

Village of Fort Edward
Planning / Zoning Board of Appeals MEETING
September 20, 2023
5:00 pm, Fort Edward Village Hall
(Transcribed from notes taken at meeting)

MEETING CALLED TO ORDER AT 5:00 PM. ROLL CALL TAKEN. CHAIRMAN ROCHE LED THOSE PRESENT IN THE PLEDGE OF ALLEGIANCE.

Roll Call	Absent	Attorney	Public Attendees	Public Attendees
Bernie Taylor	James Brooks		Linda Miles	Phyllis MacAlpine
Tadgh Nealon	Chairman Roche		William Rourke	Tom & Vicki Plude
Tabitha Nealon	Matt Fuller-Att		Megan Cinnamon	Jason Miles
Dave Armando			Bryan Cinnamon	Abubakr Muflahi
			Amanda Coss	
			Michelle McAllister	
			Jay & Pam Jablonski	
			Dawn Montesi	
			Chris Conlon	
			Tim Burton	

**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 open the public hearing with the first item up, Bryan & Meghan Cinnamon – State Rte 197 was made by **Tadgh Nealon**, seconded by **Tabitha Fish**. All ayes. Motion carried.

PUBLIC HEARING

A. Area Variance

LOT 2B STATE RTE 197 - CINNAMOND

Tax Map No. 171.11-1-3.1 – Relief from 500 ft set back requirements for farm animals.

Note: The minutes for the first application are being typed in a rather unusual format for this meeting. All public comments/questions will be first, then the applicant's answers to follow.

PUBLIC COMMENT/QUESTIONS/CONCERNS

Phyllis MacAlpine – 5 Frederick Drive

1. Why do you want a variance of only 50ft between properties?
2. Has there been an environmental study done as far as the runoff with the animal feces?
3. If a future family comes here, it may not be just goats and chickens, but cows and horses. The next family can do what they want.
4. Why this piece of property? I purchased my home 3 years ago and enjoy the quiet and wildlife.
5. I knew that the land could be developed in the future, I just don't know how I feel about farmland.

Tom & Vicki Plude – State Rte 197

1. Why did you go 50ft?
2. I would be ok with 250ft.
3. What is your time frame to have the animals and your home built?
4. If the variance is approved, what are the next owners' rights?

Pam & Jay Jablonski – 19 Frederick Drive

1. The 50ft is no problem for the other sides of the property, however the two sides behind the homes on Frederick Drive should have more of a no cut zone than 50ft.
2. It sounds like you aren't going to use it all, so maybe change the buffer.
3. Will you have a fence?
4. What does the other guy want for a buffer?

Tim Burton – Samantha Drive

1. Where would your children go to school? Fort Edward sacrifices as taxpayers.
2. I would entertain a 300ft buffer behind the homes and then 50ft elsewhere.
3. Does DOH need to be involved for a safe clean environment?
4. 34 years ago, there was nothing beside me east or south. Now we have Drifting Ridge out back. We were told a long time ago that it would be different than what it actually is. 30% of the trees are gone.

Linda Miles – 1 Frederick Drive

1. How much of this is wooded?
2. If you looked at this property at a 500ft set back and wanting to do this large project, why didn't you talk to the neighbors first? If you want it, it would be nice to give notice that you aren't looking to disturb the community, but rather explain your project to us prior to coming to the zoning board.
3. So, you are not putting animals on the property until you are living there?

Jason Miles – State Rte 197

1. How many animals are you looking to have on the property?

Ellen Ernst – 27 Frederick Drive

1. Years ago, there was a rooster farther away than this parcel and he woke me up. I think the noise barrier should be larger. Will you have roosters?
2. What will this do to the resale of the homes in the knolls without a larger buffer in between?
3. Why do you want to build near residential?

Bryan and Meghann Cinnamond presented their application by showing the public their map with the proposed boundaries around their property requesting a 450 ft relief from the 500 ft requirement. They are purchasing this 20.93 acres of land from Bill Rourke contingent on the approvals from the Planning Board. Meghann explained that they want to be self-sustainable for their family having chickens, goats, and ducks. We may have some laying hens but no roosters. The animals will be fenced in areas, and they will be moving the areas around their property to create better soil from grazing. They will clear one acre for the home and driveway, parking etc. The entrance to the property is between Dick Mercier's and Mitchell Suprenant's homes in which Mr. Mercier is using as a driveway. The Cinnamond's said they are not making any changes to how Mr. Mercier gets to his garage.

