

Minutes of the  
TOWN OF JOHNSBURG PLANNING BOARD  
February 24, 2014

The meeting was called to order by Chairperson Cork Nestor at 7:02 pm.

Minutes of the public hearing and regular meeting of the Planning Board of the Town of Johnsburg held on Monday, February 24, 2014 at the Tannery Pond Community Center, North Creek, NY.

Roll call showed the following persons present: Gretchen Millington, Cork Nester, and Tim Record. Absent: Curtis Richards

Also present was attorney for the planning board, Michael Hill.

Guests: Joe Brown, Annie Bulno, Leslie Clement, Roxy Freebern, Reg Freebern, Dale Monthony, Joyce Monthony, and Danae Tucker, (Town Zoning Officer)

**Public Hearing: SUB-07-2013-Subdivision-Herrmann-222 Durkin Road- Tax Map #83.-1-47** Mr. Herrmann not present at the start of the meeting it was determined that the Public Hearing would be open upon arrival.

**Approval of Minutes:** Approval for the following meeting dates April 22, 2013, June 24, 2013, August 5, 2013, September 23, 2013, and November 25, 2013, will not be possible because a forum of the members present at those meetings will not be possible to approve them. These minutes are posted on the town's website in draft form for the public though. Approval of the January 27, 2014 minutes will be possible upon Mr. Richards return.

**New Business: SP/01-2014- Site Plan Application- Leslie Clement-55 Shields Road- Tax Map #30.-1-68** Mr. Nester introduced Ms. Clement stating that she was interested in opening a small campground on her property. Ms. Clement began her presentation by showing the Planning Board the property on a map, which is north of Shields Road. Patrons of the proposed campground would access the top of the mountain by use of Ms. Clement's driveway, to take the traffic off from Shields Road. The proposal will include four platform canvas tents with a bed, an idea called "Glamping, or Glamorous Camping", an idea that has come over from Europe, the proposal will also include six campsites where patrons would bring their own camping equipment. Ms. Clement stated "Glamping" has been very successful in other areas and one has recently been opened in Hague. The neighboring Hobby Farm food stand, also owned by Ms. Clement would be a source of meals for the patrons. The food stand is covered under the New York State Agriculture and Market. Ms. Clement has had numerous conversations with the Board of Health who has stated that they don't have any involvement with four campsites or less, more than four campsites would require water chlorination, but Ms. Clement is only focusing on the

building of the four sites. Mr. Nester asked if there was a possibility for the remaining campsites to become platform sites, Ms. Clement replied "yes". The canvas tents will be modeled after old fashioned Adirondack platform tents from one hundred years ago to give the impression that the visitor was visiting an old fashioned farm, Ms. Clement showed pictures to the Planning Board of the tents. Mr. Nester asked why not move the tents to another part of Ms. Clement's property since the tents would be very close to a concerned neighbor's property line and would also be visible from Shields Road, which Mr. Nester pointed out that in the Site Plan Application it was emphasized the campsites were not visible from Shields Road when in fact they are. Ms. Clement said another portion of her property near a brook, mentioned by Mr. Nester was not cleared off for the project. Ms. Clement disagreed with Mr. Nester stating that the tents would not be visible. Ms. Clement said that the area had been plowed and the Planning Board was welcome to come take a look. Mr. Nester expressed concern that the sites were out in the open, but Ms. Clement commented that there were trees aligning the sites. Mr. Nester asked where the bathrooms would be located. Ms. Clement stated the location would be just past her Bird Camp and before her Hobby Farm, with closer proximity to water than the power pole. Ms. Clement emphasized these were only platform tents and would not prevent anyone from building on the site in the future. Ms. Clement would run power to the bathroom, and then use propane lights for the tents. Ms. Clement would like approval for ten units, so she does not have to come back at a later time, but the first four would be closer to the bathroom, if the business took off she would need to build another bathroom closer to the other sites in the future. Mr. Record asked how many parcels were involved, Ms. Clement said "two". Mr. Nester said the board would like to see plans for the second bathroom even if it is not being built at this time. Mr. Record asked the board, "Can you have a campground without a bathroom on the same parcel?" Mr. Nester and Mrs. Tucker, (Town Zoning Officer), said there isn't really anything in our codes, because this type of thing is usually regulated by the Board of Health. Mrs. Tucker continued that seeing that local codes do not address the bathroom concern and the Board of Health does not take over until the fifth camp site is constructed there seems to be a gray area. Mr. Record asked for clarification on how many sites were being requested, Mrs. Tucker replied that Ms. Clement was applying for ten sites but she was only building four. Mrs. Tucker said that once the fifth site is built the Board of Health would oversee the water use and bathrooms. Mr. Nester proposed one of two solutions: One, the Planning Board could approve only four campsites, and if any more were desired in the future a site plan amendment could be sought or two, the Planning Board could approve ten sites and let the Board of Health take over. Ms. Clement said she had talked to Chris Wheeler of the Board of Health who had recommended she get approved for ten sites, Ms. Clement asked if moving the bathroom to the parcel the campsites were going to be on would make a difference? Mr. Nester responded that that left the Planning Board in a gray area and he was not comfortable with that. Mr. Nester asked Mr. Record if moving the bathroom would make a difference to him, Mr. Record replied that the bathroom being on the same parcel as the campsites made more sense. Ms. Clement did say that she did try to press the

