

Minutes of the  
TOWN OF JOHNSBURG PLANNING BOARD  
March 23, 2015

Chairperson Cork Nester called the Meeting to order at 7:05p.m.

**Roll Call** showed the following persons present: Cork Nester, Curt Richards, Gretchen Millington, Danae Tucker ZEO, Joann Morehouse Secretary, Absent: Tim Record, and Mike Hill Atty.

**Guests:** Brian Donohue, David Millington

**Public Hearing: SU-01-2015-Eric Piper Representing Top Ridge Tax Map# 83.-1-37:**

Mrs. Millington made a motion to open the public meeting seconded by Mr. Richards all in favor. Mr. Nester reminded the Board that this was regarding an off premise sign that is already in place at the corner of Peaceful Valley Rd. and Durkin Rd on the property of Mark Richards Tax Map #83.-1-45. Mr. Donohue asked if the sign was on a county easement, and what the sign ordinance is for the Town of Johnsburg. Mr. Nester said that was something that they would have to check into since Mrs. Tucker was not sure, at the time she looked at the sign there was a great deal of snow to wade through. The sign guidelines are that the sign can be no larger than 24 square feet and any lighting needs to be facing downward. Mr. Piper had not arrived yet but Mr. Nester said he did not need to be present to continue Mrs. Millington made motion to close the public hearing, seconded by Mr. Richards all in favor

**Approval of Minutes:** Mr. Richards asked that the acceptance of meeting minutes from February 23, 2015 be tabled until April 27, 2015 meeting so that Atty, Mike Hill could also look over the minutes.

**OLD BUSINESS: SU-01-2015-Eric Piper Representing Top Ridge Tax Map# 83.-1-37:**

Discussion began about Mr. Pipers sign, Mr. Nester asked if the Board had any remarks or questions regarding Mr. Pipers Special Use Permit, the only question that came up was “where exactly is the sign”? Mr. Richards made the motion to approve SU-01-2015 on the condition that it is not in the county easement but instead on Mr. Richards’s property, seconded by Mrs. Millington all in favor.

**ZEO Report:** Mrs. Tucker stated that she had received a letter from the A.P.A. and that they had taken a non-jurisdictional stance regarding Mrs. Clement and her latest application before the Board.

**Privilege of Floor:**

Mr. Donohue was present to discuss his concerns that continue regarding the pollution of the area from water runoff, which he feels, is carrying fuel and other contaminants as well as causing erosion issues along the road and the stream that runs through his property coming from 192

Edwards Hill Road. He has started conversations with Jim Lieberum from Warren County Soil & Water and brought a letter with him from Mr. Lieberum, which Mr. Nester asked that the letter be introduced into the minutes. Mr. Donohue said he has pictures of drainage that includes fuel as well as normal dirt from logging from when the trucks from Mr. Pierson's business are power washed. He also has photos of the damage done to the stream and erosion of the sides of the road as well as fuel trails heading away from the Pierson property. Mr. Donohue said he has been in contact with Soil & Water and they have someone coming out to do a site visit and look things over. Mr. Donohue also asked what action could be taken at this stage if the Dept. of Soil & Water agree with his finding. Mrs. Tucker said any action would have to come from the Dept. of Soil & Water. Mr. Donohue asked about a Driveway permit and the ZEO told him that she had no jurisdiction over driveways because there were no codes covering them in her book. If he wanted to pursue that, any further, he would have to go to the Town Board and they would have to decide if they wanted to hire a lawyer and pursue the issue. Mrs. Tucker said she has spoken to someone at the Dept. of Soil & Water and yes, they do intend to send someone out to inspect the site. In the meantime, Mr. Nester suggested that Mr. Donohue continue to document with photos

**Motion to Adjourn: Mrs. Millington made motion to adjourn, seconded by Mr. Richards all in favor.**

Respectively submitted:

Joann M. Morehouse

Johnsburg Planning Board Secretary

***Next Planning Board Meeting –Monday, April 27, 2015  
at the Tannery Pond Community Center– 7 p.m.***

raphs.



