

**Village of Fort Edward**  
**Zoning Board of Appeals MEETING/PUBLIC HEARING**  
**August 4, 2021**  
**6:00 pm, Fort Edward Village Hall (Zoom Meeting)**  
*(Transcribed from notes taken at meeting)*

MEETING CALLED TO ORDER AT 6:00 PM. ROLL CALL TAKEN. CHAIRMAN ROCHE LED THOSE PRESENT IN THE PLEDGE OF ALLEGIANCE.

| Roll Call          | Absent      | Attorney    | Public Attendees | Public Attendees |
|--------------------|-------------|-------------|------------------|------------------|
| Chairman Tom Roche | Joe Carroll | Matt Fuller | John Miner       |                  |
| Bernard Taylor     |             |             | Scott Quigan     |                  |
| James Brooks       |             |             | Rasheed Bhatti   |                  |
| Denise Mayer       |             |             | Gregory Teresi   |                  |
| Dave Armando       |             |             | Elizabeth Tholl  |                  |
|                    |             |             | Catherine Kegan  |                  |
|                    |             |             | Kirk VanAiken    |                  |
|                    |             |             | Ron Holding      |                  |
|                    |             |             |                  |                  |
|                    |             |             |                  |                  |

\*Agenda Item

**THESE ARE NOT OFFICIALLY ADOPTED MINUTES AND ARE SUBJECT TO BOARD AND STAFF REVISIONS. ANY REVISION WILL APPEAR ON THE FOLLOWING MONTHS MINUTES AND WILL STATE SUCH APPROVAL OF SAID MINUTES.**

A MOTION TO APPROVE THE **JUNE 2021** MINUTES WAS MADE BY **BERNIE TAYLOR**, SECONDED BY **DENISE MAYER**.  
 ALL AYES. MOTION CARRIED

- PUBLIC HEARING –IRVING TISSUE**  
**1 EDDY STREET**  
**TAX MAP NO. 163.17-4-41.1**

CHAIRMAN ROCHE OPENED THE MEETING INTRODUCING SCOTT QUIGAN FROM HAANAN ENGINEERING REPRESENTING IRVING TISSUE ON THE APPLICATION TO CONNECT A COUPLE OF BUILDINGS TO MAKE IT EASIER FOR PRODUCTION. THE CONNECTION WILL BE SOMEWHAT OF A BRIDGE, CONVEYOR BELT. THE IDEA IS TO CLOSE OFF CHURCH STREET AND MAKE IT GREEN SPACE. THE BRIDGE WOULD BE 540 FT OF CONNECTOR BRIDGE. RIGHT NOW, THERE IS TRAFFIC BETWEEN THE TWO BUILDINGS.

A MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY **JAMES BROOKS**, SECONDED BY **BERNIE TAYLOR**.  
 ALL AYES. MOTION CARRIED.

SEQRA REVIEW BY BOARD

THE BOARD DETERMINED THAT BASED ON THE INFORMATION AND ANALYSIS IN THE REVIEW AND ANY SUPPORTING DOCUMENTATION, THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

A MOTION TO DECLARE THE APPLICATION A NEGATIVE IMPACT WAS MADE BY **BERNIE TAYLOR**, SECONDED BY **JAMES BROOKS**.  
 ALL AYES. MOTION CARRIED.

A MOTION TO APPROVE THE APPLICATION WAS MADE BY **BERNIE TAYLOR**, SECONDED BY **JAMES BROOKS**.  
 ALL AYES. MOTION CARRIED.

A MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY **DENISE MAYER**, SECONDED BY **JAMES BROOKS**.  
 ALL AYES. MOTION CARRIED.

**1. PUBLIC HEARING –SALVAGED SOULS  
49 BROADWAY  
TAX MAP NO. 171.6-6-29**

CHAIRMAN ROCHE OPENED THE MEETING AND ASKED IF THERE WAS ANYONE FROM THE PUBLIC WHO WOULD LIKE TO SPEAK. THE PUBLIC HEARING FOR THIS APPLICATION WAS LEFT OPEN FROM THE LAST MEETING ON JULY 21, 2021.

