

Minutes of the
TOWN OF JOHNSBURG PLANNING BOARD
Jul 27, 2015

Chairperson Cork Nester called the Meeting to order at 7:03p.m.

Roll Call: showed the following persons present Cork Nester, Curt Richards, Gretchen Millington, Secretary Joann Morehouse, Atty Justin Grassi Absent: Tim Record, Danae Tucker ZEO

Guests: Brian Donohue, Leslie Clement, Devin Dickinson,

Public Hearing:

SUB-01-2015-Wedeln Partners-Tax Map#83.-2-4

Owners are looking to subdivide the store and National Grid section of the property from the rest of the acreage. Mr. Nester said we would wait a few more minutes to give anyone who had concerns the opportunity to show up and voice them. After 5 minutes, Mr. Nester asked if the Board had any questions regarding the application and the Board said no. Mrs. Millington made a motion to close the public hearing seconded by Mr. Richards all in favor.

Approval of Minutes: Mrs. Millington made a motion to accept the minutes from June 22, 2015 meeting seconded by Mr. Richards all in favor.

NEW BUSINESS:

SUB-03-2015-Clement- Tax Map#30.-1-68

The Board asked Mrs. Clements what we could do for her today, and she said her neighbor would like to buy two acres of land that borders her neighbor at present. Mr. Nester told Mrs. Clement that because of the amount of acreage involved the Mylar must clearly state that the two acres is not a building lot. Mrs. Millington made a motion to run the legal ad and bring Mrs. Clement back August 24, 2015 for public hearing. Motion seconded by Mr. Richards all in favor.

Site Plan Amendment Melissa Freebern-Tax Map#66.10-2-12

No one showed up to speak on this.

OLD BUSINESS:

SUB-01-2015-Wedeln Partners-Tax Map#83.-2-4

Owners are looking to subdivide the store and National Grid section of the property from the rest of the acreage. Atty Grassi read part II of the SEQR to the Board they declared negative action. Mr. Richards made a motion to approve this application, seconded by Mrs. Millington all in favor.

ZEO Report:

No report today

Privilege of Floor:

Brian Donohue was present to discuss further his issue with the Pierson property at 192 Edwards Hill Rd... Mr. Donohue asked if the Board has any answers for him on his question as to what if any activities are grandfathered in, concerning the property and buildings at 192 Edwards Hill Rd. Mr. Nester informed Mr. Donohue that his understanding is that anything prior to 2007 would be grandfathered in. Mr. Donohue said in his thoughts the business has changed since that time.

Mr. Donohue informed the Board that JR Pratt is hauling fill in from another industrial site (the old Great Eastern) which he fears may also be contaminated. Mr. Donohue said that he has heard that Mr. Pierson has certain things he must do to satisfy DEC and that he was told Mr. Pierson needs a building permit issued in order to do that. He would like to know if that has been issued, or if Mrs. Tucker ZEO is going to issue a zoning compliance certificate so he can get that. Mr. Nester said that would be a question to ask the ZEO.

Mr. Donohue gave the Board a packet of correspondence from 2014 which are attached to end of the minutes per Mr. Donohue's request.

Motion to Adjourn: Mrs. Millington made motion to adjourn, seconded by Mr. Richards all in favor. 7:30pm

Respectively submitted:

Joann M. Morehouse

Johnsburg Planning Board Secretary

***Next Planning Board Meeting –Monday, August 24, 2015
at the Tannery Pond Community Center– 7 p.m.***

6/25/2014

Dear Danae Tucker,

Thank you for your time spent on the issue of commercial activity occurring at 192 Edwards Hill Rd in a permitted "personal garage" built structure. Curious to learn if you have heard received any correspondence from the APA regarding their & your site visit to Chad Pierson's property.

Given the nature of Chad Pierson's tactics with regard to his personal garage construction/ commercial use property development intentions, the following has been noted:

- Residential "Change of Use"
- For parking room, Mr. Pierson has filled road side ditches and natural drainage areas (with run of bank fill, tires & old structures)
- removed all natural vegetation
- constructed 5500 sq. ft. of new impermeable roof surface, resulting in intensified storm water effects onto inadequate erosion control measures.
- Considering Mr. Pierson's new garage roof combined with his house roof, paved drive way, shed roof(s), over 10% of this property acts as a Storm water funnel that channels water onto his neighbor's property.
- Mr. Pierson's removal of all the natural vegetation combined with the sandy areas used as parking lots channel water unimpeded further down the road to the low land beaver flow pond area to the east of Edwards Hill road.