394 Schroon River Road, Warrensburg, NY, 12885  
 Phone: 518-623-3119  
 Fax: 518-623-3519  
[jim99@nycap.rr.com](mailto:jim99@nycap.rr.com)  
[www.warrenswcd.org](http://www.warrenswcd.org)

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March 9, 2015

Brian Donohue  
 PO Box 812  
 Bolton Landing NY 12814

Dear Brian,

As per my site visit to your property last Wednesday, I am drafting up a letter in regards to the sedimentation issue that is occurring on your property.

**To review:** I was contacted by you two weeks ago in regards to a stormwater runoff issue that is impacting several drainages/streams on your property. The source appears to have begun from a neighbor's construction project. From our discussion I understand that you have 2 initial concerns: (1) sedimentation impacting the NYSDEC designated A(T) stream on your property and (2) petroleum based products from the site impacting the soil and potentially the water. Since we had a heavy snowpack, we did not attempt to visit the location at this time; however you have provided images to me showing sedimentation from the construction site.

According to a letter dated June 12, 2014 the Adirondack Park Agency determined that the neighbor's garage is a forestry use structure and that the storage and maintenance of machinery will not require an APA permit. However the APA did require that erosion control measures were to be installed by July 1, 2014. The APA also notes that they cannot speak for the Town of Johnsbury, NYS Department of Environmental Conservation or other governmental agencies. At your house, you showed me a follow up letter from the APA indicating that the erosion control requirements were satisfactorily met.

I strongly believe that the best way to resolve these types of issues is to work together as neighbors and come to an agreement on what needs to be completed and who will be the responsible party. Our discussion led me to believe that this has been attempted and was not successful. Beyond that here are a few potential options you could consider:

**1. Take corrective measures on your property to remediate upstream impacts**

- If the sediment deposition is a short term issue, the installation of temporary erosion control measures should be effective. Installing silt fence or other sediment trapping devices would work until the upstream site became stable. An application of seed (properly selected for the site) and straw mulch should be conducted. Seed and mulch is general considered to be one of the best erosion and sediment control techniques, and is very cost effective.
- There may be a need for temporary sediment basins to capture the material. These basins would need to be sited correctly and not located in a stream channel or wetland.
- Install a berm to intercept the runoff and direct the flow through a vegetated area. The vegetation would act as a filter and capture sediment.

Any of these Best Management Practices (BMP's) may be considered, site dependent. There may be restrictions – i.e. topography, groundwater, wetland boundaries that would need to be considered prior to installation. In addition, any sediment capturing device needs to be cleaned out (maintained) when the structure is 50% filled.

**2. Contact the Town of Johnsburg**

- I am not sure if the town would have any stormwater regulations that would apply to this scenario. Some towns such as Bolton, Lake George and Queensbury have rules in place to reduce impacts from stormwater on neighbors.

**3. Contact the NYSDEC**

- The NYSDEC will intervene when there is a contravention of water quality standards, which is an impact to a waterbody that is not natural (such as an eroding streambank). They will determine whether there is, or possibly has been, a water quality contravention.
- There could be an enforcement action taken against the individuals responsible. This could be a monetary fine, but in many cases it ends up being an agreed upon corrective action taken.
- If you wanted to speak to someone in regards to water quality, contact Mike Dauphines (Division of Water) at 518.623.1200.

Obviously each level of recommendation is different. Once regulatory bodies become involved, you never know how it will end up and this can create animosity, whether it is deserved or not. That is why I always recommend (and hope) that the involved parties can work it out and come to an agreement.

I have included some information for you: aerial images, NYSDEC Environmental Resource Mapper (<http://www.dec.ny.gov/irmsmaps/ERM/viewer.htm>) and Best Management Practice sheets. The sheets are from the NYSDEC Standards and Specifications for Erosion and Sediment Control book, AKA "The Blue Book". These detail out specific BMP's that are allowed by the NYSDEC. If you would like to view or have access to the entire book, go to [http://www.dec.ny.gov/docs/water\\_pdf/bluebook.pdf](http://www.dec.ny.gov/docs/water_pdf/bluebook.pdf).

Please let me know if you have any questions or need more information.

Sincerely,



Jim Lieberum, CPESC  
District Manager