

**Minutes of the Town of Johnsbury
Public Hearing & Regular Meeting
Tannery Pond Center,
228 Main Street, North Creek, NY
May 17, 2016**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsbury held on Tuesday May 17, 2016 at 7:00 PM at the Tannery Pond Center, 228 Main Street, North Creek, New York.

Supervisor Vanselow opened the Public Hearing at 7:00 p.m.

**TOWN OF JOHNSBURG, NEW YORK
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Johnsbury on May 17, 2016 at 7:00 p.m. at the Tannery Pond Community Center 228 Main Street, North Creek, New York 12853, to discuss a proposed Local Law amending the Town of Johnsbury Zoning Map in accordance with the Town of Johnsbury Zoning Law. The amendment would re-zone certain parcels part of the Ski Bowl development from HP zoning district to the HX zoning district.

By order of the Town Board of the Town of Johnsbury, New York, dated April 21, 2016.

Jo A Smith
Town Clerk

Questions and answers

If Survey map is on file at county - Not sure

What about the Wells - The well by the lift will have to be moved

Has the Planning Board reviewed this - Planning Board viewed the plans years ago, not the current Board

Request that the Current Planning Board take a look at the plans - decided to have the current Planning Board review the plans

Suggested to have the lines marked

RESOLUTION # 72-16

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to leave the public hearing open until June 7th.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

REGULAR MEETING

Supervisor Vanselow called the regular meeting to order at 7:32 p.m. and the pledge to the flag was led by Supervisor Vanselow.

PRESENT: Ronald Vanselow-- Supervisor
Arnold Stevens -- Councilman
Eugene Arsenault--Councilman
Peter Olesheski, Jr-- Councilman
Katharine Nightingale - Councilwoman
Jo A Smith -- Town Clerk

APPROVAL OF MINUTES FOR April 19, 2016

RESOLUTION # 73-16

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept the minutes of the April 19, 2016 Regular Town Board Meeting as written.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

CORRESPONDENCE

Maritime College - Thank You Letter dated April 19, 2016 - On behalf of the SUNY Maritime College Family, thank you to the Town of North Creek for all you

did to assist our students and staff on April 4, 201`6 when they were involved in a bus accident in Minerva, NY. Everyone here is very grateful for your services that day. I met with all of our students and staff and know they are extremely appreciative and were calmed by everyone that day. Please convey my personal gratitude to your staff for all their hard work.

Letter dated May 3, 2016 - Patrick Cunningham - re Ski Sale, Oct 9 & 10 @ Ski Bowl - I request you cancel Schuss Ski Shop's and Munson's use of the North Creek Ski Bowl for a closeout ski sale of merchandise for the Columbus Day Weekend. Schuss Ski Shop has run into difficult times and the sales is actually product of Munson's Ski Shop from New Hampshire who is a merchant who sells dose out ski merchandise at 70%+ off in Cunningham's Ski Barn's Gore Mountain market area. Peter Burns if only a local rental shop who has very limited inventory. Schuss Ski Shop and Munson's pay no school, town or county taxes but have free access to the Town of Johnsbury's public property. What an insult to Cunningham's private business doing business in the Town of Johnsbury. Schuss Ski Shop and Munson's have a legal right to operate a close out sale with permits on private property. I demand that you as Supervisor and the Town Board end this ski sale immediately.

COMMITTEE REPORTS

Mr. Olesheski stated that there was another two late submission Occupancy Tax Application from the North Country Hardship Fund for August 6, 2016 Wayne Stock IX requesting \$5,000. Upper Hudson Trails Alliance asking for \$2,500 for promoting trails.

RESOLUTION # 74-16

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to approve and accept the Occupancy Tax request from North Country Hardship Fund for Wayne Stock IX in the amount of \$2,500.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

RESOLUTION # 75-16

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to approve and accept the Occupancy Tax request from Upper Hudson Trails Alliance for \$2,500 for promoting trails.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

OLDBUSINESS:

Resolution for Court Expansion Grant

Supervisor Vanselow stated that Judge Schiavone is in need of a resolution for the grant for court expansion.

