

EDINBURG PLANNING BOARD

November 14, 2024

Date of Meeting

Regular Meeting
Public Hearings

Type of Meeting

Doug Sterling, Wendy Clark,
and Rich Kedik

Members Present

Bruce Brownell

Members Absent

Michael Stewart, Interim Code Enforcement Officer
Jason Kemper, Director, Saratoga County Planning
Robert Anderson, Town Supervisor
Pat Austin and Kara Schultz, Applicant
William Ebert, Applicant
C. Quagino, Saratoga Snowmobile Association
Douglas O'Lear, Saratoga Snowmobile Association
Richard Ege
Brendon Fitzpatrick, Applicant
Janice Vesperman
Deborah Slotnick, Applicant

Others

Regular Meeting:

Chairman Sterling opened the meeting at 7:00 p.m.

Approval of Minutes:

Board Member Clark made the following motion:

BE IT RESOLVED the minutes for the October 24, 2024 meeting are approved. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0.

Public Hearing: **Application No. 2024-001**
 William Ebert
 Tax Map No. 81.-2-13.111
 Minor Subdivision

Board Member Kedik made the following motion:

BE IT RESOLVED the Edinburg Planning Board is designated Lead Agency in the matter of Application No. 2024-001, William Ebert, Tax Map No. 81.-2-13.111, Minor Subdivision. Chairman Sterling seconded the motion. All in favor, none opposed. Carried: 3-0.

Applicant Ebert reviewed his application as a minor two-lot subdivision of land of total 42.978 acres consisting of 8.505 acres and 34.473 acres.

Board Member Clark made the following motion:

BE IT RESOLVED the public hearing in the matter of Application No. 2024-001, William Ebert, Tax Map No. 81.-2-13.111, Minor Subdivision is opened at 7:03 p.m. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0

Chairman Sterling asked for any questions or comments from both the public and Board Members. There were none. Chairman Sterling stated the Zoning Board of Appeals granted an area variance for a side yard setback for the storage building on the 8.5 acre parcel. Chairman Sterling stated any issues with this application could have been solved had the applicant contacted him rather than the Town Board. He further stated the applicant should relocate the access driveway from the neighbor's property to the applicant's property.

Board Member Kedik made the following motion:

BE IT RESOLVED the public hearing in the matter of Application No. 2024-001, William Ebert, Tax Map No. 81.-2-13.111, Minor Subdivision is closed at 7:06 p.m. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

Board Member Kedik made the following motion:

BE IT RESOLVED Application No. 2024-001, William Ebert, Tax Map No. 81.-2-13.111, Minor Subdivision will not have a significant adverse impact on the environment and a negative declaration under SEQRA regulations is made. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

Board Member Clark made the following motion:

BE IT RESOLVED of Application No. 2024-001, William Ebert, Tax Map No. 81.-2-13.111, Minor Subdivision of 41.978 acres into Lot 2A 34.473 acres and Lot 2B of 8.505 acres is granted. Chairman Sterling seconded the motion. All in favor, none opposed. Carried: 3-0.

The Applicant submitted and Chairman Sterling signed one mylar. The Applicant was advised a second mylar is required which the Applicant stated he would deliver. He was advised it is required to be filed with Saratoga County Real Property within 62 days. He was also advised a Decision would be available no later than Monday as the Applicant is in the process of closing on the two parcels within the next week.

Public Hearing: Application No. P09-23
Patrick Austin and Kara Schultz
Tax Map No. 68.17-1-4 and 67.-2-31.2
Boundary Line Adjustment

Board Member Kedik made the following motion:

BE IT RESOLVED the Edinburg Planning Board is designated Lead Agency in the matter of Application No. P09-23, Patrick Austin and Kara Schultz, Tax Map No. 68.17-1-4 and 67.-2-31.2, Boundary Line Adjustment. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

Board Member Kedik made the following motion:

BE IT RESOLVED the public hearing in the matter of Application No. P09-23, Patrick Austin and Kara Schultz, Tax Map No. 68.17-1-4 and 67.-2-31.2, Boundary Line Adjustment. is opened at 7:10 p.m. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

Chairman Sterling asked for comments or questions from public, Board Members and Interim CEO Stewart. There were none.

Board Member Kedik made the following motion:

BE IT RESOLVED the public hearing in the matter of Application No. P09-23, Patrick Austin and Kara Schultz, Tax Map No. 68.17-1-4 and 67.-2-31.2, Boundary Line Adjustment is closed at 7:14 p.m. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

The SEQRA was not required. The Applicant did not submit a full size map with two mylars. She will contact the surveyor for those maps and submit them as soon as possible.

Board Member Clark made the following motion:

BE IT RESOLVED Application No. P09-23, Patrick Austin and Kara Schultz, Tax Map No. 68.17-1-4 and 67.-2-31.2, Boundary Line Adjustment is approved contingent upon received full size maps with two mylars. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0.

Public Hearing: Application No. P10-23
Brendon and Lindsey Fitzgerald
Tax Map No.: 94.-1-47.1
Minor Subdivision of Land

Board Member Kedik made the following motion:

BE IT RESOLVED the Edinburg Planning Board is designated Lead Agency in the matter of Application No. P10-23, Brendon and Lindsey Fitzgerald, Tax Map No.: 94.-1-47.1, Minor Subdivision of Land. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

Board Member Clark made the following motion:

BE IT RESOLVED the public hearing in the matter of Application No. P10-23, Brendon and Lindsey Fitzgerald, Tax Map No.: 94.-1-47.1, Minor Subdivision of Land. is opened at 7:18 p.m. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0.

