

Minutes of the Town of Johnsbury Planning Board Meeting

September 24, 2012

Minutes of the public hearing and regular meeting of the Planning Board of the Town of Johnsbury held on Monday, September 24, 2012 at the Tannery Pond Community Center, North Creek, NY.

Roll call showed the following persons present: Dottie Osterhout, Roger Smith, Janet Konis, Curt Richards, Cork Nestor and Tim Record

Also present was attorney for the planning board, Mark Schachner.

The meeting was called to order by Chairperson Dottie Osterhout at 7:00 pm

Opened the PH session of the Meeting:

1. **Public Hearing – Gore Village Subdivision #05-2012** – Proposed Subdivision is a transfer of 1 acre from Gore Village Associates to the abutting property owner Gore Village Home Owners Association. This 1 Acre is now and has been for 20 some years used by them for a leach field. The 1 acre in question has already been deeded over to the Gore Village Home Owners Association and filed with the county. No one in the public had any comments. The motion to close the public hearing was made by Mrs. Janet Konis and seconded by Mr. Cork Nestor. All in favor.

Approval of Minutes – The minutes from the previous meeting were not available and will be available for the October Meeting.

Old Business

1. **Gore Village #83.11-1-1 – Subdivision #05-2012** – Hearing no discussion, the Board proceeded to do the SEQR review. All questions had a consensus No. Therefore a motion was made by Mr. Roger Smith, for a negative declaration, Seconded by Mr. Cork Nester – All in Favor. A motion was made Mr. Tim Record to approve the subdivision, and seconded by Mr. Roger Smith – All in favor.
2. **Kinnarney #134.-1-41 – Subdivision #04-2012** – Mr. DeSantis appeared at the August meeting and advised the board that they would like to subdivide and they are not constructing anything. The parcel right now is 118 acres resulting in the creation of a 9 acre parcel and a 109 acre parcel. They just want to finance a loan. Banks don't like large parcels. Therefore, they need to create a smaller parcel so the bank will do the loan and that is what this is about. Showing a wet land line from the Map taking off the Warren County GIS need to be 200 feet away from wet lands or Class

A regional project. Per map it looks like they are more than 200 feet away. So they made the application. The arial calculation indicated they were 127 feet away from wet lands and so they needed to wait to meet with Wet Land Specialist Mary O'Dell. They met with her the day after Labor Day. Mary calculated they were 300 feet away from wet lands and she had the agency send a NJ letter with a copy to Mrs. Danae Tucker Zoning Enforcement Officer. Attorney DeSantis reminded the board that this is s a 5th lot in a rural use zone. So Mr. DeSantis requested to schedule a public hearing for October Meeting. – A motion was made by Mr. Cork Nester to schedule a public hearing for the October meeting, second by Mrs. Janet Konis – all in favor.

3. **Gear Source #66.10-1-26.2 – Site plan amendment #01-2012** – After Executive Session – No action was needed.
4. **Tracy – Site Plan Discussion** - Mr. Tracy was present at the August meeting regarding a kitchenette to his building. Zoning enforcement officer determined that it's in the 3.2 zone rather than district business hamlet and that a tourist accommodation is not allowed in a 3.2 zone. There were also some concerns from the county. Mrs. Dottie Osterhout had Mr. Tracy's list of questions about his application including his question about possibly going to the Zoning Board of Appeals. Mrs. Osterhout stated that first of all they cannot over rule the zoning enforcement officer at this board. If the Zoning Enforcement Officer wants to re determine that he can have a tourist accommodation in a 3.2 zone then the board can look at it. Mr. Tracy would like to rent cabin when they are not using it. Mrs. Dottie Osterhout told Mr. Tracy to go the Zoning Board of Appeal and see if he could get a Use Variance. Mr. Schachner reminded the board that Mr. Tracy could also ask the ZEO to reconsider her decision; ask the zoning board of appeals to overrule the ZEO's decision; or ask the town board to change the land use classification. After discussion, the board determined that Mr. Tracy would not need to re appear before the Planning Board unless he decides to add more cabins (ie tourist accommodations)

