

**Johnsburg Planning Board Minutes
Meeting April 21, 2008**

ATTENDANCE: Mrs. Osterhout, Chairperson, Mr. Morris, Mr. Smith, Mr. Record, Mrs. Comstock, Att. Jordan and Mr. Pelton Absent Mr. Heidrich and Mr. Osterhout

Guests: See attached.

Open Public Hearing 7:00 PM

Subdivision Application #194-08 Mr. Kurka

Mrs. Osterhout informed the Board that the APA approval had been received today. Mrs. Osterhout asked for input from the Public. Having no one present for this item, and the application having been presented and examined last meeting, the Board determined no further discussion was needed. A motion from Mr. Record and a second from Mr. Morris determined all were in favor to close the Public Hearing. Public Hearing closed at 7:04

Open Regular Meeting: 7:05 PM

Minutes:

The minutes were approved as sent all were in favor no one opposed and no one abstained.

Subdivision Application #194-08 Kurka

Mr. Thomas Akstens, representing Mr. Kurka, provided needed information to the Board. Mr. Record stated that after his review and consideration of the lot size he has difficulty with the requirement of the APA that the applicant had to submit with a completed plan for construction of a residence of a two-bedroom size. Mr. Record felt that perhaps now would be the time to challenge that regulation. Mr. Akstens advised the Board that he and the applicant had been in this process for more that two years and their wish was to conform to all requests by the APA to get this done. Mr. Smith presented a motion to approve sub-division as presented with a second from Mr. Morris. General discussion proved that right now Mr. Akstens has no plans to build on this property at all, perhaps in the future he may staying within the regulations of the APA approval. A vote determined in favor were Mrs. Osterhout, Mr. Morris, Mr. Smith, Mrs. Comstock and Mr. Pelton. Mr. Record voting to oppose and no one abstaining. With this vote of 5 to 1 motion was approved.

Site Plan #138-08 Mrs. Denno

Mrs. Denno presented their plan of operating a small cab company out of their residence. She indicated that there was a small office in the home at this time. The Board inquired about parking for employees and Mrs. Denno indicated that there would only be two employees to begin with and the parking already in place was more than sufficient. Mr. Pelton asked where vehicles would be stored and Mrs. Denno replied that they would remain mobile with communication by two-way radio. At night the vehicles would be parked in the area indicated on the map as the furthest circle from the residence. Mrs. Osterhout inquired about other regulations required by this type of business and Mrs. Denno replied that insurance, price regulated by age of taxi vehicles, and a class E license by drivers was all that was required. Hours of operation will start as Sunday through Thursday 6AM to 12 AM and Friday and Saturday 6AM through 2AM. Mr. Record asked if applicant would have a sign on the road and Mrs. Denno replied no only vinyl signs on the cabs. All advertising would be done in the News Enterprise. Mr. Record presented a motion to approve Site Plan Application #138-08 receiving a second from Mrs. Comstock. Mrs. Comstock asked about size of operation and Mrs. Denno said that they will start with two cars and as business increased they would add two cars and look for another location. Mr. Smith asked if the motion contained a two-car limit? Mr. Record said no limit was included in his motion. A vote determined all were in favor with no one opposed and no one abstaining.

Chairperson Report

Mrs. Osterhout reported the APA had approved Front Street plan and Mr. Jordan said in order to avoid seqr someone must compare the application to the APA and the application to the Planning Board and determine that they are identical. Mr. Jordan said that the Board was charged with appointing someone to undertake this task and it could be him or anyone the Board felt had the time to dedicate to this issue. Mr. Jordan also said there had been a glitch in the labeling of the new map concerning the Ski Bowl property and that in order for the Town Board to take the steps to correct this they would like the Planning Board to send a determination they had no objections to the renaming of this mapped area. Mrs. Osterhout suggested that the Board appoint Attorney Jordan to the task of comparing the applications to the APA and the Planning Board by Front Street. Mr. Record presented a motion to appoint Att. Jordan that was seconded by Mr. Smith. A vote determined all were in favor no one opposed and no one abstained motion carried. Mrs. Osterhout asked Att. Jordan if the Town Board needed a resolution and Att. Jordan replied that it would be helpful. Attorney Jordan read the resolution that he had written for the Town Board. Mrs. Osterhout presented the motion that the secretary would send a letter in support of the resolution read by Att. Jordan, with a second from Mrs. Comstock and a vote to determine all were in favor, no one opposed and no one abstaining motion carried. Mrs. Monroe to send a letter to the Town Board in support of Attorney Jordan's resolution.