Meghann showed the public the map to scale of where 500 ft on each boundary line puts their animals. It overlaps on one side because of the way it is cut up. They wouldn't be able to have animals without coming before the board. We thought that creating the 50ft barrier would be sufficient as the woods are very thick and noise shouldn't be an issue. The Cinnamond's have walked the property a lot and they wouldn't be cutting down trees or clearing anywhere near that 50ft no cut zone. The Cinnamond's would like to raise chickens, ducks, and goats for their family. Not for business. The Cinnamond's showed their map to scale if they abided by the 500 ft setback. They would not have any room for animals so the need to come before the Zoning Board of Appeals is necessary. We will be rotating our animals to better the clay. Grazing helps the soil and will create more irrigation. The portion we are clearing is a acre away from the ravine. We are

not clearing more than we need. The runoff would be because of clay so the animals grazing will help the clay situation and make for better soil. Having these animals will help the land. The plants will also absorb the runoff.

Dave Armando explained that this variance, if granted, stays with the property not the ownership. Tadgh Nealon asked Dave if they sold it with the variance the public wants the board to grant, say 200-300 ft would new owners have to come before the board if they wanted to request a relief of a 50ft variance to give them more property to use? Dave said, "yes, they would have to come and request that relief from the 200-300 ft granted to change it. The Cinnamond's explained that they have been looking in Warren County, Chestertown and here. They like this piece of property because they can have the best of both worlds by having a farm life as well as still being involved in community-type living. Our children can still ride their bikes in the neighborhood. Our children will be home schooled. We are involved with a Co-op with other parents however our piece of land is in the Fort Edward School District if we did decide to have them go to school. We would like to get involved in the community and help with community events and things of that nature. Dave Armando mentioned that the board can approve stipulations as well. Tadgh Nealon mentioned to the applicant that if they get a certain variance to make it work, if their needs change can they later come back to request more relief? Dave stated they can come back, yes. The Cinnamond's explained that they would like to start next year, small. This year, they will only be able to get the utilities to the property for the house. They are building their home themselves. There will not be any animals until they live there. Tabitha Fish mentioned to the public that they would not be deciding tonight with all the resident's concerns. Tadgh Nealon also stated that these laws are in effect to protect the village residents and agrees it's best not to decide tonight. Maybe you (the applicant) should give a little now and then proceed down the line in the future and come back. Take a little now and then reach out to the neighbors later. Tadgh reiterated that the greatest concerns are the houses on Frederick Drive which this parcel is directly behind. The Cinnamond's said that their initial thought with this piece was that it is good for the children, and they can be self-sustainable at the same time. Meghann Cinnamond said "we need to discuss as a family and decide on what we would want to change for our request. Our job today was to let the residents listen and hope the community can work together. Tadgh mentioned that the board needs to hear from the community and can weigh in on the decision-making process as they bring valid points to the table. Meghann mentioned that one side of the property goes down to the creek/ravine. The animals will be on the adjoining property as well and the ravine cause a natural barrier. The property line is right before the creek bed on both sides which is the back side of our property as well as the neighboring property which is asking for a variance as well. It is not usable. It is an option to consider having more of a buffer on the property that neighbors the homes on Frederick Drive. We want to work with the community. This property allows us to be self-sustainable as well as community oriented and that is our vision. We will be willing to consider increasing the buffer zone to 150ft, we have already talked about it. Tadgh Nealon stated that if you adjust, get your needs met and get a certain variance, everyone can make it work. If the needs change later, you can come back. "We do not have to make a decision tonight", said Tadgh Nealon. Tabitha Fish stated that by the community coming to voice their concerns, it helps us to decide. It is very close to the neighborhood. Since the neighbors are not comfortable with this, would you still be ok if the variance was granted?

A motion to table the public hearing for October 18, 2023, was made by **Tadgh Nealon**, seconded by **Bernie Taylor**.

All ayes. Motion carried.

PUBLIC HEARING

B. Site Plan Review

The Twisted Taco – 70 Broadway

Tax Map No. 171.6-3-51

A motion to open the public hearing was made by **Tabitha Fish**, seconded by **Tadgh Nealon**. All ayes. Motion carried.

