

# EDINBURG PLANNING BOARD

January 25, 2024

Date of Meeting

Regular Meeting  
Preliminary Conferences  
Public Hearings

Type of Meeting

Doug Sterling, Rich Kedik, Wendy Clark,  
and Steve Arata

Members Present

None

Members Absent

Mary Beth Walsh, Town Attorney  
Timothy Wood/Mark LaViolette, Applicants  
Steven Cimino, Applicant  
Timothy and Terry Wood, Applicant  
Mark LaViolette, Applicant  
Brandon Fitzgerald, Applicant  
Bruce Carr representing Applicant Arsenault  
Kara Schultz, Applicant  
Darlene and Frederic Lee

Other

## **Regular Meeting:**

Chairman Sterling opened the meeting at 6:58 p.m.

## **Approval of Minutes:**

Board Member Kedik made the following motion:

BE IT RESOLVED the minutes for the October 26, 2023 meeting are approved. Board Member Arata seconded the motion. All in favor, none opposed. Carried: 4-0.

## **Public Hearing:**

**Application No. P08-23**  
**Timothy Wood/Mark LaViolette**  
**Tax Map Nos.: 94.-1.42.112/94.9-3-1**  
**Boundary Line Adjustments**

Chairman Sterling opened the Public Hearing at 7 p.m. There was no public comment.

Board Member Kedik made the following motion:

BE IT RESOLVED the Public Hearing in the matter of Application No. P08-23,

Timothy Wood/Mark LaViolette, Tax Map Nos.: 94.-1.42.112/94.9-3-1, Boundary Line Adjustments is closed at 7:02 p.m. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 4-0.

**Regular Meeting:**

Chairman Sterling asked for any comments from the Board and there were none.

Applicant Wood is transferring 16,280 sq. ft. from Tax Map No. 94.-1-42.112, an existing parcel of 27.88 acres to Applicant LaViolette's parcel, Tax Map No. 94.9-2-2. This transfer will increase the LaViolette parcel from one acre to 1.35 acres which meets the requirements of the Town of Edinburg Land Ordinance for parcels located in the Lakefront Residential District.

Applicant LaViolette will transfer 13,318 sq. ft. or .29 acres from Tax Map No. 94.9-3-1 to be combined with Tax Map No. 94.-1-42.112 owned by Applicant Wood.

Board Member Arata made the following motion.

BE IT RESOLVED Application No. P08-23, Timothy Wood, Tax Map No. 94.-1.42.112 and Mark LaViolette, Tax Map No. 94.9-3-1, Boundary Line Adjustments are approved. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 4-0.

**Public Hearing (Re-open):**

**Application No. P05-23**

**Steven Cimino/Steven Cimino, Jr./Frey**

**Tax Map Nos.: 54.17-2-26, 54.17-2-40**

**and 54.17-2-66.1**

**Boundary Line Adjustment**

Chairman Sterling reopened the Public Hearing for Application No. P05-23, Steven Cimino/Steven Cimino, Jr./Frey, Tax Map Nos. 54.17-2-26, 54.17-2-40 and 54.17-2-66.1, Boundary Line Adjustments.

Town Attorney Walsh reviewed the Edinburg Zoning Board of Appeals approval of two area variances with contingencies:

- Area Variance is granted to increase the parcel size of Tax Map No. 54.17-2-26 from .23 acres to .27 acres by way of a boundary line adjustment from Frey parcel, Tax Map No. 54.17-2-66.1.
- Area Variance is granted to increase the parcel size of Tax Map No. 54.17-2-40 from .25 acres to .29 acres by way of a boundary line adjustment from Frey parcel, Tax Map No. 54.17-2-66.1.
- All corrections requested by the ZBA were made regarding existing structures being placed on the survey map and demolished structures being removed from the survey map.
- A waiver must be obtained from the New York Department of Health for distances from septic systems and wells for any new wells and/or septic systems on either parcel if they don't meet the requirement for separation.