RESOLUTION # 76-16

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Justice, Vincent Schiavone, to apply for a grant in the amount of approximately \$15,000, for the expansion to the existing court office approximately 7' x 10' which will contain a conference table, chairs and file cabinets and for an air conditioner for the Court Room; with the understanding that there is no Town match; and also that the Town Supervisor may execute any necessary documentation for the aforesaid grant application.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

Kelly Nettle - Park Matters / Grants / UHTA / hiring lifeguard

Johnsburg Youth Committee

Report

May 17, 2016

School Year Activities

- ATLAS -- Under leadership of Deb Morris, HS teens learn leadership

skills and perform volunteer work; 5 month session; graduation was in April; extensive news article in The Sun

- Soccer at the Dome finished up in December-3 teams all of whom improved skills greatly
- Zumba and healthy snacks (2 sessions)
- Winter camp around theme of snow during February vacation
- Pottery painting in collaboration with Izzy's
- Wildlife Painting class paid for by LARAC
- Knitting at the library
- Nordic ski instruction with Treks (not a full year due to snow conditions)
- Earth Day activity throughout North Creek
- Chocolate Making workshop for grades 1-8 (2 sessions)
- Offered Art and Nature for April vacation but not enough signed up
- Gardening class
- Cooking with Kim
- Camping Club: outdoor skills and a canoeing overnight
- Geocaching at Hackensack Mt.
- Fundraiser for JPC at Izzy's Sunday May 22 ~ 2-4~ Auction of children's pottery
- Mosaics camp in August

Getting Ready for the Summer

- VP with Ann Dingman: all personnel hired
- Working with Adirondack Outreach re free lunches at Joe Minder at end of morning session
- Dealing with requirements of DOH as a "camp"
- Ann required to renew her CPR
- Swim Program Lifeguards and counselors to be hired by TOJ 5. 17. 16
- Bus Driver uncertain; Second bus for Monday field trips and substitute needs to be found
- Beach toys purchased at big sale

- Safety lines in by mid-June.

2016 JYC SWIM PROGRAM PERSONNEL

AQUATIC DIRECTOR: SUSANNE HAYDEN (hired in January)

TO BE HIRED BY TOWN BOARD:

LIFEGUARDS

- TJ MILLINGTON \$13/hour (returning)
- MIKAYLA GLODE \$13/hour (returning)
- TY BERG \$12.50/HR. (new lifeguard June '16;)
- GILLIAN HAYDEN \$12.50/HR. (new lifeguard June '16)

SWIM COUNSELORS

- SAVANNA BERG \$10/HR.

ALTERNATE COUNSELOR (If numbers or sickness require)

- MADDIE BROMLEY

COUNSELOR-IN-TRAINING VOLUNTEER

- SHERIDAN MILLINGTON

Friends of Town of Johnsbury Parks

On behalf of the town, I request permission to submit a grant request for a 50% matching Environmental Protection Fund (EPF) grant this July. The amount requested would be in the range of \$50,000-\$75,000. Exact figures have yet to be determined, but we will keep the costs within that range for this round. That means the town would be responsible for somewhere between \$25,000-37,500.

The funding would address the need for storm water drainage along Dump and Ski Bowl Park South Roads; it would further develop parking along both roads and create a road so that the Ski Bowl Road south becomes a one-way loop with parking developed for both skiers and baseball spectators. If the budget permitted,

it would also address the entryway into the park.

Doing this work will help Ski Bowl Park handle larger number of people coming to the park for events, to bike, or to participate in any summer activities offered by ORDA. It is very difficult to get infrastructure funding from private foundations. State or federal funds are usually the source and this is an opportunity for us to make some headway on this problem that has been plaguing the park for so long.

I have spoken to Highway Superintendent Dan Hitchcock regarding this work. He is anxious to see it fixed and, as time permits, he is willing to help out as needed. We will, however, require a stamped set of engineering plans for the work which will need to be done soon. I will check to see if this service is available at Warren County Soil and Water, but, if not, we'll have to buy the services.

Upper Hudson Trails Alliance Inc.

