

**Village of Fort Edward**  
**PLANNING BOARD REGULAR MEETING**  
**September 19, 2017**  
**6:30 pm, Fort Edward Village Hall**  
*(transcribed from notes taken at meeting)*

MEETING CALLED TO ORDER AT 7:00PM. ROLL CALL TAKEN. CHAIRMAN ROCHE LED THOSE PRESENT IN THE PLEDGE OF ALLEGIANCE.

Roll Call	Absent	Attorney	Code Enforcement	Public Attendees
James Brooks		Matthew F. Fuller, Esq.	Dave Armando	Donal Teeling
Joe Carroll				John Davidson*
Bernie Taylor				Nathan Hall
Tom Roche, Chairman				John Mercadante*
				William LaPan
				Mary Ellen Russo*
				Kathleen Presti
				Daniel Dudley*
				Sasha Mehalick*

\*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 **August 7, 2017** meeting minutes was made by **B. Taylor**, seconded by **J. Brooks**. All Ayes. Motion carried.

**NEW BUSINESS**

**1. SITE PLAN REVIEW**

**JOHN MERCADANTE**  
**178 BROADWAY**  
**TAX MAP NO. 163.18-1-53**

THE APPLICANT HAS SUBMITTED A **SITE PLAN REVIEW** APPLICATION TO INSTALL A 6' TALL PRIVACY FENCE BETWEEN HIS HOUSE AND GARAGE AND STATED THAT THE FENCE IS TO ENSURE THE TENANTS DOG STAYS WITHIN THE PROPERTY LINES. THE FENCE WILL EITHER BE GREY WHICH IS THE COLOR OF THE DECK OR RED. A SKETCH OF THE PROPOSED WAS INCLUDED IN THE BUILDING PERMIT APPLICATION. APPLICANT STATED THAT THE FENCE IS ON THE HIS PROPERTY.

**Code Enforcement**

D. Armando stated that the proposed fence complies with zoning and seems to be a good measure to keep the dog contained and to help deal with the ongoing issues between the two neighbors.

**Public Comments**

*WHILE THIS MEETING DID NOT INCLUDE A PUBLIC COMMENT TIME, THE BOARD AGREED TO OPEN THE FLOOR TO PUBLIC COMMENTS.*

**DON TEELING**  
**180 BROADWAY**

Mr. Teeling addressed the Board saying that the proposed fence will be put on property that he has an easement to. He further stated that there have been several issues between him and the neighbors, specifically in relation to the tenant's dog constantly barking and the tenants not cleaning up after the dog. He then said that Mr. Mercadante has an apple tree that isn't maintained. He carried on with that topic until the Chairman informed him that the Planning Board is only able to discuss and deal with the matter at hand, the fence permit application. Mr. Teeling said that a fence isn't going to deter the issue of the smell of dog refuse not getting picked up.

**Board Discussion**

The Board discussed the application getting clarification from D. Armando and feedback from Attorney Fuller. D. Armando stated that Village Code states a fence can be placed directly on a property line. Attorney Fuller informed the Board that private easements cannot be enforced by the Planning Board. It's a private contract between the two owners. Legally, the Planning Board has no authority in this dispute. If there is a concern it would be up to the homeowners to reach out to their attorneys for guidance.

There being no further comments or discussion, a motion to **accept** the application was made by **J. Brooks**, seconded by **J. Brooks**. All ayes. Motion carried.

### **SEQR, Type II Action**

The Board discussed and declared that based on the information and analysis and all supporting documentation the proposed Type II action will not result in any significant adverse environmental impacts.

There being no further business, a motion to waive the public hearing and approve the **Site Plan Review** application from **John Mercadante** for property located at **178 Broadway** based on the below information relative to the Board's discussion was made by **J. Brooks**, seconded by **B. Taylor**. All Ayes. Motion carried.

- ✓ The Board discussed the application, allowed public comments and determined that the installation of 2 panels of fence would not have an impact on the surrounding area.

