

**Planning Board Regular Meeting**

**Town of Fort Ann, NY**

**September 23rd , 2019**

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 23rd day of August, 2019 at 7:00 pm.

**PRESENT:**

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

**ABSENT:**

**OTHERS PRESENT:** Mark Miller, Jeremy Treadway, Michael Crowe, Claire Greene, Eric Henry, and Eric Henry.

**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 8/26/19 Meeting Minutes. Motion to approve minutes by Chad Wilson and 2<sup>nd</sup> by George F. Smith

Vote: Ayes – 5 Nays – 0 Abstain-0

**CORRESPONDENCE: None**

**OLD BUSINESS:**

**Doug Knight/Knight Sawmill:**

Don: Do you have anything to show?

Doug: I have a few photos of everything, but figured since you showed up there and saw it, you knew it.

Don: I don't think any of these guys have seen it though.

Don: Has anything else been enclosed over there?

Doug: Not really. Just insulated doors, building etc. The neighbors say when you listen it sounds like someone is running a vacuum, but you have to let the cars stop running first because they are louder.

Don: Okay, is the board satisfied that all conditions have been met?

Board: Yes.

Jeff Meyer: Could you please send a copy of the pictures of building to the planning board secretary to have added to your file?

Doug: Sure.

**ADK MX/Jeremy Treadway:**

Bill Hohmann: Motion to open public hearing, Don Bedeaux 2<sup>nd</sup>.

Ayes-5 Nays – 0 Abstain – 0

Don: Everybody that runs tracks uses the the AMA standards across the country.

Lindsay: That is correct.

Don: What is the issue?

Lindsay: It doesn't limit the max sound from the bike.

Jeremy: He is speaking to a rpm max. We set the bike to an rpm and measure it at 20 inches. This to avoid any inconsistencies as to who is blipping the throttle and how far away are we measuring. This is the best way to make sure that everyone's 4500 rpm is the same across the board.

Public: If you're looking at Jeremy's business as a timeframe or hours of operation and sound, why aren't we looking at everyone like the airport and the soccer field? If we pick one person don't we have to pick everybody.

Bill Hohmann motion to close hearing, George F. Smith 2<sup>nd</sup>.

Ayes- 5 Nays – 0 Abstain – 0

Don: I have one thing that I need to say. I got an email from Claudia stating that I said I could hear his motorcycle track. That is true, occasionally I can, but I can hear the traffic on 149 more. So unless we go to the state and ask them to reduce traffic noise, or tell lake George no more motorcade because that is obnoxious too, we can't say much in terms of noise. I just want Claudia to know that too.

Brian: You are April 15<sup>th</sup> now right?

Jeremy: Yes, we had amended it in 2018 to April 1<sup>st</sup> but when they annulled it we went back to 4/15. So we are asking for what we had last time, April 1<sup>st</sup> through the 3<sup>rd</sup> Thursday in November.

Jeff Meyer read SAEF:

Bill Hohmann made motion to make negative declaration, Brian Mattison 2nd

Ayes – 5 Nays – 0 Abstain – 0

Don Bedeaux: before you guys vote, I don't agree with November. I would go end of October but not November.

Bill Hohmann: motion April 1<sup>st</sup> through 4<sup>th</sup> Thursday in November following Current AMA sound standards, Brian Mattison 2<sup>nd</sup>.

Jeff Meyer : read resolution:

**“PLANNING BOARD OF THE TOWN OF FORT ANN  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Adopted SEPTEMBER 23, 2019

Introduced by WILLIAM HOHMANN  
who moved its adoption

Seconded by BRIAN MATTISON

**RESOLUTION APPROVING THE SITE PLAN APPLICATION  
OF  
JEREMY TREADWAY AND  
10786 RTE 149 LLC**

**WHEREAS**, pursuant to Local Law 4 of the year 1990, also known as the Town of Fort Ann Site Plan Review Law (hereafter the “Site Plan Review Law”) and Article 16 of the Town Law of the State of New York, the Town of Fort Ann Planning Board (hereafter the “Planning Board”) is authorized and empowered to review, approve, approve with modification, and disapprove all site plans in the Town of Fort Ann as required under said Site Plan Review Law; and