Upper Hudson Trails Alliance, Inc. requests the town's permission to submit a grant request for \$60,000 to the NYS Parks through the consolidated funding application process. The grant is due July 29, 2016. This is a 50% matching grant. If we are successful, we will raise the \$30,000 match or turn it down if we cannot.

Because we are a new non-profit with no money, and no concrete experience to point to and because we are linking to town park lands, we need you to partner with us, providing a stable, supportive partnership towards the endeavor of expanding the community-wide trails system.

The request is for recreational assessment monies which allows for mapping and topographic analysis and ends up with a complete GIS "roadmap" for trail construction. Once the planning is completed, then we are ready to actually build the trails—for which there is DEC funding each year through the Smart Growth grants and others. No private foundation wants to fund "plans." They will back projects that accomplish something, but a plan is too uncertain for them to fund.

Thank you for consideration of this request. UHTA is excited about the potential of a trails-based community and the economic impact it will have on the town, but first we have to get started.

RESOLUTION # 77-16

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens to approve and authorize Ms. Kelly Nessel of the Friends of Town of Johnsbury Parks to submit a grant request for a 50% matching Environmental Protection Fund (EPF) grant. The amount requested would be in the range of \$50,000-\$75,000. The town would be responsible for \$25,000-37,500.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

RESOLUTION # 78-16

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault to approve and authorize Ms. Kelly Nessel of the Upper Hudson Trails Alliance, Inc. to submit a grant request for \$60,000 to the NYS Parks through the consolidated funding application process. This is a 50% matching grant in which the Upper Hudson Trails Alliance, Inc. will raise the \$30,000 match or turn it down.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

RESOLUTION # 79-16

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to approve and accept the following hires for 2016 JYC swim program: **Lifeguards:** TJ MILLINGTON @ \$13/hour (returning), MIKAYLA GLODE @ \$13/hour (returning), TY BERG @ \$12.50/HR. (new lifeguard June '16), GILLIAN HAYDEN @ \$12.50/HR. (new lifeguard June '16); **Swim Counselors:** SAVANNA BERG @ \$10/HR., **Alternate Counselor** (If numbers or sickness require), MADDIE BROMLEY @ \$10/HR, COUNSELOR-IN-TRAINING VOLUNTEER - SHERIDAN MILLINGTON

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

RESOLUTION # 80-16

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to approve and accept for 2016 JYC Swim Program Bus Driver Anna Goodman @ Contract Rate.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

New Business:**SUPERVISOR'S MONTHLY REPORT**

Supervisor Vanselow noted that the Supervisors Monthly report for March and April 2016 was in the Boards packets.

RESOLUTION #81-16

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to accept and approve the Supervisors Monthly Report for March 2016.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

RESOLUTION #82-16

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to accept and approve the Supervisors Monthly Report for April 2016.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

ANIMAL CONTROL MONTHLY REPORT

Supervisor Vanselow noted that the Animal Control Officer, Mr. Mosher's April 2016 report was in the Board's Packet.

BUDGET AMENDMENTS

Supervisor Vanselow stated that we have 3 Budget Amendments for May 2016 to Re-Appropriate County Occupancy Tax Payment made in 2015 for use in 2016 \$30,000/ Re-Appropriate Occupancy Tax Unused Balance for use in 2016 \$20,189.30 / Allocated Contingency Funds to cover under budgeted Attorney Costs \$3,000

RESOLUTION #83-16

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to approve and accept the following budget amendments