ELIZABETH THOLL FROM 53 BROADWAY READ A LETTER TO THE BOARD. THE LETTER IS ON FILE WITH THIS APPLICATION.

CHAIRMAN ROCHE AT THE LAST MEETING WE DECIDED WE WOULD DRAFT A RESOLUTION TO ACHIEVE THE CLUB EXPECTATIONS AS WELL AS OUR COMMUNITY. THERE WAS A LOT OF DISCUSSION REGARDING TIMES TO OPEN AND CLOSE AND THE ACTIVITIES. SOME THINGS WERE ALARMING TO THE BOARD AND THERE ARE NOISE ORDINANCES SET FORTH BY THE VILLAGE BOARD OF TRUSTEES IN WHICH I HAVE A COPY OF AND HAVE REVIEWED.

CHAIRMAN ROCHE REVIEWED THE DIFFERENT ORDINANCES WITH THE APPLICANT AND THE BOARD TO TRY AND COME TO AN AGREEMENT WITH THE APPLICANT. CHAIRMAN ROCHE EXPLAINED THAT ONE OF THE ITEMS IN THE RESOLUTION WOULD BE NO ALCOHOL FOR SALE OR CONSUMPTION ON THE PROPERTY WITHOUT THE PROPER PERMIT/LICENSE AS THIS LOCATION IS IN A COMMERCIAL ZONE.

CHAIRMAN ROCHE IF WE PROPOSE NO ACTIVITY AFTER 10:00 PM, MEANING “UNNECESSARY NOISE”, TALKING LOUDLY OUTSIDE, MUSIC OUTSIDE, PEOPLE IN AND OUT CAUSING THE MOTION LIGHTS TO GO ON AND OFF IS THAT SOMETHING YOU WOULD AGREE TO?

APPLICANT - CLOSING AT 10 PM ON WEDNESDAY WOULD BE A PROBLEM. WE WOULD HAVE PEOPLE COMING FROM ALBANY/SCHENECTADY WHO DO NOT GET OUT OF WORK UNTIL 6 PM AND THEN DRIVE HERE. IT WOULDN'T BE WORTH IT FOR THEM TO DO THAT TO HAVE TO TURN AROUND AND LEAVE BY 10 PM. WE HAVE HAD NO ISSUES WITH THE UPSTAIRS NEIGHBOR. I HAD APOLOGIZED ONE DAY FOR BEING TOO LOUD THE PREVIOUS EVENING AND HE DID NOT HEAR ANYTHING. THE REASON WE ASK FOR 4 AM IS BECAUSE WE WILL HAVE SOME MEMBERS WHO LIVE FAR AWAY AND MAY NEED TO STAY UNTIL RAIN STOPS, OR WHATEVER. WE WOULD RATHER PUT AN EXTENSIVE TIME FRAME JUST IN CASE. IT MAY NEVER HAPPEN. WE JUST WANT TO COVER ALL OUR BASIS AND DON'T WANT TO VIOLATE THE CODE.

CHAIRMAN ROCHE THE PARAMETERS NOW IS A CONCERN AND COULD HAVE A NOISE ISSUE. WE WANT TO COME TO A COMPROMISE SO WE AREN'T WAKING ANYONE UP AT NIGHT.

RON HOLDING  
CLUB MEMBER

I JUST WANTED TO POINT OUT THAT THE RESIDENTS UP ABOVE US OWN MOTORCYCLES AS WELL SO THERE ARE ALWAYS MOTORCYCLES THERE. THOSE MOTORCYCLES ARE NOT US.