**WHEREAS**, Jeremy Treadway on behalf of 10786 Rte 149 LLC (hereafter the “Applicant”), has applied to amend certain conditions that were placed on the site plan

approval for the 4300 foot motocross track located on 10786 NYS Route 149, Town of Fort Ann, the improvements related to which are found in the Application (hereafter the "Proposal"), which requires Site Plan approval under the Site Plan Review Law; and

**WHEREAS**, the Applicant has submitted documentation in support of his application, including but not limited to the cover letter encompassing the application materials; Environmental Assessment Forms; Detailed Site Plan from original approval, expert analysis from Timothy McAuley, MS, PhD, CHANGE, and materials from the Applicant and their representatives, which are expressly referenced herein as if fully set forth herein and all of which shall constitute the "Application"; and

**WHEREAS**, by resolution dated September 13, 2016, the Applicant obtained site plan approval for a 4300 foot motocross track, a copy of which is attached hereto and made a part hereof, and with all applicable appeals having been exhausted, is seeking to amend the following conditions:

1. The applicable noise testing method for each motocross bike being permitted to race.
2. The dates and hours of operation.

**WHEREAS**, the Planning Board is also in receipt of the recommendation of the Washington County Planning Board dated September 3, 2019, which Planning Agency found it to be a matter of essentially local concern; and

**WHEREAS**, a duly noticed public hearing has been held on the Proposal as presented in the Application, and the comments of the public are included in the record hereof; and

**WHEREAS**, the Planning Board is prepared to review the application and make a final determination thereon in accordance with Section 8 of the Town of Fort Ann Site Plan Review Law.

**NOW THEREFORE BE IT RESOLVED:**

Section 1. Various public comments were raised concerning the application including concerns over noise, and related impacts to neighbors. The Planning Board has considered these concerns and finds that:

The Proposal is a permitted use in the Town of Fort Ann. The proposed use has existed in the Town since 2016. While the motocross bikes are audible, there is no evidence of any significant negative impacts to adjacent properties or detrimental impacts associated with the operation of the track. The Planning Board hereby finds that based upon the assessment provided by Timothy R. McAuley, MS, PhD, of CHANGE, the proposed modification to the testing procedure will result in a more consistent and repeatable approach based upon American National Standards Institute research and standards for noise testing motocross bikes prior to being allowed to operate, which will result in less impact.

Section 2. Having reviewed the Application and the comments of the public, and having reviewed the criteria for the review of site plan applications in Section 8 of the Town of Fort Ann Site Plan Review Law, the Planning Board hereby makes the following findings:

- A. Since there are no site changes proposed with this application, the proposal meets the design requirements of the Site Plan Review Local Law.
- B. Since there are no site changes proposed with this application, the Planning Board focused primarily, but not exclusively on those potential negative impacts most associated with the proposed amendments.

Foremost, the Planning Board reviewed the impact to determine whether the adjacent properties were protected against noise and other objectionable features. Since there are no site changes proposed, as it relates to glare, unsightliness and other objectionable features the proposed amendments are found to have no impact.

The issue of potential negative impacts associated with noise remains a contentious issue dating back to the original approval. The Applicant previously submitted documents from the AMA guidebook for Amateur racing relative to noise testing of the motocross bikes. Additionally, the Applicant submitted the expert analysis of Dr. Timothy McAuley, an expert in the assessment of noise monitoring procedures, to perform a third party assessment of the noise monitoring procedures deployed by the track. Dr. McAuley confirmed that the noise testing procedures required by the AMA

rulebook are adopted and followed by the American National Standards Institute (ANSI). Dr. McAuley further noted that the protocol being employed is more stringent, with far less impact than the previously approved testing protocol. Based upon the expert opinion, the Planning Board finds the amended testing protocol will not result in additional adverse negative impacts.