Budget Amendments May, 2016

1	Occupancy Tax	A64104	\$30,000.00
	Unassigned Appropriated Fund Balance	A915	
	\$30,000.00		

Re-Appropriate County Occupancy Tax Payment made in 2015 for use in 2016

2	Occupancy Tax	A64104	\$20,189.30
	Unassigned Appropriated Fund Balance	A915	
	\$20,189.30		

Re-Appropriate Occupancy Tax Unused Balance for use in 2016

3	Attorney CE	A14204	\$3,000.00
	Contingency	A19904	\$3,000.00

Allocate Contingency Funds to cover under budgeted Attorney Costs

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

Ms. Ellen Schaefer requested a Resolution for a Historic Weekend - Ms. Ellen Schaefer from the North Creek Railway Depot Preservation Association (NCRDPA) stated that they are bringing Teddy Roosevelt re-enactor, Joe Wiegand, back to North Creek on the weekend of September 24, 2016. Several events are being planned for that weekend including visits to classes of students at Johnsbury Central School, a re-enactment of Mr. Roosevelt arriving at the North Creek Depot and learning of the death of President McKinley, an old-fashioned "Picnic in the Park" at Riverfront Park, and a Dinner with the President fundraiser for the Depot Museum, at Garnet Hill Lodge in the evening. The Picnic in the Park will include early 20th Century games and activities for children, as well as demonstrations of period appropriate cottage industries such as weaving, quilting, etc.

The Johnsbury Historical Society (JHS) has agreed to partner with NCRDPA to make this a town-wide event to education residents and visitors to the Town of our rich historical heritage. To that end, we are requesting that the Johnsbury Town Board consider adopting a Resolution making the third full weekend of September "Town of Johnsbury Historical Weekend" as an annual event.

This Resolution will assist us in encouraging our local businesses, service organizations and individual residents to promote our local history. Business owners will be encouraged to engage in an early 20th century activity and/or provide visitors to their establishments with a brief history of their building and business.

RESOLUTION #84-16

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept and approve

WHEREAS, the Town of Johnsbury, having been established in 1805, is rich in local history, and

WHEREAS, this history includes some of the earliest industrial mining, commercial skiing and outdoor recreation, Hudson River lumbering and tanning in the Adirondacks, and

WHEREAS, the D&H rail line to North Creek was key to the development of these early industries, and

WHEREAS, Vice-President Theodore Roosevelt learned of the death of President McKinley and his appointment as President of the United States of America, on the platform of the North Creek Railroad Depot, and be it

RESOLVED that the third full weekend in September will annually be designated as the Town of Johnsbury History Weekend. All residents, businesses, and community organizations are encouraged to participate in the recognition and promotion of the history of the Town of Johnsbury through education and activities related to said history.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

Dr. Dan O'Keefe requested a resolution for a New York State Ski Museum -

Supervisor Vanselow stated that Dr. Dan O'Keefe stopped in and is requesting to have the following resolution passed by the board. **Whereas**, North Creek was the first to have commercial ski trains from New York City, Albany and Schenectady; and **Whereas**, North Creek was the first to have commercial ski lifts; and **Whereas**, North Creek was the first to have a ski patrol in New York State; and **Whereas**, North Creek was the first to have mountain ski trails in New York State; and **Be it resolved**, that a New York Ski Museum be erected in North Creek, New York.

RESOLUTION #85-16

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept and approve

Whereas, North Creek was the first to have commercial ski trains from New York City, Albany and Schenectady; and

Whereas, North Creek was the first to have commercial ski lifts; and

Whereas, North Creek was the first to have a ski patrol in New York State; and

Whereas, North Creek was the first to have mountain ski trails in New York State; and

Be it resolved, that a New York Ski Museum be erected in North Creek, New York.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

TPCC - Funding - Tannery Pond Center Presentation - May 17, 2016 -

Mrs. Donna Welch presented the following information to the Board:

Personnel Changes: Effective July 1, 2016: Appointment of Deborah Zack as Managing Director (part-time) ~ Cost: \$20,000 + payroll taxes, etc. = \$24,000

Effective May 16, 2016: John Goddard was voted to be a member of the Board, and elected Treasurer. Start of duties: July 1, 2016

Assistant to the Director: Work with new Managing Director to hire part-time person, major responsibilities include scheduling the use of the building and maintaining required records. Cost: \$8,500 + payroll taxes, etc. = \$10,000

Public Relations and Marketing: Consultant Specifics to be determined depending on finances. Budget Information 2015 Actual expenditures: \$66,100 / 2016 Budgeted expenditures: \$61,700

Events and programming: 34% Teenagers Only: 6.9% Gallery: 14%
TPCC Management: 57.5% (personnel, materials and supplies, advertising, insurance, etc.)

TPC can generate income through grants, individual and business contributions, fundraising events, and sales of merchandise, ticket sales. Commitment to keep ticket prices low or offer free programs so events will remain affordable.

