

Village of Fort Edward
Zoning Board of Appeals
Date: April 16, 2026

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

Absent:

Present: See attached list

Approval of Minutes from March 19, 2026

Motion by: **Bernie Taylor**

Seconded by: **Doreen Rabine**

All ayes. Motion carried.

Summary

The meeting addressed several key issues, including the approval of an adult day center site plan, a boundary line adjustment, and an appeal concerning the zoning determination for a soil recycling facility. Discussions focused on regulatory compliance, permit history, community concerns, and the need for clarity regarding hazardous waste definitions. Decisions included the approval of the adult day center and boundary line adjustment, the need to subpoena a former partner for testimony, improved document organization, and scheduling a follow-up meeting for continued public input and review of the facility's permit status.

Outline

Public Hearing for Adult Day Center

Laura Niles presented the plan for SPARC Adult Day Center, serving adults with developmental disabilities at 192 Broadway. The center will offer meals, activities, and weekend events, with a reconfigured parking area for safe drop-off. The board unanimously approved the site plan and issued a negative declaration regarding environmental impact.

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

No public comment.

Board reviewed SEQRA and determined the application to have a negative declaration. A motion to declare the SEQRA a neg dec was made by **Tabitha Fish**, seconded by **Bernie Taylor**. All ayes. Motion carried.

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

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

Boundary Line Adjustment

Ed Carpenter explained the adjustment to combining his property at 16 Thornwood Drive with an adjacent lot, increasing its size to 200 by 150 feet. The board confirmed that no public hearing or SEQRA review was required for this adjustment.

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

Public Hearing - Appeal Regarding Zoning Determination

Opening Statement and Introduction – Matthew Rimkunas

Matthew Rimkunas, representing Environmental Soil Management of New York, argued against the code enforcement officer's zoning determination regarding their soil recycling facility. Rimkunas stated the facility was approved for general soil recycling without specific material limitations and that DEC oversight was understood.

Discussion included inquiries about the facility's operational history and the lack of required additional approvals over the past 30 years.

Involvement of Village Officials

Village officials, including the mayor and planning board members, were notified about permit applications through public notices from the DEC. No additional approvals were requested by village officials for materials processed at the facility over the past 35 years.

Approval for new materials

The facility required DEC approval to process petroleum solvents, which were not included in the original application. A public notice was issued by DEC prior to the approval of processing new substances.

Clarification on Material Categories

Various materials processed at the facility were discussed, including petroleum solvents, natural waxes, and synthetic waxes. Clarification was provided on which materials fall under the fuel oil petroleum category, indicating some were included in the original application while others were not.

DEC Permits and Compliance

There was a request for copies of DEC permits for all materials processed at the facility. The facility has never been permitted to handle hazardous waste, as defined by the DEC.

Timeline of Approval Process

The initial application for the facility was submitted in August 1991, with DEC approval granted in June 1995. The timeline included public hearings and delays before the facility began operations.

Subpoena of Former Partner

The chair expressed the need to subpoena Bill Nickus, a former partner involved in the original application, to provide testimony. Concerns were raised regarding potential conflicts of interest preventing Nikas from testifying, which were discussed among the board members.

Community Involvement and Concerns

A witness, Ben Bramlage, expressed his intention to address land use issues related to the facility and shared his initial complaint to code enforcement. The board acknowledged the importance of community input in the ongoing discussions regarding the facility's operations.

Opening Statement and Introduction – William Bramlage

William Bramlage (Ben) introduced himself and outlined his intention to present a complaint regarding the Clean Earth facility. He emphasized his long-term residency and family history in the area, countering claims of being an outsider.

Complaint Overview

Ben discussed the complaint submitted to Fort Edward Code Enforcement, focusing on three components addressed by Clean Earth's appeal. He highlighted the importance of understanding the facility's history, including ownership changes from DA Collins to ESMI and then to Clean Earth.

Village Code and Regulatory Authority

Ben asserted that the Village of Fort Edward has the authority to regulate Clean Earth's operations under New York State's home rule. He expressed concerns about operational changes at the facility and discrepancies in permit records between his complaint and Clean Earth's appeal.

Documentation and Record Gaps

Ben noted significant gaps in the records from both DEC and the village regarding the facility's operational history. He emphasized the need for comprehensive records from Clean Earth to ensure transparency and accountability.

Submission of Documents

Ben planned to submit a total of 37 documents related to the facility's approval process, including records from both the village and DEC. He mentioned challenges in reviewing a large FOIL response from DEC received shortly before the meeting.

Discussion of Specific Documents

Ben began discussing specific documents related to the facility's proposal and planning board meetings from 1991. He highlighted repeated references to petroleum contamination in the documents and the lack of clarity regarding approvals.

Next Steps and Document Organization

The meeting concluded with a suggestion to compile the submitted documents into a more organized format for easier reference. It was agreed to continue discussions on the remaining documentation in future meetings.

Document Organization and Clarity

Attorney Fuller discussed the need to combine various documents into a single organized file for clarity. Fuller emphasized the importance of maintaining a clean record for public access and transparency.