CHAIRMAN ROCHE THE OTHER THING THAT LED TO CONCERNS IS THE NUMBER YOU GAVE US FOR ATTENDANCE ON THE WEDNESDAY AND FRIDAY NIGHTS. THE ORIGINAL APPLICATION WAS CONCERNING CAUSING US TO ASK FOR A TRAFFIC STUDY. YOU DECIDED TO AMEND THE APPLICATION TO SCALE IT DOWN TO NO EVENTS OR FUNDRAISERS AND JUST MEETINGS WITH A COUPLE BEING INVITE ONLY HOWEVER YOU STILL SAY IT IS GOING TO BE 30-60 PPL. THAT IS CONCERNING AND ALARMING AND PUTS US BACK TO WHERE WE WERE WITH THE ORIGINAL APPLICATION AND NEEDING A TRAFFIC STUDY.

APPLICANT THAT NUMBER AGAIN IS A BROAD RANGE SO THAT IF IT EVER DID GET TO THAT MANY, WE WOULD NOT BE VIOLATING OUR APPROVAL. THE 30-60 PPL IS OVER THE COURSE OF THE ENTIRE TIME WE WOULD BE OPEN. IT IS DEFINITELY EXAGGERATED, BUT AGAIN, I WOULD RATHER BE SAFE.

CHAIRMAN ROCHE I DO AGREE WITH THAT AND WE APPRECIATE THAT. I AM CONCERNED THAT WHEN WE DO THE SEQRA REVIEW, WE WILL FIND THAT THERE ARE SOME ITEMS THAT WILL IMPACT THE ENVIRONMENT AND THE SURROUNDING AREA. HAVING THAT MANY PEOPLE AT ONE TIME DOES IMPACT TO THE ENVIRONMENT.

APPLICANT THE MOST WE HAVE EVER HAD WAS 25 PEOPLE.

RON HOLDING  
CLUB MEMBER

THE TENANTS UPSTAIRS HAVE A GRILL, A POOL, A B-BALL NET IN THE BACKYARD AND IT DOES NOT BOTHER US AT ALL. WE WANT TO HAVE A FAMILY DAY OFTEN AT OUR CLUB. I DO NOT THINK IT IS UNREASONABLE TO HAVE WEDNESDAY'S CLOSING TIME TO BE 10PM. NO ONE WILL EVER WALK THROUGH THE DOOR THAT I DON'T KNOW.

APPLICANT IT IS MUCH EASIER FOR ME TO ADDRESS THINGS IF I AM AWARE OF THEM. I NEED THE FEEDBACK SO I KNOW THERE ARE ISSUES THAT NEED TO BE RESOLVED. IT IS NOT UNREASONABLE FOR THOSE RULES TO BE IN PLACE FOR THOSE DAYS. IT IS ALL A TRIAL-AND- ERROR SITUATION. I CANNOT PROMISE THINGS WILL BE CORRECTED IMMEDIATELY BUT I WILL WORK ON GETTING THEM ADDRESSED AS SOON AS I AM MADE AWARE OF THE PROBLEMS. ROB AND I ARE WORKING ON THE BUILDING TO MAKE IT SOUND PROOF FROM THE OUTSIDE.

J BROOKS PRIOR TO THE CEASE AND DESIST, ELIZABETH, DO YOU RECALL THAT DAY THERE WERE 25 PEOPLE AT THAT LOCATION? DOES THAT DAY STICK OUT TO YOU?

APPLICANT I BELIEVE SHE DOES REMEMBER BECAUSE IT WAS THE TIME SHE ASKED IF PEOPLE COULD STOP GOING IN AND OUT MAKING THE MOTION LIGHT TURN ON AND OFF. SHE SAID NOTHING OF THE NOISE.

CHAIRMAN ROCHE THE RESOLUTION WE WORKED ON HAS RESTRICTIONS FOR HOURS AND PEOPLE AND WE NEED TO FIND A COMPROMISE. CAN YOU WORK ON A NUMBER THAT WILL REGULATE THAT? WE ARE NOT SURE IF THIS RESOLUTION IS WHERE YOU WANT TO BE, LIKE THE NO ACTIVITY AFTER 10 PM ON WEEKNIGHTS.