Board of Health for answers in regard to bathrooms and water but that the Board of Health responded that they do not like to comment on site plans until they are approved. Mr. Nester said that he and Ms. Clement needed to get some clarification from the Board of Health before the next meeting. Ms. Clement agreed to request for site plan approval for four camp sites, and if things went well come back to the board for an amendment to the site plan at a later date. Mr. Nester thought that was a good idea especially with the bathroom being on an adjacent lot, it might cause a problem in the future if Ms. Clement tried to sell one of the lots. Mr. Record asked if the Planning Board was going to open a public hearing, Mr. Nester explained that the public hearing was advertised and notices were sent out by mistake do to a new Planning Board Secretary and he apologized to those in attendance who may had come to the meeting for that reason. Mr. Nester said that the purpose at this meeting was for the Planning Board to review Ms. Clement's application and hear her proposal, down the line when all of the Planning Board's concerns are answered a public hearing will be opened. Mr. Hill, (attorney for the Planning Board), pointed out that at this point the Planning Board was just checking to see if the Site Plan Application was complete. Mrs. Tucker stated that Ms. Clement's proposal is a Class B project so there has to be a public hearing. Mrs. Millington expressed concern about the bathroom, asking if there would be a shower stall included too, Ms. Clement said yes, she had met with a building inspector who said it had to be ADA compliant, and be handicap accessible. Camp Ornda was mentioned, Mr. Nester said that that camp had to include a septic, shower tank and a leech field. Mrs. Millington asked if the water was going to come from a drilled well, which Ms. Clement responded yes, she had run that by the Board of Health too, because it is her only water source, and is also used in her farm stand, this water is tested quarterly and sent to New York State Agriculture and Market, for cleanliness. Ms. Clement reiterated that upon construction of a fifth site the water would then need to be chlorinated as per the Board of Health. Mr. Nester asked where the chlorination would take place, Ms. Clement responded as close to the camp sites as possible so not to chlorinate the entire property. Mr. Nester said that for next month he would like to see where the bathroom was going to be on the lot, and he would like to get some information back from the Board of Health in regard to bathroom and water concerns, if these concerns were answered by the next meeting, then they would proceed in setting up a public hearing. Mr. Nester also said he would like to see placement of the sites adjusted so there not all out in the open, Ms. Clement seemed receptive to look into relocating the other six sites. Mrs. Millington asked if the DEC was satisfied with the process thus far which Mr. Nester confirmed. Mr. Record raised a question in regard to Ms. Clement's driveway plan, Mr. Nester said that a portion of the driveway had already been approved by the North River Fire Chief, John Donahue, for the Hobby Farm, but the rest of the driveway would need to be checked out. Ms. Clement stated that parking would be located closer to her driveway, and campers would carry their belongings to the site, which was a clarification to a question raised by Mr. Hill. The Planning Board looked over various surveys of Ms. Clement's proposal along with information on the septic from the building inspector. Mrs. Millington asked how many sites would be constructed this