We feel Mr. Pierson needs to come before the Planning Board for a "Site Plan Review", as you have stated, with an engineered storm water plan containing:

- storm water retention ponds sized to hold storm water for all structures on his 1.5 acre site, including the home's paved driveway.
- Spill plan/safety measures in place for all diesel fuel stored on the site, including storage in one designated area away from culverts directed at his neighbor's property.
- Replant/maintain water absorbing soil stabilizing ground cover.
- Remove unused septic tank from site, until an engineered septic plan is in place.
- Recognize sound and all other ordinances for MX 8.5 commercial property if use is allowed.
- provide designated areas for snow storage on the property.
- clean any petroleum based materials off from his equipment at a different site OR install ground water testing wells to provide biannual reports to the town & his neighbors if he is to continue intense commercial trucking activity on site.

Sincerely,

Brian Donohue



Town of Johnsburg

219 Main Street
 North Creek, NY 12853
 Fax – (518) 251-9991

July 1, 2014

Town of Johnsburg
 New York State Certified
 Planning Board

Chad Pierson
 PO Box 29
 Bakers Mills, NY 12811

Planning Chairperson
 Mr. James "Cork" Nester

Dear Mr. Pierson:

Members

Mr. Tim Record

Mr. Curt Richards

Mrs. Gretchen Millington

Mr. Ken Murray

Zoning Enforcement Officer
 Mrs. Danae Tucker
 251-2421 ext. 27

Planning Board Secretary
 Mrs. Shannon Slater
 251-2421 ext. 22

I have received a copy of the letter determining the Adirondack Park Agency classification of your garage as a forestry use structure. As I noted during the site visit for the purpose of the Town of Johnsburg your business would be classified as a home based business with vehicles and equipment which is a permitted use only after review and approval by the Planning Board.

Enclosed please find the site plan application. The planning board will meet on July 28, 2014. We need your application in by July 22, 2014. If you have any questions feel free to contact myself or Shannon Slater the planning and zoning secretary.

Sincerely,

Danae Tucker
 Danae Tucker



FitzGerald Morris
Baker Firth

Thomas A. Ulasewicz
tau@fmbf-law.com

Memo

Via E-mail

To: Danae Tucker, Zoning Enforcement Officer
From: Thomas A. Ulasewicz
Date: October 1, 2014
Re: Chad Pierson Logging aka Chad Pierson Logging & Trucking
cc: Brian Donohue

I represent Brian Donohue who opposes the above referenced business operating at 192 Edwards Hill Road, Johnsbury without the necessary State and local regulatory approvals.

We will be dealing directly with the Adirondack Park Agency and arguing that Mr. Pierson's operations are subject to its jurisdiction as a Class A regional project.

I am in possession of your July 1, 2014 letter to Mr. Pierson wherein you advise him that his business "would be classified as a home based business with vehicles and equipment which is a permitted use only after review and approval by the Planning Board." You then enclose a site plan application and advise him that the planning board will next meet on July 28, 2014.

I also have an e-mail from you to Brian Donohue dated 8/26/14 which states:

"Mr. Pierson disagrees with my determination and does not feel he needs to submit site plan to the planning board. He has the right to appeal my determination to the Zoning Board of Appeals who's next meeting is September 8th due to the first Monday in September being a holiday. If he does not appear at the ZBA meeting or reach out to myself or Shannon (PB Secretary) to be placed on the Planning Board agenda for site plan review my next step would be to issue a notice of violation to him."

In short, I would like to know the status of this matter with your office. Did Pierson appear before the ZBA or even apply? If not, have you issued a Notice of Violation? If not, do you intend to?

I will be sure to send you a copy of what we file with the APA. Your cooperation in this matter is appreciated.

7/27/2015

Gmail - Fwd: [Image File] Danae,KMBT200, #181 - pierson



Brian Donohue <briansdonohue@gmail.com>

Fwd: [Image File] Danae,KMBT200, #181 - pierson

1 message

Brian Donohue <briansdonohue@gmail.com>
To: tau@fmbf-law.com

3 September 2014 at 11:11

Begin forwarded message:

From: "johnsburgzeo@frontier.com" <johnsburgzeo@frontier.com>
Subject: Fw: [Image File] Danae,KMBT200, #181
Date: August 26, 2014 4:02:12 PM EDT
To: Brian Donohue <briansdonohue@gmail.com>
Reply-To: "johnsburgzeo@frontier.com" <johnsburgzeo@frontier.com>

Brian,

Attached is the letter you requested.

Mr. Pierson disagrees with my determination and does not feel he needs to submit site plan to the planning board. He has the right to appeal my determination to the Zoning Board of Appeals who's next meeting is September 8th due to the first Monday in September being a holiday. If he does not appear at the ZBA meeting or reach out to myself or Shannon (PB Secretary) to be placed on the Planning Board agenda for site plan review my next step would be to issue a notice of violation to him.

Danae

On Tuesday, August 26, 2014 3:35 PM, "copier@johnsburgny.com" <copier@johnsburgny.com> wrote:

FROM:
Image data has been attached to
the E-Mail.

 KMBT20020140826153314.pdf