APPLICANT WHAT NUMBER IS ACCEPTABLE FOR ME FOR OUR GUESTS AS INVITE ONLY?

CHAIRMAN ROCHE WE ARE LOOKING AT 15 PPL. IF WE GO ANY MORE THAN THAT, WE ARE LOOK AT A TRAFFIC STUDY AGAIN.

APPLICANT 15 PEOPLE IS NOT UNREASONABLE BUT IS IT 15 PEOPLE INCLUDING MEMBERS OR EXCLUDING OUR 7 MEMBERS?

CHAIRMAN ROCHE IT WOULD BE 15 ADDITIONAL PEOPLE AFTER YOUR CLUB MEMBERS, SO THAT NUMBER WOULD ACTUALLY BE 22 PEOPLE AT ONE TIME. ALSO, THE RESOLUTION STATES NO ALCOHOL AS IT'S A COMMERCIAL ZONE. IF YOU WANT TO GET A LICENSE TO CONSUME OR SELL, YOU CAN COME BACK BEFORE THIS BOARD.

APPLICANT I JUST WANT TO MAKE IT CLEAR THAT WHEN WE MENTIONED ALCOHOL, WE WERE UP ON CLARK'S LANE WHERE IT IS A RESIDENTIAL ZONE AND WE DID CONSUME IT. WE DID NOT SELL IT, BUT CONSUMING IT WAS WITHIN OUR RIGHTS AS A PRIVATE SOCIAL CLUB.

CHAIRMAN ROCHE SO, TO RECAP THE RESOLUTION, WE ARE LOOKING AT CLOSING TIME OF 10 PM ON WEDNESDAYS. FRIDAY AND SATURDAYS 1 AM AND WITH A MAX OF 15 INVITES TO THESE MEETINGS. THE BOARD WILL TAKE A LOOK AT THE NOISE ORDINANCE FURTHER AND THE RESOLUTION AND TABLE THE APPLICATION FOR THE NEXT MEETING.

A MOTION TO TABLE THE APPLICATION AND LEAVE THE PUBLIC HEARING OPEN UNTIL WEDNESDAY, AUGUST 18<sup>TH</sup> @ 6:00 PM WAS MADE BY **DENISE MAYER**, SECONDED BY **JAMES BROOKS**

ALL AYES, MOTION CARRIED

**2. SITE PLAN REVIEW --215 BROADWAY  
RASHEED BHATTI  
215 BROADWAY  
TAX MAP No. 163.17-2-14**

RASHEED'S ATTORNEY, GREGORY TERESI UPDATED THE BOARD TO SAY THAT EVERYONE IS OUT OF THE UNITS THAT WERE BEING OCCUPIED WITHOUT A CO. DAVE INSPECTED THE BUILDING TODAY AS WELL AND I THINK EVERYTHING WENT WELL.

D ARMANDO I WENT THROUGH THE BUILDING AND MADE SURE EVERYONE WAS OUT. THERE ARE INSPECTION HOLES WITH FIRE BARRIERS. AS FAR AS THE CONSTRUCTION GOES, IT IS CONSTRUCTED WELL. EVERYTHING HINGES ON THE SPRINKLER SYSTEM AND WHETHER OR NOT IT IS NEEDED. I WOULD LIKE TO GET WITH OUR VILLAGE ENGINEER TO TAKE A LOOK AT THE BUILDING AND CONFIRM WHETHER OR NOT IT DOES NEED ONE.

CHAIRMAN ROCHE AS FAR AS US, THE PLANNING BOARD THAT WAS OUR DUE DILIGENCE WITH THE FIRST APPLICATION. TO ENSURE THE SAFETY AND THE CONSTRUCTION AND WHETHER OR NOT A SPRINKLER SYSTEM WAS NEEDED.