### Section 3. Approval and Conditions.

Based on all of the foregoing, and all of the evidence and materials submitted by the Applicant, the Application is hereby approved with the following conditions in accordance with the authority granted by section 8(D) of the Site Plan Review Law:

a. The Hours of Operation: effective immediately, the track operation shall be permitted to operate annually between April 1, through the fourth (4<sup>th</sup>) Thursday of November; during the open period motorcycle(s) shall only be permitted to operate on-site Thursday – Saturday from 9:00 AM – 6:00 PM and Sunday 10:00 AM – 6:00 PM.

b. The Applicant shall perform a sound test on every motorcycle prior to it(s) operating on site to ensure that all motorcycles shall comply with the noise requirements of the current American Motorcyclist Association's Motocross Rules for Amateur Racing. The Applicant shall keep detailed records, including tachometer readings, of every test and supply the same to the town's enforcement officer upon request. No motorcycle shall be permitted to operate on site that exceeds the sound limit established herein.

c. The remaining terms and conditions contained in the site plan approval resolution of September 13, 2016, where not inconsistent herewith, shall remain in full force and effect.

Section 4. This resolution shall take effect immediately."

Jeremy: 4300 was when we first started.

Jeff Meyer: It is just reference to the original proposal. It doesn't change anything that may have been added or taken away. It is a plus or minus not an exact.

Jeremy: I remember them measuring width and length and when that plus or minus came up we were back before the town. The way we amended it was to set a perimeter and say to stay within that perimeter.

Don lets vote on the previous motion first.

Ayes – 4 Nays – 1 (Don Bedeaux) Abstain – 0

Bill Hohmann: can I set a motion to change the perimeter?

Jeff Meyer: My recommendation is to have Mr. Treadway formally apply to make that request in writing because the 2018 judgement was thrown out.

Bill Hohmann: The hours were approved.

Jeremy: So I need to do this all again? I just want to go through the proper channels.

Jeff Meyer: Yes, that would be the proper way. Go back to 2016 and tonight, those are what you have to go by.

Jeremy: So, I can lay them out side by side and compare?

Jeff Meyer: Yes and anything that you want to waver from with that will be an amendment.

## **NEW BUSINESS:**

### **Eric Henry Subdivision:**

Don: Tell us what you're doing

Eric: Purchasing 2 acres from a neighbor that has 13 acres.

Don: Are you building on it?

Eric: Not right now, can't say I never will but right now it's just a buffer.

Bill: are you keeping them separate?

Eric: Want to keep them separate because I have a mortgage on the farm.

Bill Hohmann: motion for public hearing

Brian Mattison: 2nd

Ayes- 5 Nays – 0 Abstain - 0

**Battle Hill Brewing/Jim Hume:**

Don Bedeaux made motion to open public hearing, Bill Hohmann 2<sup>nd</sup>

Ayes 5 Nays – 0 Abstain - 0

Jim: Looking to put a sign up on route 4 and 149 across from the trash plant. A 4x8 sign similar to the new signs we just put up.

Don Bedeaux: it's 50 feet away from the center line?

Jim Hume: yes.

Don Bedeaux: any questions?

Bill Hohmann made motion to close, Don Bedeaux 2<sup>nd</sup>

Ayes-5 Nays – 0 Abstain - 0

Jeff read SAEF

Bill Hohmann made motion of negative declaration, Chad Wilson 2<sup>nd</sup>

Ayes-5 Nays – 0 Abstain – 0

Bill Hohmann made motion to approve with no conditions, Chad Wilson 2<sup>nd</sup>.

Ayes-5 Nays – 0 Abstain - 0

Don Bedeaux made motion to close meeting, Brian Mattison 2<sup>nd</sup>.

Ayes – 5 Nays – 0 Abstain - 0

**Public Comments:**

None

Tiffany A. Ball  
Planning Board Secretary, Town of Fort Ann