Building use rental fees goes to the Town. No charge to town groups and one time/year for residents.

TPCC is looking for help to cover the cost of the Assistant to the Director
Cost: \$8,500 + payroll taxes, etc. = \$10,000

Mr. Stevens suggested to take it out of the Occ Tax. Mr. Olesheski stated he would have to check into that and see if that is covered.

Bridges / Highway - May 15, 2016 Daniel Hitchcock, Superintendent of Highways - "At the first meeting in Jan 2016 you signed off on the Garnet Lake Bridge replacement, and the Harvey Road Bridge repair. After 7 Months of Engineering I feel the Garnet Lake Bridge can be replaced using Town Employees. We will contract out building and pouring of footings. The abutments and deck will be precast at an estimated cost of \$50,000 At a later date wing walls will be installed out of heavy stone fill. The Harvey Road repairs were put out to bid, however the Town Engineer feels the Project will cost far less then low bid. I have \$200,000.00 I have set aside to cover these projects. The 284 Agreement submitted with this shows repairs to the Hudson Street Bridge, which are estimated to cost approx. \$35,000.00."

RESOLUTION #86-16

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault to accept and approve the 284 agreement for Bridge Deck replacement on Hudson Street not to exceed \$35,000.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

RESOLUTION #87-16

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to accept and approve the Low Bid of \$119,940 for the Harvey Road Abutment repairs from Adirondack Developers & Builders, Inc., 40 Schermerhorn Drive, Lake George, NY which was opened on Friday, March 4, 2016 at 10:00 AM at the Town Hall.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

Project Updates - Ms. Nightingale gave an update on the Riverfront Park Projects.

Mr. Arsenault requested to have a meeting with Mr. Grimaldi regarding the transfer station / park issue.

Resolution for Special Meeting - June 7, 2016

RESOLUTION #88-16

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault to accept and approve NOTICE OF SPECIAL JOHNSBURG TOWN BOARD MEETING June 7, 2016 - Tuesday, from 7:00 PM to 8:00 PM At Tannery Pond Community Center, 228 Main Street, North Creek, New York, the meeting will be a presentation by Mike Pratt, General Manager of Gore Mountain to discuss future uses of Ski Bowl Park , to discuss possible future uses of the Ski Bowl Park; and any other such business that comes before the board.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Stevens, Arsenault, Olesheski, Nightingale, Vanselow) Nays- 0

MOTION TO PAY WARRANTS

Supervisor Vanselow asked for a motion to pay the warrants.

RESOLUTION #89-16

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to pay the following certified bills, which have been reviewed by the board members:

May 2, 2016 to May 17, 2016

General Fund (Total \$40,879.46) - Claims #16-383 to #16-406; 16-408 to 16-414; 16-416 to 16-417; 16-434 to 16-459; 16-480 to 16-482

Highway Fund (Total \$46,333.41) - Claims #16-417 to 16-428; 16-460 to 16-470; 16-482 to 16-486

Water District (Total \$6,296.54) - Claims #16-415 to 16-416; 16-429 to 16-432; 16-434; 16-451; 16-471 to 16-473; 16-482

Library Fund (Total \$2,126.55) - Claims #16-474 to 16-479; 16-482

Trust & Agency Fund (Total \$3,300.17) - Claims #16-482

Total all warrants \$ **98,936.13**

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Stevens, Olesheski, Nightingale, Vanselow) Nays- 0

PRIVILEGE OF THE FLOOR

Ms. Kelly Nettle inquired if the Town wants to purchase the Generator at the Scout Hall and the EMS would purchase a new one for the new building.

Mr. Peter Olesheski requested that all Board members have keys to all Town Buildings.

Mr. Cork Nestor stated his disapproval of not knowing anything about ORDA and what they are doing also, why the Planning Board was not asked about the Park and changing the zoning.

On motion of Ms. Nightingale and seconded by Mr. Stevens the meeting was adjourned at 9:35 p.m.

