

**Johnsburg Planning Board Minutes
October 24, 2011**

ATTENDANCE: Mrs. Osterhout, Chairperson, Mr. Pelton, Mr. Heidrich, Mr. Smith, Mr. Record, Mr. Nester, Mrs. Konis and Attorney M. Hill.

Guests; See Attached

Meeting Called to Order 7:03 P.M.

Public Hearing

Subdivision Application #223-11 and 223-11A Galusha

Attorney R. Simon presented the plan by Galushas to subdivide the parcels of land divided by Route 8 into two lots. One lot to be North of Route 8 and one lot to be South of Route 8, this lot to be a building right lot and to be merged with existing property owned by Galushas' to make the lot a legal size lot. Hearing no further questions or comments, a motion to close the Public Hearing was entered by Mr. Record, and with a second from Mr. Nester and a vote of all in favor, no one opposed and no one abstaining, the Motion was carried. Public Hearing closed at 7:07 P.M.

Site Plan 152-11 Firewood People

Open Public Hearing 7:07 P.M.

Mrs. Osterhout informed the Board that the applicant had presented the Board with a synopsis to follow. The applicant stated the purpose was to operate a small firewood business to supply local firewood to people in the area who burn wood for home heating. The hours of operation would be 8:00 AM until dusk Monday through Friday and months of operation from March 1st until December 30th. The weekends would be for processing personal use wood only. There would not be any road side pick up. The business would be out going with pick up truck and trailer only. The product incoming would be on a tri-axle pulp truck or dump truck probably once a week, as an organized and safe schedule can be set up. A single tri axle would hold 5 to 6 cord and we anticipate 20 loads over a period of 36 weeks. (See printed material included.) Mr. Vancavage said that violations have already occurred on that property and he is concerned that it continues. He questioned if the business had already started. He said that friends feel sorry for him when a large dump truck left overflowing with wood. His request is that 1- the property in question be restored and 2- he would not want a business next door to his property. Mrs. Osterhout read the letter from the Vicarages' attorney into the record (see enclosed). Mr. and Mrs. Little, who own property directly behind the applicants, stated they have no objection to someone trying to make a living in this depressed area, as long as it does not change their zoning classification, the value of their property or blocks the roadway for their property access. Mr. Palmer stated that he owns property south of that location and there is a problem with the drainage ditch since the change in the applicant's property. He stated he was concerned about where the storm water will dissipate. It was determined that this item is a SEQR

question and there needs to be an aggregate in the front. Mr. Record said that this is normally the place he would present a motion to close the Public Hearing however due to concerns and questions he would like to keep the Public Hearing open and the Board could do a site visit and check out the areas of concern for themselves. A second was entered by Mr. Smith and a vote determined all were in favor, no one opposed and no one abstaining. Motion carried Public Hearing held open for further fact gathering.

Regular Meeting 7:27

Minutes

Mr. Record asked to correct the spelling of the last word in the Front Street paragraph to residence. The name spelling of Vancavage to Vamcavage and Mr. Nestor spelling correction to Nester. Also the Board requested that the paragraph referring to The Ledges to be headed as such. A vote determined that six were in favor as corrected, no one opposed and Mrs. Konis abstaining.

Subdivision Application 223-11 and 223-11A Galusha

Mr. Record requested to view the large map again to clarify location and final property configuration of this application. Attorney Hill asked if there had been any call for Public comment to which the Board responded no. The Board considering all questions with a no answer and determined that the plan was consistent with zoning and allowed density of development. With the Board having considered all questions of SEQR and proclaimed negative response to each one, Mr. Smith moved to declare a negative impact. With a second from Mr. Nester and a vote of all in favor, no one opposed and Mrs. Konis to abstain, the motion was carried and a negative impact was declared by the Board. Attorney Hill addressed the Boundary line adjustment and determined the applicants must present a deed stating intent to merge with existing property on the South side of Route 8. The said lot of 4.13 to be created and a portion of 4.3 acres of adjoining same titled property to be merged creating a legal size lot and a deed of merger to be provided, prior to the signing of the map. Mr. Heidrich presented a motion to approve subject to merger wording as provided by counsel with a second by Mr. Smith and a vote of six in favor, no one opposed and Mrs. Konis abstaining, the motion was carried.

Mrs. Osterhout introduced Mrs. Konis as the newest appointed member of the Planning Board and said that the Board was still waiting on an alternate member to be determined.

Site Plan Application # 152-11 Firewood People

Mrs. Osterhout stated the applicants need to supply a map according to scale as requested by the Planning Board and stated in the check list provided with the application package. The Board had also requested a planting map with specific planting plan. The applicant said that the planting would be in the front of the property and now has been seeded by a cover of straw for natural seeding. The applicant also said that they have been restricted in tree planting within the 50 ft. roadway because it is not privately owned and is regulated by National Grid as to the growth and interference with the power supply lines. The applicant has plans to