### **2. SITE PLAN REVIEW**

**MARY ELLEN RUSSO**

**111 BROADWAY**

**TAX MAP NO. 171.5-2-22**

THE APPLICANT HAS SUBMITTED A **SITE PLAN REVIEW** APPLICATION TO REPLACE AN OLD METAL FENCE, WHICH IS 4' HIGH WITH A 6' STOCKADE FENCE, WHICH WILL BE PAINTED IN A NEUTRAL COLOR TO BLEND WITH THE ENVIRONMENT. THE EXISTING FENCE IS AT THE NORTHER BORDER OF THE PROPERTY, ABUTTING THE PROPERTY OF AT 113 BROADWAY. IT WILL BEING AT THE END OF THE DRIVEWAY, WHERE THE WHITE PICKET FENCE ENDS AND CONTINUE WEST 105', WHICH IS THE SAME LENGTH AS THE WIRE FENCE.

#### **Board Discussion**

The Board briefly discussed the application. Ms. Russo stated that the neighbors are collectors of stuff and the fence will block that view.

#### **Code Enforcement**

D. Armando stated that the proposed fence complies with zoning. B. Taylor asked if there was any restrictions on the fence and the water. D. Armando stated that there is nothing in code restricting a fence running to the river.

There being no further discussion, a motion to **accept** the application, **waive** the public hearing and **approve** the **Site Plan Review** application for **Mary Ellen Russo** for property located at **111 Broadway** based on the below information relative to the Board's discussion was made by **B. Taylor**, seconded by **J. Carroll**. All ayes. Motion carried.

- ✓ The Board discussed the application and agreed that based on the information submitted which included pictures of the area where the fence is currently located, a replacement of the metal fence with a wooden fence would not have any impact on the surrounding area.

### **3. BOUNDARY LINE ADJUSTMENT**

**WCC, LLC AND DELAWARE & HUDSON RAILWAY COMPANY**

**16 FACTORY STREET**

**TAX MAP NO. 163.19-1-1**

THE APPLICANT HAS SUBMITTED A **BOUNDARY LINE ADJUSTMENT** APPLICATION TO ADJUST THE COMMON BOUNDARY BETWEEN 163.18-3-35 AND 163.19-1-1 AND WAS REPRESENTED BY ATTORNEY NATHAN HALL OF LITTLE, O'CONNOR & BIORE, PC.

The applicant stated that WCC is looking to acquire 3.10 acres of vacant land from Delaware & Hudson Railway (D&H). Currently WCC is renting this property from D&H. This parcel that WCC is looking to acquire connects to parcel 163.19-1-1, owned by WCC and the 3.10 acres will be merged into this specific parcel.

As stated in the application, the WCC parcel does not have a mortgage on 163.19-1-1. The D& H parcel has a mortgage but simultaneously with the recording of the deed to WCC, a partial release of mortgage will be recorded making the parcel free from mortgages.

#### **Board Discussion**

The Board briefly discussed the application. The only landowner surrounding the 3.10 acres to be transferred is D&H. In addition WCC currently leases the property and has stated in writing that the portion of property to be convey will not create a stand-alone parcel and will be merged with existing parcel known as 16 Factory Street.

### **SEQR, Unlisted Action**

For the purposes of SEQR review, the Board determined this was an UNLISTED ACTION. A motion was made by **J. Brooks**, seconded by **B. Taylor** declaring that based on the information and analysis of the Board, and all supporting documentation

the proposed **Unlisted** action will not result in any significant adverse environmental impacts and adopted a Negative Declaration as it relates to SEQRA. All ayes. Motion carried.

There being no further business, a motion to accept and approved the **Boundary Line Adjustment** application between **WCC, LLC and Delaware & Hudson Railway** for 3.10 acres of property (tax id # 163.18-3-35) to be merged with 16 Factory Street (tax id #163.19-1-1) was made by **J. Carroll**, seconded by **B. Taylor**. All ayes. Motion carried.

## OLD BUSINESS

### 1. SITE PLAN REVIEW

**DANIEL K. DUDLEY**

**134 BROADWAY**

**TAX MAP NO. 171.6-1-4.1**

THE APPLICANT HAS SUBMITTED A **SITE PLAN REVIEW** APPLICATION TO OPEN A PUB AND GRILL WITH INDOOR AND OUTDOOR SEATING; BEER AND WINE AND LIVE MUSIC INSIDE WITH A ONE MAN ACOUSTIC ENTERTAINMENT.