Mrs. Osterhout reported on the status of Tall Timbers. Applicant now has more money in the required escrow account and no action has been taken since January. Mr. Tabor contacted Mrs. Osterhout and said that he would notify her when they were ready to answer Clough Harbour's letter and continue with the project. He asked not to be on this month's agenda or next month's as well. Mr. Record asked if Clough Harbour was now doing any work and Mrs. Osterhout said not at this time. Board and Clough Harbour are waiting for applicant's response to Clough Harbor letter of recommendations.

Mrs. Osterhout spoke to the Board about necessity of being more specific about site plan approvals. For example Mr. Stoddard had said at his Site Plan meeting that he would cut a few trees and in reality he has cut all the trees on his property. Mrs. Osterhout feels that adjoining landowners require more protection in the way of buffering and that the Board needs to be more precise in this area. Mr. Record asked who owns the trailer that has been exposed and Mr. Pelton replied his neighbor. Mrs. Osterhout asked if the Board could ask for plantings at this point and Attorney Jordan said what was on the map of approval is what is required and the map does not indicate any trees. Mr. Record asked if anyone knew what the spikes were down the hill and no one knows. Mr. Record said he was interested in the amount of earth the applicant plans to move. Mrs. Osterhout said the Board should remain cooperative with the small business however insist on a more detailed plan.

Ms. Mace has asked the town to sign a letter for the Liquor Authority acknowledging they have been informed of an outside party that she is planning for White Water Weekend. The original approval was for a parking lot in the area she is planning to use. Mr. Record said the Board should allow for occasional outside events and that there was plenty of public parking to allow for attendees of this event. His feedback from neighbors of this business allowed for the most part it was a compatible business and only an occasional late night noise limit was the only problem. Mr. Vanselow said his recollection was that precedence had been set with Casey's North that did allow for limited outside events. Mr. Pelton said that he felt the outside event would be beneficial to the participants of the race and gives them something to do in town between the two days. He said that other venues had declined to provide a nighttime program and he felt that it was needed.

Baxter Mountain

Mrs. Osterhout reminded the Board that they had requested and received an extension to allow for gathering information from the covering Fire Company. The original approval had been given for 5 lots however the road constructed did not meet the required 15% grade. The applicant has acknowledged this fact and has agreed to make the necessary corrections. Mr. Simon sent a letter stating that the minutes said there were two spots not in compliance when in fact there is only one. Therefore the minutes will be corrected to the facts. As of right now the Bakers

Mills Fire Company will not guarantee protection to any houses in this location. Mr. Hitchcock the Fire Chief feels that there is a problem with a drop off area located at the edge of the Cull-de –sac. He feels that if a fire truck drops off the edge it is too steep to be able to get back on the road. Mrs. Osterhout said that the project could be looked at by Clough Harbour as to the road grade and materials, after the road is in compliance, or Mr. Hutchins could send a letter stating the road has been built to his specifications. Mr. Smith said the applicant is a licensed surveyor and that he will correct the area that is in in compliant and would attest to its validity. Mrs. Osterhout felt that the applicant was perhaps not the best person to verify this issue. Attorney Smith said that if the road is not fixed within the 60 days now running he would get another time extension for the Board. Mr. Record suggested that the Board go up to the Site prior to the next meeting and see what the situation is. Attorney Smith asked if the Board could refuse to make a decision as long as Phase 1 is not in compliance. Att. Jordan replied yes. Mr. Record said that there needs to be a lot of fine tuning due to erosion and the Board has 60 days and they can tell the applicant that they will not look at Phase II until Phase I is compliant. Mr. Record suggests that all the Board members go to the Site inviting Mr. Hitchcock to clarify what has to be done. Mrs. Osterhout’s concern is the Board deciding on a project that the Fire District will not guarantee that they can protect. The decision is for the Board to meet at 6:00 PM on May 19, 2008 at the Baxter Mountain Site. Mrs. Monroe to send a letter to Mr. Hitchcock inviting him to join the Board. also a letter to the applicant that the Board will not consider Phase II until Phase I is in compliance. In the letter Mrs. Monroe should notify the applicant that no sales or action could take place until compliance is met.

Mr. Vanselow advised the Board that he has spoken to Mr. Tuttle about Braley and Noxon storing rental equipment on the parcel owned by Mr. Nettle. There are many safety concerns about blocking traffic during loading and unloading. Mr. Nettle has given permission only for the employees to park there.

Mrs. Osterhout will leave a written request for Mr. Tuttle to check on Site Plan applications for the construction work headquarters on Route 28. Both at the Glen and at Wevertown.

With a motion from Mr. Record and a second from Mr. Morris and a vote of all in favor, no one opposed and no one abstaining, the meeting was adjourned at 8:37 PM

Respectfully

Marion Monroe, Secretary