plant the next 50 by 50 foot section with approximately 25 balsam or fir trees and the middle section to plant with agricultural material or trees. Mrs. Osterhout explained that this was the reason a specific planting plan was needed to clarify and identify the specific planned planting size and materials as well as planned location. This plan must also be to scale. Mr. Heidrich stated that at the last meeting the applicant has stated that he would be planting 100 trees now they state 25 to 50 trees. Applicant is able to do the planting in stages and it needs to be indicated on the supplied planting plan with stages clearly indicated. Mr. Heidrich asked if the planted trees would ever be commercially harvested to which the applicant replied no. The applicant felt that to plan with commercial harvest would be a project and they have no project plans. Mrs. Konis asked if the Board would receive that decision in writing (the National Grid decision of not being able to plant trees in the right of way), Mr. Smith asked specifically what was to be screened. Mrs. Tucker answered that there is no violation as the property is private not commercial until the Site Plan is approved. However the buffer area needs to be addressed now of 15 ft for the side line and 30 feet for the rear. Mrs. Tucker said in regards to the front of the lot it is Non jurisdictional per APA as it is residential per Section 925 sections A through E Site Plan regulations. Mrs. Osterhout asked Mrs. Tucker if it was possible that this application could fall under Class B with a need for Special Use Permit. Mrs. Osterhout reviewed per the Land Use Plan what was needed for a Special Use review. Attorney Hill inquired about plans for surfacing of roads or parking area and if there would be any storage of fuel or fuel tanks. Mr. Smith asked if it would be appropriate to draft a letter and Attorney Hill responded that it was certainly a possibility. Mr. Vancavage has given permission for the Board to go on his property to do a site visit. Attorney Hill suggested that the Board familiarize themselves with the restrictions on Buffer area. Mr. Record clarified that the applicant as well many other land owners had a right of way on abandoned road. The Board discussed time frame to do a site visit and Attorney Hill reminded them that if there were a quorum it is imperative to limit the visit to fact gathering only and no discussion of the merits of the application can occur. The purpose is only to be better informed prior to the next meeting. The applicant said the visit can occur at any time he is ready. Attorney Hill said that there still is a question of Special Use and Schedule needs to be clarified with Mrs. Tucker. General Discussion determined that there is a difference in procedure from Site Plan and Special Use. Attorney Hill said that the initial code determination is the ZEO's call and Mrs. Tucker needs to be consulted.

Front Street

Attorney Smith explained the final plan changes and Mrs. Osterhout questioned as to the need to rephrase the original approval. Attorney Hill said the Board could rephrase if it felt it was justified. He also asked if the APA was looking at the same material that the Board was reviewing. The Board needs to determine that all material is exactly the same with each submission. Mrs. Osterhout asked if the applicants had the DEC and DOH permits. Attorney Smith asked if the Board could use the letter as the permit. The answer, by Attorney Hill was no. It was determined that when validation shows that all information has been satisfied the maps could be signed. Mr. Record presented a motion for Mrs. Osterhout to sign the map for Front Street Development Corp. Phase 1A residential conditional on

1. Mrs. Osterhout has proof that all required information has been determined satisfied by the Town of Johnsburg.
2. All required payments have been received and credited, including but not limited to all required Bonding by the Town of Johnsburg, and any and all Planning Board Subdivision Fees.
3. That approval has been received and permitted by the Department of Health and the Department of Environmental Conservation.
4. There has been verification that all information provided to the Town of Johnsburg, the Johnsburg Planning Board, the APA, the DOH and the DEC is identical in information.
5. The Draft Permit is approved by counsel.
6. The Town Attorney and the Town Supervisor have signed off on all Bonding.
7. Any and all issues concerning this approval by the Chairman are met.

The motion as stated was seconded by Mr. Smith and a vote determined six were in favor and no one opposed and Mrs. Konis abstained. Motion carried.

Top Ridge

Mrs. Tucker has visited the Top Ridge Site and satisfied with the progress made with the emergency egress roadway. She said that the gate was there however the applicant is waiting for Chief Studnicky to reply as to the acceptance of the existing installation.

Ward Hill

Mrs. Osterhout reminded the Board that Ward Hill had come with a plan and the entrance did not meet grade requirements and therefore would not be acceptable unless the applicant has changed the grade. The chairperson said that the Board needed to let the APA know that it was not acceptable as planned.

The Firewood People

Mrs. Tucker said that because it is in the Scenic Corridor it requires Special Use Permit which includes Site Plan Review. Attorney Hill recommends re-advertising the application as Special Use and Site Plan. Also he suggest that the mailing be the responsibility of the Board as there was some confusion as to specifics required. This determination based on Article 10 appendix c and d. Section 3 mixed use 8.5 page 9. As for scheduling the Site Visit the applicant will call Dottie when ready. Mrs. Tucker has determined that it is a Class B project. Mr. Smith asked that the attorney put determination in writing including the list of specifications.

Mr. Record asked about the Work Place Violence paperwork. The Board determined that the paperwork only asked that they acknowledge that they have received and read the information. Board members were asked to sign if they agreed.

Mr. Record stated that due to his business he will resign as co-chair of the Johnsburg Planning Board but will continue to be a Board Member. Mr. Record personally recommends that the Board nominate Mr. Smith for that position. Mrs. Osterhout said the Board will act on this at the November Meeting.

With a motion from Mr. Record and a second from Mr. Nester the meeting was adjourned at 9:23 P.M.

Respectfully,

Marion Monroe
Marion Monroe, Secretary

Town of Johnsburg Planning Board Meeting

Please Sign In

Date: Oct 24, 2011

- 1 Michael & Donna Dzeniszewski
- 2 ~~John W. [unclear]~~
- 3 John [unclear]
- 4 Anne Bulmer
- 5 BOB VANCAVAGE
- 6 Donna Vancavage
- 7 Susan Farmer
- 8 Tom Farmer
- 9 Linda Wall
- 10 James Sprague
- 11 Jillian Allumening
- 12 Darlene J. Unkovich
- 13 Dan Smith
- 14 Bob Simon
- 15 Danae Tucker
- 16 Tommy Goodman
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