The Town Board will be holding a Special Meeting on Tuesday, June 7, 2016, from 7:00 PM to 8:00 PM At Tannery Pond Community Center, 228 Main Street, North Creek, New York, the meeting will be a presentation by Mike Pratt, General Manager of Gore Mountain to discuss future uses of Ski Bowl Park, to discuss possible future uses of the Ski Bowl Park; and any other such business that comes before the board.

The next regular Town Board meeting will be held at 7:00 p.m. on Tuesday June 21, 2016 at Wevertown Community Center, 2370 State Route 28, North Creek, New York.

Prepared by Jo A Smith, Town Clerk

MEETING ATTENDANCE SIGN-IN

MEETING DATE: May 17, 2016

LOCATION: Tannery Pond Community Center

Please PRINT name and address clearly to assure the correct spelling in the minutes of this meeting.

- 1 Michael Anderson 2435 St. Rt. 28, Waverton
- 2 Don Filkins "
- 3 Pat "
- 4 Donna Welch
- 5 DELBERT CHAMBERS
- 6 Ellen Schaefer
- 7 Linda Cobb 4563 St Rt 28, North River, NY
- 8 Jim Jones Johnsbury
- 9 Wes Dingman CARSTAR JCS School District
- 10 Sally Hendrick
- 11 Dan Mitchell JOHNSBURG Highway
- 12 ROBERT NESSLE JOHNSBURG -
- 13 Kelly Nessle Johnsbury
- 14
- 15
- 16
- 17
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**TOWN OF JOHNSBURG
COUNTY OF WARREN, STATE OF NEW YORK**

Resolution No. ___ of 2016
Adopted _____, 2016

Introduced by _____
who moved its adoption

Seconded by _____

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW AMENDING THE TOWN
OF JOHNSBURG ZONING LAW**

WHEREAS, the Town Board of the Town of Johnsburg previously adopted the Town of Johnsburg Zoning Law as Local Law ___ of 2007 on August 7, 2007; and

WHEREAS, included with said local law is a map titled "Town of Johnsburg Zoning Map", as defined and more fully set forth in section 410 of the Town of Johnsburg Zoning Law; and

WHEREAS, by agreement dated November 3, 2005, the Town of Johnsburg by the Town Board, entered into an agreement with Frontstreet Mountain Development, LLC concerning, among other things, the zoning to be applied to two parcels of land described as follows:

1: Property labeled "TO BE CONVEYED FROM THE TOWN OF JOHNSBURG, PARCEL B, 4.400+/- AC." on the "Map of Survey Showing Ski Trails & Parcels A, B & C of the Lands of Frontstreet Mountain Development, LLC" dated April 25, 2005, and prepared by W.J. Rourke Associates, Licensed Land Surveyor, 10264 Saratoga Road, South Glens Falls, NY 12803"; and

2. Property labeled "TO BE CONVEYED FROM THE TOWN OF JOHNSBURG, PARCEL C, 8.206+/- AC." On the "Map of Survey Showing Ski Trails & Parcels A, B & C of the Lands of Frontstreet Mountain Development, LLC" dated April 25, 2005, and prepared by W.J. Rourke Associates, Licensed Land Surveyor, 10264 Saratoga Road, South Glens Falls, NY 12803"; and

WHEREAS, to move forward with the above referenced agreement, the Town Board desires to amend the Town of Johnsburg Zoning Map as provided for in the above referenced agreement, such that the above parcels of land are to be removed from the "HP" District, as defined in Section 400 of the Town of Johnsburg Zoning Law, and to hereafter be part of the "HX" District, as defined in Section 400 of the Town of Johnsburg Zoning Law; and

WHEREAS, to accomplish this amendment, in accordance with Sections 420 and 1245 of the Zoning Law of the Town of Johnsbury, the Town of Johnsbury wishes to set a public hearing on the consideration of a local law concerning such amendment, and to refer the proposed amendment in accordance with Sections 1240 and 1245 of the Town of Johnsbury Zoning Law, and applicable provisions of the Town Law and General Municipal Law of the State of New York; and

WHEREAS, this action is an action under the State Environmental Quality Review Act (SEQRA), and the Town Board deems the proposed action to be a Type II action in accordance with 6 NYCRR §27, and §19, in that the Town Board had previously agreed that the parcels described above would be zoned for certain uses, and the Town Board finds that the classification of the lands as HP was done in error; and

WHEREAS, the Town Board wishes to proceed as provided above.