APPLICANT I SUBMITTED DETAILS TO MR. ARMANDO AND ACCORDING TO NYS, THE CONSTRUCTION DOES NOT REQUIRE A SPRINKLER SYSTEM.

ATTORNEY I AM MOVING TO HAVE THE APPLICATION APPROVED ON THE CONDITION THAT NO CO'S WOULD BE ISSUED UNTIL ALL THE UNITS ARE COMPLIANT WITH THE STATE CODE. ANY APPROVAL WOULD DEPEND ON THE VILLAGE ENGINEER SIGNING OFF ON IT.

CHAIRMAN ROCHE SO, WHAT IS THE ACTUAL APPLICATION BEING PRESENTED TO US THIS TIME?

ATTORNEY THE ORIGINAL APPLICATION THAT WAS APPROVED BY YOUR BOARD WAS 6 MOTEL UNITS ON THE FIRST FLOOR WITH 2 PRE-EXISTING APARTMENTS ON THE SECOND FLOOR. DURING CONSTRUCTION, MY CLIENT REALIZED THAT THE 6 UNITS ON THE FIRST FLOOR WAS NOT EFFICIENT SO HE DECIDED TO PUT ONLY 4 ON THE FIRST FLOOR AND THE REMAINING 2 ON THE SECOND FLOOR WITH THE TWO PRE-EXISTING APARTMENTS. IN DOING SO, THE UNITS UPSTAIRS WERE NOT INSPECTED AND ISSUED A CO SO THAT IS WHY WE ARE HERE NOW.

CHAIRMAN ROCHE THE BIGGEST CONCERN IS THE SPRINKLER SYSTEM. THE INITIAL APPLICATION WAS CONCERNING WITH 6 UNITS ON THE FIRST FLOOR AS WELL. THERE IS A PATTERN WITH MR. BHATTI IN THE SENSE THAT HE GETS APPROVALS AND DOES NOT FOLLOW HIS PLANS FOR THE APPLICATION SO I WOULD LIKE TO HEAR FROM THE VILLAGE ENGINEER BEFORE MOVING FORWARD.

B TAYLOR IN READING THIS INFORMATION FROM NYS, IF I AM STAYING AT THAT MOTEL AND I AM SLEEPING AND THERE IS A FIRE IN ANOTHER ROOM, I WILL NOT KNOW? IT SAYS IT IS NOT REQUIRED.

ATTORNEY CORRECT, IT IS NOT REQUIRED HOWEVER MR. BHATTI HAS HARD WIRED ALARM SYSTEMS IN EACH ROOM SO IF THERE IS A FIRE ANYWHERE IN THE BUILDING, ALL ALARMS IN EVERY ROOM WILL GO OFF. IT ALSO SAYS THAT NYS DOES NOT REQUIRE A SPRINKLER SYSTEM EITHER.

CHAIRMAN ROCHE WELL, WE ARE GLAD THAT DAVE WAS ABLE TO GET EVERYONE OUT. NOW LET'S GET SOME FEEDBACK FROM THE ENGINEER AND SEE WHAT HE HAS TO SAY.

D ARMANDO I WILL GET WITH OUR VILLAGE ENGINEER TOMORROW TO SEE WHAT KIND OF TIMELINE WE ARE LOOKING AT TO GET THIS DONE, HOPEFULLY BEFORE THE NEXT MEETING.

CHAIRMAN ROCHE DAVE, I ALSO UNDERSTAND THAT WITH YOUR INSPECTION TODAY, YOU ALSO INSPECTED A THIRD FLOOR?

APPLICANT YES, THERE IS A THIRD FLOOR FOR STORAGE. THERE IS NOTHING UP THERE BUT JUST OFFICE SPACE FOR PAPERWORK AND BOXES.