Chairman Sterling reviewed the corrections which were required which included adding a well and moving the boundary line to set setback requirements.

Janice Vesperman, adjoining property owner stated the following:

- She requested to review the survey map because she believed her boundary line with the Applicant was incorrect.
- The original house was a concern because it was an air bnb with numerous people coming and going, noise, late night parties, etc.; and, the addition of another house as an air bnb would be overwhelming to her. The Applicant stated it was necessary for his family to rent in order to afford the home and he is planning on living full time in the original house. He apologized for the noise.
- Ms. Vesperman stated she looked up air bnb online and found that the Applicant has another house nearby used for rentals. She is concerned because she does not live here full time. She does not know the renters. The Applicant stated only families rent these properties and he has never had any complaints or have the police ever been called.

The Applicant will submit the required mylars for submission to the County.

Board Member Kedik made the following motion:

BE IT RESOLVED the public hearing in the matter of Application No. P10-23, Brendon and Lindsey Fitzgerald, Tax Map No.: 94.-1-47.1, Minor Subdivision of Land closed at 7:32 p.m. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

Board Member Clark made the following motion:

BE IT RESOLVED Application No. P10-23, Brendon and Lindsey Fitzgerald, Tax Map No.: 94.-1-47.1, Minor Subdivision of Land will not have a significant adverse impact on the environment and a negative declaration under SEQRA regulations is made. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0.

Board Member Kedik made the following motion:

BE IT RESOLVED Application No. P10-23, Brendon and Lindsey Fitzgerald, Tax Map No.: 94.-1-47.1, Minor Subdivision of Land of 4.307 acres consisting of Lot 1 – 2.392 acres and

Lot 2 – 1.915 acres is approved. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 3-0.

**Public Hearing: Application No. 2024-002
Marvin and Alice Hassell Family Trust
(represented by Deborah Zlotnick-daughter)
Tax Map No. 68.13-1-10 and 68.13-1-9
Boundary Line Adjustment**

The Applicant reviewed the application:

- Conditions of the family trust between herself and her brother which states as co-trustees, they cannot act unilaterally in regard to the boundary line adjustment they are proposing.
- This adjustment will divide equally the two non-conforming, pre-existing lots in the trust.
- The Applicant stated her brother would be willing to speak to the Board tonight via telephone which Chairman Sterling stated was not an option.
- Chairman Sterling stated the attorney representing her brother must state in writing where her brother now stands in regards to this boundary line adjustment.

Board Member Clark made the following motion:

BE IT RESOLVED the public hearing in the matter of Application No. 2024-002, Marvin and Alice Hassell Family Trust, Tax Map No. 68.13-1-10 and 68.13-1-9, Boundary Line Adjustment is opened at 7:38 p.m. The trust is represented by Deborah Zlotnick-daughter. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0.

Discussion of the Application continued:

- Interim CEO Stewart stated the Applicant wishes to speak. Chairman Sterling stated he would require a letter from the Applicant's brother prior to proceeding.
- Director Kemper stated the form which would help clarify the status of the application would be a co-owner authorization which is not provided by an attorney. Director Kemper will provide the Board with Owner Authorization Forms utilized by other Planning Boards. He further stated this Board requires a deed and in this case, if only a deed were provided, it clearly would not prevent the Board from proceeding.
- The Applicant asked for clarification as to what is now being required from the Board. Chairman Sterling stated he could not give legal advice.
- Chairman Sterling stated he needs a letter that states who is in charge and will resume the public hearing at the December 12th meeting.
- Board Members Clark and Kedik were comfortable with the lot line proposal's general layout and stated that the layout would be approved. Chairman Sterling would not allow a motion or vote.
- Chairman Sterling stated this applicant should be referred to the ZBA for an area variance for a substandard lot.
- In the confusion of discussion, the Applicant requested the Chairman tell her what she should do to complete the application process.
- Board Member Kedik stated the owner authorization form should be signed by both brother and sister. Director Kemper stated regardless of what the attorney of the

Applicant's brother states, if both co-trustees sign the owner authorization form and the Board accepts it, the issue is settled. The Planning Board does not have the authority to review the trust. Regardless of any trust, it is the sister and brother who hold title to that parcel, they can act.

Discussion continued on the following:

- Whether it should be referred to ZBA.
- The Applicant's inability to appear at the January meeting.
- Board Members Clark and Kedik stated the survey map conveyed what the applicant wishes to do; they would approve contingent on her brother's agreement to the boundary line adjustment; and it would be appropriate to obtain mylars from the Applicant's surveyor to move the application forward. Chairman Sterling would not allow a motion or vote.
- Interim CEO Stewart stated Section 8.1 would apply to this application since this is a pre-existing, non-conforming lot and no new principal structure would be added.
- CEO Stewart stated he would meet with the applicant prior to the next meeting.
- Discussion ensued on waiving the ZBA fee and it was determined that this Board does not have the authority to waive fees.

Old Business: 2025 Meeting Schedule

Board Member Clark made the following motion:

BE IT RESOLVED the Schedule of Meeting Dates is approved with the addition of a meeting on November 13, 2025. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0.

New Business: New Subdivision Application

No discussion.

Board Member Clark made a motion to adjourn the meeting at 8:15 p.m. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 3-0.

Respectfully submitted,

Diane Byrne
Secretary