#### **BOARD/APPLICANT DISCUSSION**

The applicant brought in examples of pavers, shutters and fence that will be used at the building. The Board discussed what was presented. In addition, the applicant stated the main entrance will be cement, with pavers on the side. There will be one, gooseneck style light fixture above the door, shining down, not towards neighboring properties. The applicant further stated the proposed hours of operation are seven (7) days a week, 11:00am-11:00pm. The Board discussed and informed the applicant that if they would like to increase the proposed hours of operation, that would require a modification of a site plan.

Additionally, the applicant stated that seating will be available outside, following the same hours. There will be background music played through speakers and the restaurant will adhere to the village noise ordinance. Live, acoustic entertainment will only be offered inside the restaurant. The space is small and wouldn't be able to accommodate anything larger than that. The applicant stated that their target audience is an adult, family friendly environment.

#### **CODE ENFORCEMENT**

When asked about signs, D. Armando stated that the village code doesn't deal with signs inside the building, only exterior signs.

#### **PUBLIC COMMENTS**

*The public hearing was left open from the August 7, 2017 Special Meeting.*

William LaPann

Trustee Village Baptist Church

131 Broadway

Mr. LaPann stated that Church services are on Sundays mornings and AA meetings are held on Monday evenings. He questioned the hours of operation and asked how they will serve alcohol since they are within 200ft of church. The NYS Liquor Authority (NY SLA) has restrictions on serving alcohol/liquor and the location of a Church.

The applicant stated that he would be willing to adjust the Sunday hours in an effort to work with the Church. In addition, the applicant said that it is his understanding that the NY SLA can grant relief from the beer/wine restriction and that he can apply for relief from the restriction on liquor. To be sensitive to the Church and to those attending AA meetings, the applicant said he would be mindful of the position/location of signs advertising alcohol.

There being no further comments, a motion to close the public hearing was made by **B. Taylor**, seconded by **J. Carroll**. All ayes. Motion carried.

#### **WASHINGTON COUNTY PLANNING AGENCY**

This application was referred to the County and the Agency found the project to be a matter of local concern.

#### **SEQR**

The Board went through questions 1-11 on the Short Environmental Assessment Form Part 2- Impact Statement SEQRA document as it pertained to **the above application** and determined that as to all questions there was "No, or small impact may occur" as it relates to this project.

A motion was made by **J. Brooks**, seconded by **B. Taylor** declaring that based on the information and analysis of the Board, and all supporting documentation the proposed Type II action will not result in any significant adverse environmental impacts and adopted a Negative Declaration as it relates to SEQRA. All ayes. Motion carried.

There being no further business, a motion to **accept** the **Site Plan Review** application for **Daniel Dudley** for property located at **134 Broadway** based on the following conditions was made by **B. Taylor**, seconded by **J. Brooks**. All ayes. Motion carried.

- ✓ Application is approved as presented to the Planning Board.
- ✓ No outdoor, live music is allowed. Background music will be allowed.
- ✓ The restaurant/pub is required to comply with the noise ordinance as outlined in Village Code.
- ✓ Hours of operation are 7 days a week, 11:00am-11:00pm. If expanding those hours, the applicant must apply to the Planning Board for a modification of Site Plan.

#### **OTHER BUSINESS**

The Board asked D. Armando for an update on the Motor Inn. D. Armando said that the owner began demolition of trees and was given a "stop work" notice. The owner stated that he replaced an 8" clay, drainage line with corrugated plastic pipe. While this mitigated the standing water issue that the owner has on the property, the work was done with a set of engineer approved drawings. The owner has been told that he needs to come before the Planning Board for a Site Plan Review and must present them with an engineered Stormwater Plan. In addition, D. Armando stated that the owner needs to clear the dead brush that is on the property. This is a potential fire hazard. The Board briefly discussed.

There being no further business, a motion to close the meeting at **7:30 pm** was made by **B. Taylor**, seconded by **J. Carroll**. All ayes. Motion carried.

Respectfully Submitted,  
Liann M. Lyons  
Planning Board Clerk

DRAFT