D ARMANDO IF AN OFFICE IS GOING TO BE THE PRIMARY USE, THE THIRD FLOOR IS CONSIDERED HABITABLE SPACE. IF ANYONE IS GOING TO BE UP THERE FOR A PERIOD OF TIME WORKING, WE HAVE TO CONSIDER THE THIRD FLOOR HABITABLE SPACE. NOW THAT I KNOW WHAT IS UP THERE THERE HAS TO BE TWO MEANS OF EGRESS. THE CURRENT WINDOWS DO NOT MEET EGRESS, THEY ARE NOT BIG ENOUGH SO THERE NEEDS TO BE ANOTHER EXIT OUT. MR. BHATTI PROPOSED TO CREATE A SECOND STORY DECK AND PUT AN ENTRANCE TO THE FRONT HALL AND THIS WOULD MEET THE SECOND MEANS OF EGRESS. IF IT WAS JUST ATTIC SPACE AND STORAGE IT WOULD CONFORM BUT IT HAS A BATHROOM AND NEEDS TO CONFIRM TO CODE, WHICH IT CURRENTLY DOES NOT.

ATTORNEY RATHER THAN RIP OUT EVERYTHING THAT IS ALREADY DONE, OUR PREFERENCE IS TO KEEP THE SPACE AND WORK WITH DAVE FOR A SECOND MEANS OF EGRESS.

CHAIRMAN ROCHE WAS THIS THIRD FLOOR CONSTRUCTED AT THE SAME TIME AS THE REST OF THE CONSTRUCTION OF THE 6 ROOMS?

MR. BHATTI YES, AS I WAS CONSTRUCTING, I NOTICED THAT THE ROOF WAS IN NEED OF REPAIR. I HAD EXTRA MATERIAL SO I ALSO FINISHED THAT AREA ON THE THIRD FLOOR.

CHAIRMAN ROCHE WHAT TRIGGERED US TO NOTICE THE THIRD FLOOR? WAS THERE A CALL FOR OUR POLICE TO THE PROPERTY? WHEN YOU INSPECTED, DID YOU KNOW THERE WAS SOMETHING ON THE THIRD FLOOR?

D ARMANDO I WAS SUSPICIOUS BECAUSE THERE IS AN AIR CONDITIONER IN THE WINDOW ON THE THIRD FLOOR. THE PD WAS THERE ON A CALL AND THAT IS HOW I WAS INFORMED THERE WERE PEOPLE LIVING THERE.

M FULLER THERE WAS AN INSPECTION ON THE THIRD FLOOR TODAY?

D ARMANDO YES, I ALSO INSPECTED THE THIRD FLOOR TODAY. AGAIN, THE STRUCTURAL WORK THAT WAS DONE IS CORRECT AND ITS GOOD AND THERE ARE NO PROBLEMS WITH IT. TODAY I VERIFIED THE FIRE BARRIERS BETWEEN THE WALLS AND THE WAY THEY ARE CONSTRUCTED MEETS STANDARDS AND CODE. WE JUST NEED TO ENSURE WHETHER OR NOT THERE IS A NEED FOR A SPRINKLER SYSTEM IN THE BUILDING.

ATTORNEY SHOULD WE AMEND THE CURRENT SITE PLAN APPLICATION?

CHAIRMAN ROCHE YES, PLEASE GIVE US AN AMENDED APPLICATION BY FRIDAY AUGUST 6<sup>TH</sup> BY THE END OF THE DAY TO JANELLE.

A MOTION TO TABLE THE APPLICATION AND WAIT FOR INSPECTION OF BUILDING WITH THE VILLAGE ENGINEER WAS MADE BY **BERNIE TAYLOR**, SECONDED BY **JAMES BROOKS**.

ALL AYES. MOTION CARRIED.

A MOTION TO ADJOURN WAS MADE BY **B TAYLOR**, SECONDED BY **J BROOKS**.

ALL AYES. MOTION CARRIED

Respectfully Submitted,



Janelle Rose  
Planning Board/Zoning Board Clerk

DRAFT