

**Minutes of the Town of Johnsbury Planning Board Meeting  
January 23, 2012**

Minutes of the public hearings and regular meeting of the Planning Board of the Town of Johnsbury held on Monday, January 23, 2012 at 7:00pm at the Tannery Pond Community Center, North Creek, NY.

Roll call showed the following persons present: Dottie Osterhout, Cork Nester, Roger Smith, Janet Konis, Bill Heidrich -Tim Record & Nate Pelton –absent  
Also present was attorney for the planning board, Mike Hill

Guests: (attached)

Chairperson Osterhout called the meeting to order at 7:00pm and opened the public hearing for White Water Challengers – Special Use Permit and Site Plan #300-11. She asked Marco Schmale (applicant) to give a brief description of his project and any more info he had to share since the last presentation.

Mr. Schmale said he proposed to construct ropes course/ zip line activity on 17 +/- acres they had acquired behind rafting base they've operated since 1984 – basically people climb into the 20-30 foot range and traverse different bridges and it culminates in zip line – the safety system for the harness is a Bornack continuous belay system.

A letter was dated 1/23/12 from Denise Jillians, (addressed to ZBA it was intended it to come to Planning Board) in opposition of above project.) They wish to have time to fully review all documents pertinent to the project and asked the board to postpone the hearing on the project until they have a chance to do so as they feel the notice was not adequate. They cite several reasons why the project should be denied if the board was not willing to postpone.

Mr. Smith asked about an updated map which Mr. Schmale presented. Mrs. Osterhout asked that more detailed information on project regarding tree-to-tree and platform info. Mrs. Konis asked for Mr. Schmale to identify the stream on map relevant to property cited in the letter. No activity is proposed to be near the residential area – it is very densely wooded. Someone asked how loud the paint guns would be. It is more of an air release sound and would not be audible from that distance. Mrs. Osterhout noted that since Iowa Pacific is going to re-open rail line to Tahawus, posting the tracks will be up to applicant. Mr. Schmale hopes to have a specific time table for train traffic. Following more questions from the board regarding specific information for different elements in the course, Mrs. Osterhout requested that specific information for platform size and types of bridges etc. are in writing to go in with application before board makes determination. Mr. Smith moves to leave open – 2<sup>nd</sup> by Mr. Heidrich – (In favor - Osterhout, Smith, Heidrich, Nester -Konis opposed) motion carries 4-1

Mrs. Osterhout opened the Public Hearing for Subdivision #226-11 Four V's (new #01-2012) Atty. Dan Smith referenced the maps of Dec 14<sup>th</sup>. APA and Dept. of Health has jurisdiction for review over 14 lots but now only 13 lots as one on corner was sold. 5 others are not subject to APA – one has house – 4 are subject to DOH (no DOH over lot 5a; lot 6 with house, lots 8 9 and 10 are subject to DOH. Atty. Smith stated they have the agency permit but noted a type o on page 2 showing the name as incorrect –the permit dated 1/18 is the corrected one. The correct name is Four-V's. Atty. Smith asked for conditional final approval pending of DOH approval of new map. Hearing no comments from audience or board Mrs.

Osterhout asked for a motion to close the public hearing. Motion was made by Mrs. Konis, seconded by Mr. Smith. All in Favor.

Mrs. Osterhout opened the regular meeting – she noted that the previous minutes were not emailed but will be next month. She handed them out at before the beginning of meeting for the board to review. Mr. Smith noted the need to change the last name of Mosher to Smith and Mr. Nester noted the need for correction of last letter of his name from “or” to “er”. With those changes a motion was made by Mr. Smith to accept the minutes, seconded by Mr. Nester – All in Favor

Mrs. Osterhout returned the discussion back to the Whitewater Challengers project – asking for more specific parameters and descriptions of the apparatus. The applicant state the project would not be visible from Rt 28 or Barton Mines Road and that a majority of the course stays up year round –only the cargo net of rope is taken down annually. Mrs. Osterhout suggests they work on providing the details and table discussion for now to do other business and come back. Motion made by Mr. Nester and seconded by Mrs. Konis. (No vote)