Understanding Hazardous Waste Definitions

Ben explained confusion surrounding definitions of hazardous waste and regulated waste, noting the facility has never been permitted to process hazardous waste. The discussion highlighted the distinction between hazardous waste and regulated waste, with specific reference to PCB contamination levels.

PUBLIC COMMENT PERIOD

Tracy Frisch – Greenwich NY (Clean Air Action Network) referenced a letter regarding substances to be processed at the facility and indicated a zoning determination is forthcoming.

Jessica Donnelly – Hudson Falls, NY (The Fort Stops PFAS) presented a petition that has been signed by over 200 residents in support of the Code Enforcement officer as well as the Zoning Board of Appeals. This petition is being submitted as a record for the hearing.

Rick Fisher – Fort Edward, NY Rick Fisher, a lifelong resident of Fort Edward. We're talking about Bill Nikas and not being able to get here. Things are going back and forth. I asked for the truth. That's what I'm doing here. Find out the truth so I can make decisions. And it seems to me you guys don't want to hear the truth. If your company contacted Bill Nikas and said not to come, you know, and I understand where you're coming from, but it hurts because it takes away some information that I need. So that's that. The other one is in your appeal, you stated that ESMI is permitted by the original land use approval and understood by all parties. To authorize the process of non-hazardous contaminated soils without limitations. Scary. Can you produce the documents? I don't think you can because of what is going on tonight.

Amanda Durkee – Fort Edward, NY. Amanda read a statement taking her full 5 minutes as the meeting comes to a close. Amanda started by saying I am here to respectfully urge the board to uphold the Code Enforcement Officer's determination regarding the ESMI Clean Earth Facility. At its core, this appeal raises a fundamental land use question, whether a facility may expand the type and risk level of materials it processes over time without clear and specific local authorization, based largely on the absence of prior enforcement or incomplete historical records. I have read the appeal. It is a document filled with dates, exhibit references, and repeated emphasis on nearly 35 years of operation. Stripped of legal language, the argument rests on a troubling premise. Because the village did not challenge aspects of the facility's activities over the decades, the company now claims the right to continue expanding its activities without limitation and without restriction. Amanda's full statement is on record at the Village Clerk's office and is documented in the original transcript.

Kris March – Slickfin Brewing, Fort Edward, NY. Kris March, owner of Slickfin Brewing at 147, 149 Broadway. I don't know how to follow that, but I'm specifically just bringing up the question of: like, I went in front of the Village Review Board and the Site Planning Board back in 2017 to open up my business, and I plan on making some changes to that business hopefully within the next month, month and a half. And I know, even as a small business, that I must go back in front of that site plan review board and the village board to get those variances for my business. It's just very cut and dry. It's very black and white.

Chris Schmidt – Hudson Falls, NY – Congress also read a statement in support of the code enforcement officer and the Zoning Board of Appeals. Good evening. Thank you for your time. My name is Christopher Schmidt, and I'm a resident of this community. I want to address the idea that public input is political pressure. When decisions affect a community's health, environment, and future, it's expected that the community will show up. That's not improper, that's participation. This board represents the people who live here and the people who are here tonight. I understand your responsibility to apply the laws existing land use permits. That's exactly why I'm asking to apply the code clearly, consistently, and without exception, not under legal pressure or assumption of what the permit says. These are proposals that will expand both the type and volume of material brought into this community. This is not a small change. It carries real long-term consequences and deserves to be treated that way. This community has already carried the burden of past industrial decisions, and people here are paying attention because they don't want to carry that burden again. Once these decisions are made, they don't just go away, the impacts stay here. I urge this board to follow the permit as written and ensure that any future permits are approached with full transparency and full consideration of environmental and health impacts. Thank you.

Next Steps and Meeting Schedule

The board agreed to table the public hearing and schedule the next meeting for **May 21st at 6 p.m.** to continue discussions and gather further public input. A motion was made and approved to table the public hearing until the next meeting date.

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

Respectfully submitted,

Janelle Rose
ZBA Clerk

Meeting attendance

Edward Carpenter, Luke Mosseau, Patrick Ward, Matthew Rimkunas, Rob Martin, Katie DeGroot, Nancy Williams, Elaine Trackey Saltsman, Colleen LaPan, Denise Mayer, Mary Joy Mosher, Sharon Tasker-Dalton, Phoebe Jackson, Rick Fisher, Rick Doty, Terry Middleton, Jeanie Mullen, Victoria Plude, Marie McHugh LaClair, Michael Powers, Vladimir Pratt, Marie Pratt, Elisa Fasulo, Alex Fasulo, Antoinette Toomey, Amy Burns, James Donahue, Therese Gillis, LaDelle Dantremont, Christopher Schmidt, Reagan Collier-Hogan, Kim Collier, Frederick Pierce, Elizabeth Robinson, Lauren Grogan, Kris March, Chris Kimball, Angela Presley, Allstare Presley, Shannon Gillis, Sarah Bramlage, Ron Atkinson, Jessica Donnelly, Brian Katz, Maria Rosenblum, Melanie Dickinson, Mike Dickinson, Andy Duggan, Laura Niles, Ben Bramlage, Tracy Frisch, Regina Hillier, Joseph Wagner, Stephen Davies, Amanda Durkee, Sander Bonvell.

DRAFT