

Village of Fort Edward
Zoning Board of Appeals
Date: July 15, 2026

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

Absent: Tabitha Fish

Present: Kris March, Taylor Boucher, Brandon Andrews, Paige Boucher, Irma Hamblin, Bill Nikas, John Weber, Just Koehler, Danielle Bargovic, Brian LeClair, Sharon Tasker-Dalton

Summary

The notes cover several board discussions and public hearings. The board approved June 30, 2026, minutes, deferred approval of earlier minutes tied to a hearing, and tabled the ESMI appeal public hearing to August 19, 2026. The board then met with Grumbellies representatives, who revised their fencing request to withdraw any fence along Terminal Lane and instead request only a chain-link fence along the surveyed south boundary; the board asked that the highway superintendent be consulted about Terminal Lane traffic and winter snow-removal impacts, and that Grumbellies provide photos if any future fencing is installed. In a separate fence dispute involving 159 Broadway and One Water's Edge Lane, the board heard concerns about setbacks, emergency access, property maintenance, snow removal, and road ownership, and allowed time for a professional survey while the applicant agreed to move the fence two feet from the surveyed line in the affected area. The board also reviewed bandstand relocation/anchoring issues and approved site Site plan review for 171 Broadway with the applicants stating the business logos submitted are final and no other changes to be made.

Outline

Minutes

A motion to approve June 30, 2026, minutes was made by **Samantha Walker**, seconded by **Doreen Rabine**. All ayes. Motion carried.

Table ESMI appeal public hearing to August 19, 2026

The board made a motion to table the public hearing on the ESMI appeal until the regular meeting on August 19, 2026. Board members confirmed they would be available on that date.

Grumbellies – Public Hearing for Site Plan Review – Fencing

159 Broadway

Grumbellies revised fencing request and withdrawal along Terminal Lane

Grumbellies submitted a revised plan withdrawing any request for fencing along Terminal Lane. They removed fence areas that were marked yellow on the submitted plan. The remaining request is for a chain-link fence along the surveyed south property line.

Clarification of gates, existing fencing, and access at Grumbellies

No new rail fencing or fence along Terminal Lane will be part of the revised request. No barrier will be installed at the entrances or exits under the revised plan. An existing gate adjacent to the addition remains in place and is used to close the exit when the business is not operating. The gate is open during business hours and closed afterward to deter trespassing and high-speed cut-through traffic. Chairperson Haj raised concerns that closing or adding a gate could force vehicles back onto Terminal Lane and create a traffic hazard.

Safety concerns, pedestrian movement, and winter conditions at Grumbellies

Board members were concerned about pedestrian safety where customers could cross near moving vehicles without clear separation. Painted directional arrows on the pavement were discussed as a possible traffic-control measure if no fence is installed. A small split-rail section near a two-foot drop from the sidewalk was suggested as

a possible way to reduce the risk of pedestrian falls. The board noted that snow and winter conditions could change the practicality of any traffic or fencing solution.

Repair of existing rear fence and property-line alignment

Grumbellies stated it will repair the broken fence behind the property. The repaired fence will be aligned to the property line as shown in the survey. The repaired fence will match the existing chain-link appearance.

Consult highway superintendent regarding Terminal Lane and snow removal

The board agreed that the highway superintendent should be consulted because the highway department handles snow removal and would be affected by changes to Terminal Lane. The highway superintendent's input was requested before any measures are implemented that alter traffic flow or place barriers near Terminal Lane.

Temporary delineation measures and aesthetic improvements

Grumbellies are currently using cones and ropes to mark areas. The business plans to replace the cones with flower containers to improve appearance. The board indicated that temporary measures are acceptable while long-term solutions are coordinated with the highway superintendent.

Requirement to submit photos for any future fencing installation

The board requested that if Grumbellies installs any future fencing, such as a split-rail section or chain-link extension, it must submit a photo of the proposed or installed fence before work proceeds. The board clarified that a full meeting is not necessary for simple visual submissions; an email or web submission of photos will suffice. The clerk is to receive the submissions for the record.

Opening of the Grumbellies public hearing

The board formally opened the public hearing for Grumbellies after the initial discussion and revisions. Public comment was invited as part of the hearing process. A motion to open the public hearing was made by **Samantha Walker**, seconded by **Doreen Rabine**. All ayes. Motion carried.

Property owner concerns about the proposed fence

Justin Koehler, owner of 1 Water's Edge, stated that the temporary fence is about 36 inches from his house and is creating practical-use and safety problems for his tenants. He requested setback consideration because of impacts on maintenance, emergency access, flooding, and neighborhood compatibility. He said his tenants include an 84-year-old woman and her 64-year-old son who feel harassed and whose daily routines have been disrupted by the fence.

Question about permitting for the temporary fence

Justin asked whether a permit was required because the fence posts are dug into the ground and therefore appear functionally permanent. The board deferred the permit question to Dave/code enforcement for clarification on temporary versus permanent fence permitting.

Emergency access and liability concerns

Justin reported that Fort Edward EMS said they may need six to eight feet of clearance to safely transport patients. He asked who would be liable if restricted access delayed emergency care. The board did not issue an immediate liability determination and said the issue requires clarification by the relevant authorities.

Maintenance access, water shutoff, and snow risks

Justin explained that safe ladder placement requires roughly 5 to 7 feet of clearance to access the roof safely, and that the proposed fence would interfere with that access. He reported that his water shutoff valve is directly in line with the fence and could become inaccessible if the fence remains where proposed. He raised concerns about snow and ice sliding from the roof onto the fence, possible damage to the fence, injury to patrons, and who would be responsible for repairs. He also said 36 inches is not enough space for snow removal or using a snowblower and questioned how the village would clear snow if the lane is village managed.

