

Town of Johnsburg
Zoning Board of Appeals
Tannery Pond Community Center
October 7, 2019

Attendance: Jim Jones, Cathy Allen, Phil Goodman, Kevin Bean, Danae Tucker ZEO, and Secretary Joann Morehouse

ABSENT: Dave Skibinski

Applicants: Thomas Hall, and Mario Canaemi for Barton Mines

Guests: Mary Goddard, Andrea Hogan, Jeffery Kinblom, Cheryl Gillespie

No public hearing

Call meeting to order: Meeting called to order by Mrs. Allen at 7:10

- **V-02-2019-Stoddard-5 Ordway Lane**

Mr. Goodman stated that the Board would like to do a clarification of the denial from last meeting on this application. “The OTTO standard Criteria was not met”

1. The reasonable rate of return was not met
2. The unique circumstance was not met
3. The changing the quality of the neighborhood, yes it would change the neighborhood
4. This was a self-created hardship and to meet the standard it can not be self-created

- **V-03-2019-Barton Mines- Thirteenth Lake Rd- Tax Map # 46.-1-63**

Tom Hall and Mario Canaemi were on hand to represent Barton Mines. Mr. Hall gave a short summary of the project on 13th Lake Brook, explaining the need for a variance.

Project Description:

Construction of a 10.5' wide x 12.5' long x 4' deep Stilling Pond adjacent to the left bank of Thirteenth Brook (see attached Partial Site Plan). The perimeter of the off-stream Stilling Pond will be lined on three (3) sides by precast, concrete Bin Blocks (see Creek Bank Breach Detail Plan). A diversion channel on the open (south) side of the Stilling Pond will connect the Stilling Pond to Thirteenth Brook. A 4.5' x 4.5' x 5' high precast, concrete Water Intake Structure will be installed on the north side of the Stilling Pond. The new Stilling Pond and Water Intake structure will replace an existing water intake located approximately 200' downstream on the same property. The existing water intake consists of a pipe and pump assembly situated in the approximate center of the stream channel of Thirteenth Brook.

The Bin Blocks walls on the perimeter of the Stilling Pond will be 3' high and will interconnect on both the upstream and downstream ends with a short (12' long), low-profile (3' high) retaining wall to provide structural stability and to maintain stream channel geometry (see Creek Bank Breach Detail Plan).

Construction of the Stilling Pond and Water Intake has been approved by the NYS DEC (permit issued August 20, 2019).

The structure for which a Shoreline Variance is being sought (32' of precast Bin Block wall and precast Water Intake) is a key part of a Project designed to upgrade water service to the Ruby Mountain Mine. The Purpose of the Project is threefold:

- to decrease/eliminate the need for any in-stream maintenance work related to the mill facility's water intake;
- to improve/increase the reliability of the mill facility's water service system
- to improve the safety of mine workers by eliminating the need to enter Thirteenth Brook during maintenance operations related to the water intake.

This variance requests 75 feet of setback relief, there was a little discussion between the Board and the applicants.

Mr. Goodman made a motion to approve V-03-2019 based on the fact that the variance was not a self-created hardship but instead it was created by another governing body, seconded by Mr. Bean all in favor.

Approval of Minutes: Mr. Bean made a motion to approve September meeting minutes, seconded by Mr. Jones all in favor

ZEO Report: Report is in the Boards packets.

Mr. Bean made a motion to close meeting at 7:45, seconded by Mr. Jones all in favor.

Respectfully,

Joann M. Morehouse

Next Zoning Board meeting scheduled for November 4, 2018 at Tannery Pond

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