New Business

1. **Matt Galusha – will attend 10/22**
2. **Hudnut Cemetery – proposed subdivision** – Mr. Daniel Smith Attorney for Thomas and Deirdre Hudnut ½ Interest and Stewart Hudnut, Trustee ½ Interest. - gave the board the APA Non-Jurisdictional letter. Property is located on Chatiemac Road. The proposal is for a 4 lot subdivision. Thomas and Deirdre will be keeping the larger parcel; Stewart will be acquiring the northerly two parcels. Once Stewart acquires his two lots he will convey same to his three children, the owners of tax map parcel 116-1-77,(about 1.4 acres, mostly swamp,). Parcel 77 will then merge with

this and become part of what we show as lot 1. They will convey to the Bischoff-Clarkson-Hudnut Corporation the 1 Acre that the Cemetery is currently on. (This is active Cemetery.) Mr. Daniel Smith has contacted Sterling Goodspeed Attorney for the Corporation regarding the Cemetery and is awaiting a reply. Mr. Daniel Smith asked for a public hearing for the October Meeting. A motion was made by Mr. Cork Nester to schedule a public hearing for the October meeting, seconded by Mrs. Janet Konis – all in favor.

3. **Abutter Notification Responsibility** – Under the OLD land use plan it was the applicant's responsibility to notify adjoining landowners. The current land use plan has no such requirements. The discussion centered around does the board feel that the adjoining land owners should be notified and if so whose responsibility is it to notify them.

Resolution: Adjoining land owners will be notified via certified mail of all matters requiring a Public Hearing by the Planning Board. This notification will be the responsibility of the town. It can be in the form of a copy of the notice from the paper. Janet Konis made a motion to accept the resolution. Tim Record seconded. All in Favor.

4. **White Pine Discussion** – John Monroe was asked to come to meeting - No site plan on record because of the age of the dinner – main concern parking and please try to make it a safer parking lot – Sign would have to conform to Local law Signage – sign across road is on Town Property and needs to be removed. – No other action needed at this time.

Chairperson Report - None

ZEO Report – September

Zoning Enforcement Officer was asked if the new building across gun shop got a variance.

Privilege of Floor – (Mark Bergman) Topic allowable use Chart and Tourist Accommodations doesn't recall not allowing it in the 3.2

Check with Tony Jordan's office that did the word processing and Jim Connelly at the Agency if Tourist Accommodations was omitted from the use chart. If this is an error, it is an administrative change in and can be done via a memo. Also he felt the board was torching Mr. Tracy- whom he has never met before – about the definition of "single family residence" regarding the ability to rent the property.

Executive Session: Possible Notice of Violation Motion by Jane Konis second by Cork Nester – all in favor

RECEIVED AUG 29 2012

To: Town Board, Planning Board & ZBA
From: Danae Tucker, Zoning Enforcement officer
Subject: Report #08-2012
Date: September 4, 2012

In the month of July two site inspections were made. Four zoning compliance certificates were issued. One demolition permit & One septic permit were issued I responded to approximately 21 zoning related questions/concerns either by email or phone.

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|---|-------------|
| Yearly totals | 2012 |
| Fees | -\$ 2205.00 |
| zoning compliance certificates | -16 |
| ABC Construction - Town of Johnsburg Transfer Station | |
| Jack Diemer - addition to cabin | |
| Fieldhouse - addition | |
| Robert Smith - enclose deck | |
| site plan compliance letter | -9 |
| Deana Wood - deck | |
| inspections site plan applications (pb) | -8 |
| site visit - violations | -16 |
| septic permits | -6 |
| Mike Park - new | |
| well permits | -2 |
| sign permits | -3 |
| demolition permits | -2 |
| Frances Sisca - Unsafe building on Peaceful Valley Road | |

Town of Johnsburg Planning Board Meeting

Please Sign In

Date:

9/24/12

1 FRANK V. DeSantis

2 Mark Braham

3 Mike Mender

4 John Moore

5 Linda Eric

6 Danen Tracy

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TOWN OF JOHNSBURG
PLANNING BOARD MEETING – SEPTEMBER 24, 2012

- I. Call Meeting to order- 7:00 p.m.
- II. Public Hearing – Gore Village Subdivision #05-2012
- III. Approval of Minutes: Meeting of 8/27/2012
- IV. Old Business
 1. Gore Village - # 83.11-1-1 – Subdivision #05-2012
 2. Kinnarney - #134.-1-41 – Subdivision #04-2012
 3. Gear Source – #66.10-1-26.2 – Site plan amendment #01-2012
 4. Tracy – Site Plan Discussion
- V. New Business
 1. Matt Galusha – will attend 10/22
 2. Hudnut Cemetary – proposed subdivision
 3. Abutter Notification Responsibility
 - 4.
- VI. Chairperson Report
- VII. ZEO Report –July
- VIII. Privilege of Floor
- IX. Executive Session (if needed)
- X. Motion to Adjourn

*Next Planning Board Meeting –Monday, November 26, 2012
at the Tannery Pond Community Center– 7 p.m*