Four V’s subdivision #223-11 Mrs. Osterhout suggests \$2,000 for escrow would be sufficient—plans would be sent to Clough Harbour for review. Cul-de-sac needs to be relocated as the one that was designed was built in wrong location. DOH has results that have apparently not filed yet. Mr. Smith moves to send plans to Clough Harbour and approves the escrow amount of \$2,000 plus the \$200 application fee, seconded by Mr. Heidrich – all in favor. Mrs. Osterhout asked Atty. Smith to waive the time constraint to which he agreed. A comment from Supervisor Vanselow from the audience stating that the public hearing was closed and the applicant waived time board has to make decision – he suggested the board re-open the hearing and continue until report from Clough Harbour is received that way the public can comment if anything arises. A motion was made by Mr. Smith to re-open public hearing for Four V’s and seconded by Mrs. Konis- all in favor.—A motion to keep the hearing open was made by Mr. Smith and seconded again my Mrs. Konis – all in favor.

Mrs. Hecket was not present to answer for the Wevertown Community Store so the board moved to the next item on the agenda.

For the Cunnigham/Stewarts subdivision -Tom Loomis was present on behalf of Stewarts –he presented a copy of survey lot – has Non-Jurisdictional letter from APA –an aerial view shows the lot and proposed turn around – they will put pavement behind store to ease ingress and egress to the lot. Mrs. Osterhout would look to send this to Public Hearing at the next meeting and applicant was asked to notify adjoining landowners including across street. Public Hearing to be held at 7p on February 27<sup>th</sup>. (There was no motion to set PH)

Ward hill has established an escrow and has new maps. We will be sending to Clough Harbour after meeting. In review, this will be a 12 lot subdivision with 175 acre tract as common land of Home Owners Association board – no structures – to be for timber harvest and recreation only. Access to parcels will be via a private. Mr. Smith inquired about access to the 175 acres and the applicant indicated there would be a 35’ easement on the rear of the properties. There are no Fisher Exemptions regarding timber harvest on this property. Mr. Smith motioned to set a public hearing at the next meeting (February 27<sup>th</sup> at 7p) seconded by Mr. Nester – all in favor. Applicant was asked to waive time const of 90 for final approval to which the applicant agreed – was also asked to notify abutting landowners.

New Business-FrontStreet information update from their representative Atty. Dan Smith—Main reason he's here is FrontStreet has posted 4 bonds— town board has issued schedule of releases on 3 bonds. Only bond left is for their map... Planning Board has to consent to release of bond. Motion to grant conditional approval to sign off for release of funds contingent on written approval of town's attorney and engineer's approval by Mr. Smith, seconded by Mr. Nester – all in favor—

Internal business—minutes will be emailed early for approval – Members have expressed an interest in receiving packet information by email rather than picking up folders. It will be understood that members will be responsible for printing out and bringing information to the meeting. All members elected to receive information via email that will be sent around 2 weeks before the meeting-if files etc. they will be copied and Mrs. Osterhout will bring them to the meeting. Members were reminded to empty their folders of what is not needed for next month. The Zoning Enforcement Officers report will be available in February

Mrs. Osterhout, on behalf of this board and those of the past 22 years – extends a sincere thank you to Bill Heidrich for outstanding service to the Town of Johnsburg and this board. (Applause) He was noted as a wonderful member and he will be missed.

No one spoke for privilege of the floor.

The Board readdressed Whitewater Challengers –Mrs. Osterhout said the board was not going to make decision with the public hearing open – she indicated they can look at sketches and see if there is anything else to add. All lumber is new pressure treated – environmentally safe and child safe. For Rescue — every tree has access so a guide and go up any tree and access any person on any point of the course. If someone gets hurt – they have lowering rescue devices to repel a person to ground. Mrs. Osterhout asked that copies be made for file if the new information being presented. The Public Hearing remains open in anticipation that the board should have all the information needed for the next meeting. The Board is not giving final until next meeting and after adding the new information and addressing each point in the (Jillions) letter.

A motion was made by Mr. Nester to adjourn the meeting, seconded by Mr. Smith (2 hours 12)9:12 (no vote)

Respectfully submitted:

Cherie Ferguson  
Secretary