

**Village of Fort Edward
Zoning Board of Appeals
Date: September 17, 2025**

Roll Call: Bernie Taylor, Nasrene Haj, Doreen Rabine, Tabitha Fish

Absent: Samantha Walker

Present: Kevin Bessette, Frank Burkhardt, Dave Armando, Brandon Burke

Approval Minutes from August

Motion by: **Doreen Rabine**

Seconded by: **Tabitha Fish**

All ayes. Motion carried.

PUBLIC HEARING – A motion to open the public hearing was made by Doreen Rabine, seconded by Bernie Taylor. All ayes. Motion carried.

MOTHER EARTH ASSOCIATES – SITE PLAN REVIEW – Apartment addition on second floor of building.

**13 Notre Dame Street
Fort Edward NY 12828
Tax map no. 171.6-2-44**

Summary

The meeting addressed several property and zoning matters, including approval of previous minutes, a public hearing for Mother Earth Associates' site plan review, concerns about property division and zoning compliance, and requests for area variances for property modifications. Key decisions included unanimous approval of the site plan, scheduling of a public hearing for a proposed property subdivision, and agreement to gather more information before deciding on a variance request for a temporary structure in a floodplain. The board emphasized the importance of compliance with building codes, consideration of neighborhood character, and careful evaluation of variance implications.

Public comments were invited, with one neighbor expressing no objections to the proposed apartment.

Frank Burkhardt – 11 Notre Dame Street

Frank is the neighbor to Mother Earth and Associate's and stated that he has no objection to them having an apartment in the building as he thought all along there was already an apartment in the building.

Building Code Compliance

- Dave Armando, Code Enforcement confirmed that compliance with state building code is necessary for the proposed project.
- Chairman Haj inquired about the application process for building code compliance before commencing work.
- There was no other public comment.

Site Plan Review Approval

- A motion to close the public hearing was made by Doreen Rabine, seconded by Bernie Taylor. All ayes. Motion carried.
- A motion to approve the application was made by Doreen Rabine, seconded by Bernie Taylor. All ayes. Motion carried.

NEW BUSINESS - ZONING

KEVIN BESSETTE – AREA VARIANCE – Subdivision of property

16 Oak Street

Fort Edward NY 12828

Tax map no. 162.20-1-34

Property Division and Zoning Concerns

- The applicant expressed a desire to sell the property to maintain control over its use and prevent unwanted activities.
- The discussion highlighted that dividing the property would result in non-conforming lots due to insufficient road frontage and square footage.

Future Steps and Variance Requirements

- The need for an area variance was discussed, as dividing the property would trigger additional zoning requirements.
- Dave Armando, Code Enforcement stated that any new construction would need to meet specific setbacks and coverage requirements, despite the non-conforming status of the lots.

Property Subdivision Discussion

- The proposal involves splitting a property that currently has one house, potentially allowing for two houses, which is not typical for the area.
- Concerns were raised about how this change could impact the neighborhood's character and future property use.
- The area variance granted would remain with the property, allowing future owners to build additional structures.
- The discussion highlighted the need to balance the applicant's desires with community impact and character.

Public Hearing Scheduling

- A motion was made to set a public hearing for October 15th at 6 p.m. to further discuss the property subdivision.
- Participants agreed to visit the site before the hearing to better understand the context and implications of the proposal.

BRANDON BURKE – AREA VARIANCE – Shed on commercial property

50 Broadway

Fort Edward NY 12828

Tax map no. 171.6-3-33

Shed Variance Request

- Brandon Burke requested a variance for a 10x12 shed to be placed 5 feet from the property line instead of the required 30 feet due to property layout constraints.
- Concerns were raised about granting a variance for one tenant potentially leading to similar requests from others in the multi-family complex.
- The shed is intended to be temporary and will not negatively impact neighbors, with drainage considered adequate for the area.
- The discussion included considerations of fire safety and the need for accessible storage without disrupting the neighborhood aesthetic.

Floodplain Discussion

- The entire driveway area is classified as floodplains, extending up to five feet from the front of the building.
- Concerns were raised about the implications of granting an area variance, as it would remain with the property even if ownership changes.

Structure Placement Concerns

- The board discussed whether the proposed structure could be placed elsewhere on the property without requiring a variance.
- It was noted that placing the structure next to an existing garage might be a feasible alternative that avoids the need for a variance.

Variance Implications

- The board expressed concerns about granting a variance that would allow future owners to build additional structures without further review.
- It was emphasized that variances should only be granted when there is no feasible alternative.

Next Steps

- The board agreed to gather more information on the possibility of placing the structure in an alternative location that meets setback requirements.
- The next meeting is scheduled for October 15th at 6 p.m., where further discussions will take place regarding the area variance request.

A motion to adjourn was made by Doreen Rabine, seconded by Bernie Taylor. All ayes. Motion carried.

Respectfully submitted,

Janelle Rose
Zoning Board of Appeals Clerk

A motion to adjourn was made by Tabitha Fish, seconded by Samantha Walker. All ayes. Motion carried.

DRAFT