

Jeff: To the extent you can't meet the technical requirements. Sanitary male and female facilities, showers, etc.

Scott: They are all self contained units.

Jeff: Doesn't matter, you can get variances from the town but as it stands right now it would require more. You are also supposed to have running water on each site. Public telephone etc. The law is from 1990, so you can explain the reasons you can't comply and go from there. Town Board is the 2<sup>nd</sup> Monday of every month; I am not sure when they would want meeting materials.

Scott: So you have nothing to do with the application of the Mobile home?

Jeff: Because it doesn't meet all the requirements of this law, no. It would need to go before the town board first.

**Helen Denno Subdivision Application:**

Don: Is Gould Lane maintained by the town?

Helen: Yes

Don: So you are just giving this to your children right?

Helen: Yes, giving it to my daughter and her husband.

Don: this is pretty straightforward, no landlocked etc.

Brian: What exactly are you taking out?

Helen: This is all my property we are taking out the 3 acres over here.

Brian: Oh Okay.

Helen: On the deed we have a spot at the back of the property that has a right of way of 16 feet but the surveyor listed it as 50 feet.

Bill: Motion to approve with family exemption pending receipt of final survey map.

Chad 2<sup>nd</sup>

Ayes – 5 Nays – 0 Abstain – 0

**Public Hearing for Adirocky Land Holdings Subdivision Application:**

Bill motion to open public hearing

Ayes – 5 Nays – 0 Abstain - 0

Adirocky Representative: subdivision of miss Harris's lot into 2 lots 5.6 2<sup>nd</sup> 6.23 to retain first lot and sell 2<sup>nd</sup>. Right next to the truck stop.

Don: Selling this?

Adirocky Representative: Yes, no one at this time but that is the intention.

Bill motion to close the public hearing, Brian 2<sup>nd</sup>

Ayes – 5 Nays – 0 Abstain - 0

Jeff read Seqr

Bill Motion of negative declaration Brian 2<sup>nd</sup>

Ayes-5 Nays – 0 Abstain - 0

Bill motion for approval Chad 2<sup>nd</sup>

Ayes – 5 Nays – 0 Abstain – 0

**Other Business:**

Don: I want to talk about that new law that they want to enact. Anyone have any questions?

Bill: I would like to see a copy of it, I haven't seen a copy yet.

Jeff: At the last town board meeting they discussed two local laws. Site plan review law requires properties used as short term rentals requires site plan reviews. Once approval is received; there would be a license requirement for properties.

Bill: What about temporary rentals? Like I want to go to Florida for the winter and Brian wants to rent my house?

Jeff: I don't have the full draft of the proposed bill with me, but yes; you could fall into that category depending on circumstances.

Jeff: if you rent a property to multiple parties for less than 30 days than you fall within this requirement.

Don: Has there been complaints?

Jeff: Supervisor says there have been numerous complaints not just related to Hadlock or one particular company, but several related to dogs, vehicles, noise etc.

Don: The problem that I have is in the April meeting they picked out one company specifically, then said lets make this a town law so that no one thinks we are picking on said company, which essentially they are. If we have a problem with them go directly to them. I am not sure that has happened yet. Chad, yes I second that.

Brian: Who is going to enforce all this stuff?

Don: That was my next question.

Bill: Dogs are under the NYS dog leash regulation. Occupancy is hard to prove, you can have guests visiting etc. How will all of this be handled?

Mark: That is part of the problem. Specific buildings are being purchased and turned specifically into short term rentals. With one specific property, this company went through the town, upgraded septic etc.. Everything was approved and official. It was later seen that they went onto Zillow and began advertising the property as a 6 bedroom with a single family septic. A single family septic system is for 4 people. 2 kids & 2 adults. One of the first times they rented it, they had 12 people staying there. That is 3 times what that septic system is approved for. They built everything by what they told the county they were doing, the county approved everything based on what they were told; which is no longer the case. You also now have to have established parking because there were 8 cars there. They were up until 3am being loud. So it was not at all what they presented to the town originally.

Bill: That sounds like our camp in Sacandaga. I would get up in the morning to go to work, and everyone was still out partying. You are living on a lake, you just kind of accept it.

Don: I just feel like they should be going directly to the people. Now we will be having to pay for law enforcement, code enforcement etc. These places are already working, if they enact this law they will have to have fire inspections, electrical inspections etc. They will have to have all these inspections before they can reopen?

Jeff: It is still up for discussion. What often happens is a grace period where a property owner has a certain amount of time to bring their property into compliance with proper licenses etc or stop operating. Or, get a long term tenant and have them stay for longer than 30 days. We need to prove that it's up to code. If they say it's 6 bedrooms; it can't be a basement space without a window, stuff like that.

Don: \$950 for the first offense? That seems a little steep doesn't it?

Bill: Who pays it? The land owner or the people making the noise? Who enforces it?

Jeff: It would go before a judge to be determined whether it was valid and \$950 is the most you can penalize a violation.

Don Motion to close meeting, Chad 2<sup>nd</sup>

Ayes – 5 Nays – 0 Abstain - 0