The applicants offered a re-cap to the public about their application. We currently work out of a food truck from town to town. We wanted to have a brick and mortar take out location. We have been looking for 4 months now. Jan's became available and because we knew it was once a diner, we thought it would be the best option for us. It is a great location and there is a lot of traffic on Rte 4. By January of 2024 we are expecting to add delivery service within a 5-mile radius of the restaurant. We will also have curbside for the elderly or anyone who wishes to do a curbside pickup. The restrooms are not handicapped accessible, so that is why we are not having our restaurant be a dine-in. We will also offer online ordering. We would like to offer our products year-round and with a food truck, that is not possible. This will also give us more space and open 5 jobs by January. If we open delivery, it could change to 8 jobs.

Dave Armando stated that the permit to install the kitchen meets code and they will have an Ancil system which will need to be inspected before opening. Then the health department will have to inspect and approve.

PUBLIC COMMENT/QUESTIONS/CONCERNS

Tim Burton – Samantha Drive

- 1. Why do you need a variance? – Dave Armando explained that they are here for site plan and not a variance and that our zoning and planning boards have combined.

Linda Miles – 1 Frederick Drive

- 1. Have you had any approvals yet? – None yet, this is the first approval we are going for to make sure we can have a business here.

Jason Miles – State Rte 197

- 1. How many days a week are you going to be open? The applicant explained they would be open 6 days a week.

Dave Armando informed the public that they have the permit to install a kitchen and that it meets code. They will have an ancile system in which the health department will need to inspect. Once they get the approvals from DOH, they will give a copy to Dave so he can do his final inspection and issue the CO.

SEQRA – Reviewed by the board.

A motion to declare the EAF a negative declaration was made by **Tadgh Nealon**, seconded by **Bernie Taylor**.

All ayes. Motion carried.

A motion to approve the application was made by **Tadgh Nealon**, seconded by **Bernie Taylor**.

All ayes. Motion carried.

PUBLIC HEARING

- C. **Site Plan Review**
Used clothing Store – 192 Broadway
Tax Map No. 163.18-1-58

A motion to table this application – applicant did not show up was made by Tabitha Fish, seconded by Tadgh Nealon. All ayes. Motion carried.

PUBLIC HEARING

- D. **Site Plan Review**
Cigar Shop – 128 Broadway
Tax Map No. 171.6-1-36

The applicant explained that the location is going to be a cigar store and be open from 10am – 10pm 7 days a week. There will be no music inside or outside, no noise. Parking will be on the village streets where parking is allowed. There will not be a lot of traffic, just the normal people coming in and out to purchase something. There will be snacks from all different countries to purchase. There will be no cooking, no truck deliveries.

Tabitha Fish asked if there was going to be a lounge in the shop. The applicant said no, it’s just a shop to purchase items and leave.

Bernie Taylor asked if there was going to be a sign? The applicant is going to put his sign where the previous business had their sign which was already approved. The applicant also said that there would only be a lit open sign in the window.

Dave Armando explained that your sign follows the square footage of the building so if the building is 15ft, then your sign can be 15 sq ft in size.

Tabitha Fish asked the hours again and asked if the tenants were ok with it. The applicant said they are fine with it. It will be a quiet store with no music.

Tabitha Fish also asked about teenagers around our village and if there would be age checking in the store prior to purchasing anything. The applicant said he has a sign that says no one under the age of 18 and he will be checking ID's. He does not want to lose his license.

Bernie Taylor asked if he was going to have security cameras. The applicant said yes as well as an alarm system.

A motion to accept the application, set a public hearing and refer to the county was made by **Bernie Taylor**, seconded by **Tadgh Nealon**. All ayes. Motion carried.

A motion to close the public hearing was made by **Tabitha Fish**, seconded by **Tadgh Nealon**. All ayes. Motion carried.

A motion to approve the August minutes was made by Tabitha Fish, seconded by Bernie Taylor All ayes. Motion carried.

Motion to adjourn was made by **Bernie Taylor**, seconded by **Tadgh Nealon**. All ayes. Motion carried.

Respectfully Submitted,

Janelle Rose
Planning /Zoning Board of Appeals Clerk