Jurisdiction and road ownership questions for Waters Edge Lane

Justin cited New York State records suggesting that Waters Edge Lane may be village-owned and asked how that affects setbacks and snow-removal obligations. Board members disagreed on whether the short north-south lane segment is a village highway. The participants agreed to confirm jurisdiction through the village highway inventory and DPW records. Janelle will look up the LHI report to verify if Waters Edge is a village owned street or not and get back to both the applicant as well as the owners of One Waters Edge.

Request for a professional survey before final decision

Justin requested time to have his own professional survey completed to confirm boundary markers and ensure the fence is installed in the correct location. He expressed concern that existing markers may be inconsistent and said he needs a clear survey to protect tenant access and property usability.

Applicant response on deed, survey, and rights-of-way

The applicant's representative, Bill Nikas stated that their survey shows the proposed fence on the accurate boundary line and that the owner relied on that survey when proposing the fence. Nikas asserted that the fence applicant has an eight-foot right-of-way to Broadway per the deed and that the opposing owner had the opportunity to survey his own property earlier. Nikas said they were willing to litigate privately if the boundary or right-of-way dispute continues and recommended that the opposing owner review deeded rights.

Neighbor interactions, harassment allegations, and prior code concerns

Board member Doreen Rabine asked whether Justin had personally approached the business owner; Justin said he had not and that his knowledge of harassment comes from tenant reports. The board noted that harassment concerns should be documented and that tenants may contact police if incidents occur. Justin also referenced a prior bandstand matter, suggesting earlier code issues were not fully resolved. The board acknowledged that past code-enforcement concerns may exist and said code enforcement could follow up on any unpermitted or noncompliant structures.

Setback discussion and next steps for the fence dispute

Board members discussed standard setback requirements and noted that a two-foot setback is standard adjacent to a public right-of-way where applicable. The fence applicant said they would move the proposed fence two feet inward from the surveyed property pins away from Justin's building to allow additional clearance. The board agreed to confirm the exact pins and survey placement and to verify whether the lane segment requires a two-foot setback under village code before final installation. The board will have Dave/code enforcement clarify permit requirements and address whether the existing temporary fence complies with code. Janelle will verify whether Waters Edge Lane is a village highway and confirm the applicable setback rules using the highway inventory. Justin requested time to commission his own professional survey before any final approval, and the board agreed to allow time for clarification and confirmation.

Bandstand relocation, orientation, and anchoring

The bandstand had recently been moved because performers were facing the sun and it was currently being used in a different orientation than originally approved. The bandstand sits in a designated flood zone and must be anchored under village code to prevent it from floating during a flood event. The original plan was for the bandstand to face north toward the bathhouse and later be relocated back after fill work; that orientation remains the intended final placement. Any permanent relocation must go through village/site-plan review and cannot be changed or used in a new location without formal approval.

Fence proposal for 171 Broadway: conditional approval and setbacks

The proposed chain-link fence was approved conditionally with a two-foot setback from the property line or public right-of-way as a concession to the neighbor, not as an acknowledgment of ownership. The applicant agreed to have a surveyor set pins to verify the two-foot setback location. The two-foot setback applies where the property abuts a public right-of-way, including Terminal Lane or the sidewalk, and to the split-rail fence in the front if that area is public. Board counsel advised that the record should note the setback is permissive, so it does not start any adverse-possession clock.

Gate operation and aesthetic concerns at Grumbellies

The gate at the former drive-through must remain open and unlocked during all business hours as a condition of approval. Board members were concerned that the existing yellow gate had been installed without prior review and that its appearance may not match the surrounding area. A wooden or otherwise visually compatible gate was suggested. The gate must remain functional while also meeting the visual guidance discussed by the board.

Public comment urging neighborly cooperation

John Weber – Ye Old Fort Diner urged the parties to resolve the dispute amicably through direct communication. Mr. Weber encouraged reconciliation to avoid ongoing conflict that could harm the local business and community. He suggested private discussions and possible compromises, including property transactions if appropriate.

Closing the public hearing and final fence conditions

A motion to close the public hearing was made by **Doreen Rabine**, seconded by **Bernie Taylor**. All ayes. Motion carried. The board approved the chain-link fence with three explicit conditions: the gate must remain open and unlocked during business hours; the chain-link fence must be set back two feet from the property line/pins; and the split-rail fence along the cement wall must be approved with product photos submitted. Photographs or specifications for the split-rail product must be submitted to the clerk for the record.

The bandstand usage and placement remained unresolved and will return for further review and resolution.

171 Broadway – Public Hearing for Site Plan Review – Office Space

Taylor Boucher

Paige Boucher

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

There were no written or public comments on this application.

Window graphics and final artwork for 171 Broadway

The applicants agreed to submit final artwork for the window clings to the clerk before installation. The board requested confirmation of whether the logos will have a white background or be transparent. The board noted that the logos shown are the businesses' official logos and asked for transparent-background versions if that is the intended installation format. No additional landscaping or parking changes were required for this application at this time. The applicant stated that there would be no change to the logos on the windows as they would not be coming back to ask for anything different than what was submitted originally.

Approval of 171 Broadway application and adjournment

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 171 Broadway application was made by **Samantha Walker**, seconded by **Doreen Rabine**. All ayes. Motion carried.

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