- Any new primary residence must meet the Ordinance requirement of 1,250 square feet.

Board Member Clark made the following motion:

BE IT RESOLVED the Public Hearing in the matter of Application No. P05-23, Steven Cimino/Steven Cimino, Jr./Frey, Tax Map Nos. 54.17-2-26, 54.17-2-40 and 54.17-2-66.1, Boundary Line Adjustments is closed at 7:07 p.m. Board Member Arata seconded the motion. All in favor, none opposed. Carried: 4-0.

### **Regular Meeting:**

Chairman Sterling asked if the Board Members had any comments. There were none.

Board Member Arata made the following motion:

BE IT RESOLVED Application No. P05-23, Steven Cimino/Steven Cimino, Jr./Frey, Tax Map Nos. 54.17-2-26, 54.17-2-40 and 54.17-2-66.1, Boundary Line Adjustments are approved with contingencies specified in the ZBA Decision of January 4, 2024. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 4-0.

### **Moratorium:**

Town Attorney Walsh reviewed the moratorium and ability of applicants to appeal to the Town Board for hardship status and be referred back to the Planning Board. She stated the Planning Board can review the applications for completeness at this time or the applicants can wait until the moratorium has ended. It is anticipated to be in effect for no longer than six months. The Applicants present stated they wished to proceed at this Board.

### **Preliminary Conference:**

**Application No. P10-23  
Brendon and Lindsay Fitzgerald  
Tax Map No.: 94.-1-47.1  
Minor Subdivision of Land**

The Applicant stated he has owned this parcel for three years and wishes to subdivide the parcel in order to construct an additional primary residence. He does not plan to sell because it will eventually become the property of his children.

The following was discussed:

- The parcel will be subdivided in two parcels: Lot 1 will be 2.413 acres with a proposed primary residence with existing pole barn and shed; and, Lot 2 will be 1.89 acres and has a primary residence, garage, septic system.
- The well locations both proposed and existing are not sited on the submitted survey map.
- The Applicant stated there will not be any shared septic systems.
- Board Member Clark stated the current property is an Airbnb rental. The Applicant stated he does occasionally rent the home.

- Board Member Kedik stated on the SEQR, Item 17, “Will the proposed action create storm water discharge, either from point or non-point sources?” Answer-“Yes” without an explanation of the Applicant’s actions. Town Attorney Walsh reviewed the survey map from the previous owner who also subdivided this parcel with the condition (9) stating “As a condition of Planning Board approval and due to concerns regarding soil erosion and how it may affect the County Highway it is required that prior to any construction, soil disturbance or the issuance of a building permit for Lot No. 1 a driveway entrance permit shall be obtained from the Saratoga County Department of Public Works. The owner/developer of Lot No. 1 shall retain the services of a licensed professional engineer to prepare a driveway design that mitigates the steep slope and potential for erosion and sedimentation and provides reasonable all weather access for emergency vehicles.” This map was prepared by Northeast Land Survey and Land Development Consultants, P.C. and signed by David Bogardus on March 15, 2016. The Board agreed the Applicant would need to contact Saratoga County DPW regarding this condition.
- Board Member Kedik stated the DPW review for the driveway permit will calculate if the bottom of the driveway can hold back storm water runoff. He further stated there has been previous excessive runoff in that location.

Chairman Sterling made the following motion:

BE IT RESOLVED Application No. P10-23, Brendon and Lindsay Fitzgerald, Tax Map No. 94.-1-47.1, Minor Subdivision of Land is required to obtain a letter from Saratoga County Department of Works pertaining to the condition on the March 15, 2016 survey map. Board Member Arata seconded the motion. All in favor, none opposed. Carried: 4-0.

