

Minutes of the
TOWN OF JOHNSBURG PLANNING BOARD
September 22, 2014

The Meeting was called to order by Chairperson Cork Nester at 6:59 p.m.

Roll Call showed the following persons present: Gretchen Millington, Cork Nester, Tim Record, Ken Murray, Curt Richards, and Attorney Mike Hill, ZEO Danae Tucker, Secretary Joann Morehouse

Guests: Mark A Lupo, David F. Millington, Joe Brown, Leslie Clement, Nancy Kulikowski, Perry Gezzi, Roxy Freebern, Reg Freebern

Public Hearing: SUB-01-2013-Subdivision-Clement-Shields Road-Tax Map# 30.-1-75:

Discussion was opened by Mr. Nestor regarding Clement-Shields. Mrs. Kulikowski asked for report about impact on 13th Lake Rd. and was told that the County will be taking over 1 parcel and in return they will take care of the road. Roxy Freebern asked if the DEC fine had been paid yet. Mr. Nestor informed her that Mrs. Clement has until July 2015 to clear up that matter and that the board will not be giving over approval to her until that is all cleared. Mrs. Kulikowski again asked for written proof that 13th Lake Rd will be safe with the subdivision moving forward. Mrs. Freebern also expressed concern about Mrs. Clement complying with directions from the board or any other authority. Mr. Hill spoke regarding Mrs. Kulikowski's concern telling her that the county once it has possession of said property will be making improvements on it and the road which will take care of Mrs. Kulikowski's concerns. The Planning board and Warren County feel the impact on 13th Lake Rd from the transfer of the proposed lot to county will be positive. Mr. Record also stated that the site plans have been sent to the engineers and they sent back a report that all seems to be in order and a good plan with one addition of silt fencing being installed barring any acts of God. Mr. Record suggested Mrs. Kulikowski take the engineers report and read it during the rest of this meeting and the next and then comment again afterwards. Mrs. Millington made a motion to continue this hearing until October meeting seconded by Mr. Murray motion carried 3 -2. 3 (Millington, Murray, Record) aye, 2 (Nester, Richards) nay.

Mr. Nester and Mr. Record suggested that Mrs. Kulikowski take the SWPPP and engineer reports home with her and read them through and also talk with Mr. Jeff Tennyson of Warren County DPW to hopefully assuage her concerns for 13th Lake Rd. before the October meeting. Mrs. Clements asked if she could also speak regarding her own project. Mr. Nester gave her the floor, Mrs. Clement voiced her frustration about the process taking her 2 years and now being faced with yet another delay which is now holding up the Warren County in its acquisition of a piece of property. Mrs. Kulikowski again objected to this project based on the danger to 13th Lake Rd and Mr. Nester informed her again that DEC fine must be paid before approval can be given as well as Highway superintendents' decision that some lot's 2, 3, and 4 need the road widened. Mr. Record stated that they are only allowed to look at the subdivision not the impact on the road itself. Mrs. Kulikowski informed the board that they and the town and county have been put on notice that if someone gets hurt then they will be held liable. Mr. Hill

stated that there is no admission of liability by the board, and that the purpose of the county acquiring part of the property is to assist in preventing additional problems with the road. Also that the report from Clough Harbor was done to make sure no further damage to the road. Mr. Murray suggested that motion to table the application until Octobers meeting be undone. Mr. Hill said that Mrs. Millington needed to make a motion to rescind the prior motion. Mrs. Millington made a motion to rescind her prior motion to table the application by Mrs. Clements, seconded by Mr. Murray carried 4-1 in favor motion carried Mr. Record abstained.

Motion to close public hearing by Mr. Richards second by Mr. Murray all in favor motion carried.

Public Hearing: SU-02-2014-Special Use Permit-Lupo-95 Goodman Road-Tax Map# 132.-1-49

Cork Nester opened discussion Mr. Lupos application by reading a letter from Michael Cifaratta regarding concerns he has with the approval of Mr. Lupos application. The concerns are

- Potential for excessive noise levels and noise early in the morning or late at night
- Signage on Goodman Road, he would prefer no signs be visible on Goodman Road.
- Display of vehicles on Goodman Road, he would hope that unregistered vehicles and vehicles for sale would not be visible from the road.
- The last point in particular has him concerned because this could potentially lower the value of his property and/or make it difficult to sell in the event that he wanted to sell it.

Mr. Record made motion to close public hearing seconded by Mrs. Millington all in favor motion carried.

Approval of Minutes: August 25, 2014 Mr. Hill asked for clarification as to whether or not Danae Tucker was at the August meeting or not. Refer to August meeting minutes regarding EMS had prior SEQR approval by APA. Curt Richards made a motion to approve minutes seconded by Ken Murray. Passed all in favor.

SUB-01-2013-Subdivision-Clement-Shields Road-Tax Map# 30.-1-75: Mr. Hill mentioned a letter the board had received concerning coming in accordance with conditions from DEC and they gave her a extension to July 15, 2015, if fine has not been paid the Mrs. Clement has agreed to give the state a judgment on the parcel that she is trying to separate into 4 parcels. The conveyance to the county of 1 parcel before the rest is allowed to be parceled out into 4 more parcels. The single parcel will be allowed and 1 Mylar will be made but the remaining will stay on another Mylar until all conditions are met. Our Town Highway Superintendent must approve road widening in parcel, she will need to get the 2 Mylars, DEC fines must be paid, and engineers suggestions be followed which Mrs. Clements started disputing the silt fence part of

engineers suggestions. Mr. Hill stated that a SEQR review needs to be done before the board can move forward. Mr. Brown informed the board and showed a printout of Mrs. Clement advertising the lots that have not yet been approved which is not allowed. Mr. Record made a motion to table the issue until next month while a review of the new glitch with this issue is done seconded by Mr. Murray all in favor motion carried.

SP-04-2014-Site Plan Review & SU-02-2014-Lupo-95 Goodman Road-Tax Map# 132.-1-49:

Mr. Nester suggested that there be restrictions be placed on approval; Business hours should be limited to 7am -6pm for inspections 8am – 6pm for mechanical work, there should be no cars for sale on display by the road, Mr. Lupo will be allowed to have a sign to advertise his business which is required for his NY State Inspection license. Mr. Lupo was also informed that in the event he gets a light for his sign he cannot have upwards lighting. Mike Hill Atty did a SEQR review Environmental Impact Assessment. Tim Record made a motion to approve Mr. Lupos request with the conditions specified by Mr. Nester, Motion seconded by Ken Murray motion carried all in favor.

Privilege of Floor

Sue Allen shared with the board her desire to subdivide her property deeding 1 acre and a house to her daughter. Mr. Nester and the board agreed that she could gather her papers and have a public notice placed in the paper and be placed on the agenda for Octobers Planning Board meeting. Motion to have a public hearing on October 27, 2014 made by Mr. Record seconded by Mr. Richards all in favor motion carried. Mr. Nestor read APA approval letter to the board. Mr. Nester proposed a meeting between Mrs. Kulikowski, Jeff Tennyson of DEC, Town Supervisor Ron Vanslow, Town Highway superintendent Dan Hitchcock and residents of 13th Lake Rd.

ZEO Report

Motion to Adjourn: made by Tim Record to adjourn seconded by Gretchen Millington all in favor carried.

Respectfully submitted:

Joann M. Morehouse

Johnsburg Planning Board Secretary

Next Planning Board Meeting –Monday, October 27, 2014

at the Tannery Pond Community Center– 7 p.m.

DRAFT