NOW THEREFORE BE IT:

RESOLVED, that the Town Board hereby sets a public hearing to be held on _____, 2016 at _____ [location of public hearing], whereat any parties interested to be heard on the above referenced amendment may appear and be heard; and be it further

RESOLVED, that the Town Clerk is hereby authorized and requested to forward and refer the proposed local law to all applicable jurisdictions as set forth in Sections 1240 and 1245 of the Town of Johnsbury Zoning Law, and the applicable provisions of the General Municipal and Town Laws of the State of New York; and be it further

RESOLVED, that this resolution shall take effect immediately.

ROLL CALL VOTE:

TOWN OF JOHNSBURG

COUNTY OF WARREN, STATE OF NEW YORK

Local Law ___ of 2016

A LOCAL LAW AMENDING THE TOWN OF JOHNSBURG ZONING LAW

Be it enacted by the Town Board of the Town of Johnsburg as Follows:

Section 1 - PREAMBLE AND ENACTING CLAUSE

The Town of Johnsburg adopted the Town of Johnsburg Zoning Law as Local Law __ of 2007, adopted on August 7, 2007. The Town of Johnsburg, by the Town Board, had previously entered into an agreement titled "Master Agreement" dated November 3, 2005, with Frontstreet Mountain Development, LLC, whereby certain parcels of land as set forth therein and described herein, were to have permitted certain land uses as noted in said agreement. In the process of adopting the Town of Johnsburg Zoning Law, the parcels identified in the above reference agreement were not zoned to permit the uses as approved in the agreement, or as part of the Frontstreet Mountain Development, LLC project. This local law is intended to amend the Zoning Map of the Town of Johnsburg to permit such allowed uses, to amend certain parcels as identified herein from the "HP" zone to the "HX" zone.

Section 2 – IDENTIFICATION OF PARCELS SUBJECT TO MAP AMENDMENT

The Town of Johnsburg Zoning Map as set forth in Section 410 of the town of Johnsburg Zoning law, are hereby removed from the "HP" District as set forth in Section 400 of the Town of Johnsburg Zoning Law, and are to hereafter be included in the "HX" District as set forth in Section 400 of the Town of Johnsburg Zoning Law:

1: Property labeled "TO BE CONVEYED FROM THE TOWN OF JOHNSBURG, PARCEL B, 4.400+/- AC." on the "Map of Survey Showing Ski Trails & Parcels A, B & C of the Lands of Frontstreet Mountain Development, LLC" dated April 25, 2005, and prepared by W.J. Rourke Associates, Licensed Land Surveyor, 10264 Saratoga Road, South Glens Falls, NY 12803"; and

2. Property labeled "TO BE CONVEYED FROM THE TOWN OF JOHNSBURG, PARCEL C, 8.206+/- AC." On the "Map of Survey Showing Ski Trails & Parcels A, B & C of the Lands of Frontstreet Mountain Development, LLC" dated April 25, 2005, and prepared by W.J. Rourke Associates, Licensed Land Surveyor, 10264 Saratoga Road, South Glens Falls, NY 12803".

Section 3 – SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4 - EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with the Municipal Home Rule Law.

TO BE CONVEYED FROM
THE TOWN OF JOHNSBURG
PARCEL B
4.400 ± Ac.

END 50' WIDE SECTION
OF GREEN TRAIL

TO BE CONVEYED FROM
THE TOWN OF JOHNSBURG
PARCEL B
4.400 ± Ac.

TO BE CONVEYED FROM
THE TOWN OF JOHNSBURG
PARCEL A
4.147 ± Ac.

TO BE CONVEYED FROM
THE TOWN OF JOHNSBURG
PARCEL C

LANDS OF
ADIRONDACK TRI-COUNTY
NURSING AND REHABILITATION
CENTER, INC.
L. 1333 P. 83

LANDS OF
DEBORAH E. HELBOCK
L. 1201 P. 186

