

**Planning Board Regular Meeting**

**Town of Fort Ann, NY**

**October 22<sup>nd</sup>, 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 22nd day of October, 2018 at 7:00 pm.

**PRESENT:**

Don Bedeaux	Chairman
William Hohmann	Vice-Chairman
Brian Mattison	
Chad Wilson	
George F. Smith	
Jeff Meyer, Esq.	Attorney
Tiffany Ball	Secretary

**ABSENT:**

**OTHERS PRESENT:** Mark Miller, Frank Cattone, Kim Bender, Mr. Petteys, Bill McFarren, Mark Miller, Ian Liebmann & Doug Knight

**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 8/27/18 & 9/24/18 Meeting Minutes. Motion to approve minutes by Brian Mattison, seconded by Chad Wilson.

Vote: Ayes – 5 Nays – 0 Abstain-1 (George F. Smith)

**CORRESPONDENCE: None**

**OLD BUSINESS:**

**Andrew for Monolith Solar/Site Plan/Public Hearing:** No one present from Monolith. Motion to deny application without prejudice made by Bill Hohmann and seconded by Chad Wilson.

Vote: Ayes – 5 Nays – 0 Abstain-0

**Petteys Sawmill/Bill McFarren:** Mr. advised that Bill had faxed stuff to the APA, but has not

gotten any response. Attorney Jeff Meyer asked when exactly the information had been faxed and went on to explain that he called APA in the middle of September and was advised by them that they had not received anything from Bill McFarren as of yet. Mr. Petteys said that it was sent in recently and explained that he had court with Mr. Clark and it had been postponed to give the APA more time to make a decision and send the documentation.

Don Bedeaux: "A lot has been cleaned up but he still has work going on."

Mr. Petteys: "Is it against the law for him to fix a vehicle, change his oil etc? He isn't an actual garage for hire. He is only working on his own fleet of vehicles."

Jeff Meyer: "In order to operate a business, it requires that a site plan approval be received. Even the storage of ehicles used to operate said business would require a site plan approval."

Mr. Petteys: "This will be the 3<sup>rd</sup> permit for the same property."

Jeff Meyer: "If this were an approved site plan originally and a business moved out, a 2<sup>nd</sup> business with a similar business footprint would ot need a new site plan, but this has no previous approvals."

Mark Miller: "I just spoke with Bill recently and told him to call the APA, that we have nothing."

Mr. Petteys: "He told me tonight that APA has it now."

Jeff Meyer: "Property owner is technically responsible ultimately. The only thing that can be done is evict the tenant or he has to comply with our requests."

Don Bedeaux: "We can give him until next month. He needs a letter depicting everything he hopes to do on site. This must be brought to November Meeting."

## **NEW BUSINESS:**

**Ian Liebman:** Don asked Mr. Liebman if he was just looking to separate lots to which Mr. Liebman went on to explain that he has one large parcel of 18.55 acres that he is just looking to divide into 2 parcels because he doesn't need that big of a plot of land, and would ultimately like to sell the 2<sup>nd</sup> lot. Brian Mattison asked Mr. Liebman to further explain the distance between the line and the house. Ian Liebman: "At narrowest, about 65 feet, the reason I'd like to have that line is because it leaves the new owner a good 2 to 2.5 acres of grassy flat space to build on and enjoy."

Motion to set up public hearing made by Bill Hohmann and seconded by Brian Mattison.

Vote: Ayes – 5 Nays – 0 Abstain – 0

**Kim Bender:** Ms. Bender explained that she has 2 lots, 2 deeds that she would like to separate after having them combined to one parcel ID years ago for tax assessment purposes. Kim explained that she had previously requested lot line changes, received approval but never filed the changes. Attorney Jeff Meyer recommended that the board adopt a resolution regarding the property being exempt from public hearing. Bill Hohmann made motion to make it exempt if nothing has changed and revert it to original description ins 2005. Brian Mattison seconded.

"SUBDIVISION – Kim Bender, owner of 3359 & 3363 Travis Point Way, Town of Fort Ann, is applying for a determination relative to the subdivision of her existing property. The two lots were separately acquired with separate and distinct descriptions. The lots were later merged through the assessor for property tax purposes. ON A MOTION BY Mr. Hohmann, seconded by

Mr. Mr. Mattison, based on all of the evidence and materials submitted by the Applicant the subdivision is exempt from the subdivision law as a pre-existing subdivision.”

**Doug Knight Sawmill PUBLIC HEARING:**

Don Bedeaux opened public hearing and asked Doug to explain to the public what he is looking to do.

Doug Knight: “ I cut big wood into small wood, I am a sawmill.”

Don Bedeaux: “Are you working 6 or 7 days per week?”

Doug Knight: “Not cutting.”

Frank Catone: “I believe that this oly affects he and I. The way the property sits, I can hear every cut and it runs right through out the house. Can I play a recording from our livingroom?”

Don Bedeaux: “Sure”

Doug Knight: “ That sounds a lot closer than 1200 feet away, is there a video to go with it?”

Frank Catone: “Yes, I can gladly show it to you. I know that you’re a nice guy, we don’t wish you ill, I am like you; just trying to make a living. I work from home, I used to do conference calls outside etc. I can’t do that anymore, you are ruining our lives 5 days a week sawing. The noise is unbearable. If you build a building maybe that will help, I don’t know?”

Motion to close public hearing made by Bill Hohmann and seconded by Chad Wilson.

Vote: Ayes-5 Nays-0 Abstain-0

Doug Knight: “I think it’s going to get better, I mean we are in a field but I need a place to live. That’s why I am building a house first. We will be building a pole barn for winter and will put insulation in for noise etc. The noise actually really bothers me too so I do understand where Frank is coming from.”

Bill Hohmann:” He can keep the same hours until the building is built and we see how it changes things. You can continue to operate on previously agreed upon days and hours and you have 1 year to comply with building and sound mitigation.”

Jeff Meyer read Environmental Assessment Form and Bill Hohmann made negative declaration, Brian Mattison seconded.

Vote: Ayes-5 Nays-0 Abstain-0

Motion to approve site plan application in 2 phases 1<sup>st</sup> phase being to operate and 2<sup>nd</sup> phase being building, blueprint specs and sound mitigation within 1 year. Chad Wilson seconded.

Vote: Ayes-5 Nays-0 Abstain-0

**Brian Mattison made motion to close meeting at 7:50, Chad Wilson Seconded**

Vote: Ayes-4 Nays-0 Abstain-0

Tiffany A. Ball

Planning Board Secretary, Town of Fort Ann