year, and Ms. Clement replied two. Mrs. Millington asked about handicap accessibility, Ms. Clement responded that one of the platform tents needed to be handicap accessible as well as the bathroom. Ms. Clement indicated that only one unisex bathroom would be constructed at this time, as the Department of Health outlines that two sex bathrooms are not required for a bathroom serving less than eleven people, the first four sites would only accommodate eight people. The septic will be correctly engineered and be 100 feet away from the brook. Mrs. Millington asked how many building permits would be required, Ms. Clement stated she would need some for the bathroom, septic, and tent platforms. Mrs. Millington asked about fire pits, Ms. Clement responded that each site would have its own fire pit to accompany the tent and a picnic table. Mr. Nester informed Ms. Clement that according to Town regulations each site needed to measure 2500 feet. This spring will bring the construction of one platform site, a bathroom, and non-platform camping, with no more than eleven total people being accommodated at one time, it was noted that a permit would need to be obtained for any Whitewater Derby camping on the property. A member of the audience expressed concern about the campfires. Mr. Nester said he wanted to get a site visit completed and some photos of the area completed in the next month. Another audience member asked if the campsites would be pet friendly, which Ms. Clement responded no pets would be allowed. Ms. Clement inquired about another application for a different project she had in the works, which Mr. Nester said would be added to the agenda once all application materials had been received. Mr. Nester reiterated that for the campground project he would like to see new maps indicating bathroom locations, along with information on a PERP test preformed in regard to the septic. Mr. Hill noted that the PERP test information was something valuable that the Planning Board would be interested in seeing.

**Privilege of the Floor:**

After Ms. Clement concluded, Mr. Nester asked the audience if they had any questions and concerns, and one neighbor expressed concerns for a repeat of past failed projects by Ms. Clement, which Mr. Nester said that it was the Planning Board's job to protect the community and that is why the Board would be visiting the site and going over plans very carefully, it was noted that the failed project by Ms. Clement had not gone through the Planning Board, but he feels that the repercussions Ms. Clement incurred has made her a more cautious planner. Another neighbor asked if the Department of Health would come and speak with him, because the stream in Ms. Clement's plan runs through his property. Mr. Nester said probably not, that the Department of Health's main focus is septic and water. Mr. Nester stated that the Board would require Ms. Clement to show them plans for an engineered septic and that the drainage field for that septic would need to be 100 feet away from the stream. Mr. Nester stated that Ms. Clement has signed a DEC order of consent which requires much of her including a course on soil erosion, which was noted by Mr. Record.

### **Chairperson Report:**

Mr. Nester mentioned the Adirondack Park Local Government Day Conference in Lake Placid. Mr. Nester said it was a great experience and the attendees have an opportunity to learn a lot, network, and ask questions. Mr. Hill noted that there is a New York State law that requires Planning and Zoning Board Members to continue their education on planning and zoning matters. Mr. Record asked about the Family Dollar Store, Mr. Nester said the proposal was to purchase a lot previously owned by Elliot Monter. The company proposing to purchase the property had stated that they would give half of the property over to the Town. The Town Board had proposed a resolution to accept the property if that happened, Mr. Nester questioned that resolution because a subdivision on the property has not even been done yet. Mr. Nester had asked the company purchasing the land why they would want to give up half the property to the Town and the response was because of taxes. Mr. Nester did say he would prefer the front of the Family Dollar Store not face the Train Station, in an effort to maintain the look of a quaint Adirondack Town. The company is willing to work on ascetics, and the Planning Board will have some input on this because the property is on the Main Street Overlay.

### **ZEO Report:**

Mrs. Tucker reported that she had spoken to the Town Board in regard to an on-going animal control problem, where an animals, for example goats, need to be kept 100 feet from a property line, and in the case in question the animals are only 75 feet from the property line. The issue is being discussed in Town Court. There is an ongoing concern with a property on Bakers Mills Road, but with the snow evidence is difficult to see, until spring, although an effort by the property owners to improve the situation was evident.

### **Board Member Concerns:**

Mr. Record expressed concern about having an only a four member board, the board needs a fifth member, and an alternate. Mr. Record would like to see a seven member board with two alternates, and the Town Board needs to help with recruits. Mr. Nester said the Town is trying to advertise for more members. Mr. Record also expressed that he wanted the Planning Board secretary present for meetings, to answer questions and go through application materials and checklists. Mr. Record would like meeting materials mailed to him.

**Motion to Adjourn:** Motion by Mr. Record to adjourn, Mrs. Millington, second. All in favor. 8:19 pm

Respectfully submitted,  
Samantha J. Cleveland  
Johnsburg Planning Board Secretary

*Next Planning Board Meeting*  
*Monday, March 24, 2014*  
*Tannery Pond Community Center– 7 p.m.*

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