Board Member Clark made the following motion:

BE IT RESOLVED Application No. P10-23, Brendon and Lindsay Fitzgerald, Tax Map No.: 94.-1-47.1, Minor Subdivision of Land is deemed incomplete until the well locations are sited on the survey map and a letter is obtained from Saratoga County Department of Public Works pertaining to the condition on the March 15, 2016 survey map. Board Member Kedik seconded the motion. All in favor, none opposed. Carried: 4-0.

**Preliminary Conference:**

**Application No. P11-23**

**Mike Arsenault**

**Tax Map No. 68.17-2-1 and 68.17-2-60.1**

**Boundary Line Adjustments**

Applicant’s attorney Bruce Carr appeared for the Applicant and reviewed the application.

From the September meeting of the ZBA the following is a description of the boundary line agreements:

- These proposed boundary line adjustments will correct irregular lot lines to make the existing lines straighter decreasing the entire area owned by the Applicant from .234 acre to .228 acre.
- Tax Map No. 68.17-2-1 (original size .27 acre) contains a section for a roadway which is on a steep incline to North Shore Road; has never been developed as a part of a roadway; and, this portion of possible designated roadway use will be discontinued.
- A .032 portion of Tax Map No. 68.17-2-60.12 (roadway-original size .19 acre) located adjacent to Armstrong will become part of the existing Armstrong parcel Tax Map No. 68.17-2-2 (original lot size .12).
- The remainder of Tax Map No. 68.17-2-1 (original size .27 acre) will become part of Penn Heights roadway parcel Tax Map No. 68.17-2-60.12 (original size .19 acre).
- There will be no physical changes. The dirt road will remain as is.
- There may be future building on the Armstrong parcel Tax Map No. 68.17-2-2 and this transfer will enable Mr. Armstrong to comply with setback requirements.
- The area variances pertains only to Property Owner Arsenault and not Property Owner Armstrong. Town Attorney Walsh stated the ZBA minutes reflect Property Owner Armstrong's parcel was increased to provide him the ability to build in the future. This is a substandard lot which will require ZBA referral prior to any construction taking place.

Attorney Carr requested the public hearing be waived due to a public hearing already being held with the ZBA and there is a property owner who is anxious to build. Town Attorney Walsh stated it cannot be waived as it is the procedure of the Planning Board and the ZBA to hold separate public hearings because they pertain to different issues.

Chairman Sterling made the following motion:

BE IT RESOLVED Application No. P11-23, Mike Arsenault, Tax Map No. 68.17-2-1 and 68.17-2-60.1, Boundary Line Adjustments is deemed complete. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 4-0.

**Preliminary Conference:**

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

Applicant Schultz stated the intention is to remove a right-of-way, Tax Map No. 68.17-1-4, 54.60' x 436.90' and merge it with Tax Map No. 67.-2-31.2. This right-of-way existed for the possibility of subdividing 22 acres by a previous owner. She wishes to remove the possibility of subdivision in the future and preserve what exists currently.

Board Member Arata 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 deemed complete. Chairman Sterling seconded the motion. All in favor, none opposed. Carried: 4-0.

**Old Business:**           **Application No. P03-33**  
                                  **MGH Estates Ltd.**  
                                  **Tax Map No. 93.-1-34.11**  
                                  **Minor Subdivision**

The Secretary stated the Applicant appeared at Town Hall for assistance in building a residence in the Saratoga County on part of an existing parcel which is also located in Fulton County and is landlocked. The Applicant stated he was having issues with the Adirondack Park Agency and is not able to resolve the map issues until after APA issues are resolved.

**Application No. P07-23**  
**Haskell, Michael**  
**Tax Map No. 93.-1-26**  
**Minor Subdivision of Land**

No actions occurring with this Application

Bruce Brownell appeared to discuss a proposed subdivision and was advised that he needs to ask for hardship from the Town Board prior to any further action on this application.

Board Member Kedik made a motion to adjourn at 7:58 p.m. Board Member Clark seconded the motion. All in favor, none opposed. Carried: 4-0.

Respectfully submitted,

Diane Byrne  
Secretary