

**Minutes of the Town of Johnsbury Planning Board Meeting
March 26, 2012**

Minutes of the public hearings and regular meeting of the Planning Board of the Town of Johnsbury held on Monday, March 26, 2012 at the Tannery Pond Community Center, North Creek, NY.

Roll call showed the following persons present: Dottie Osterhout, Cork Nester, Roger Smith, Janet Konis and Bill Moos (Tim Record—absent)

Also present was attorney for the planning board, Mike Hill

Chairperson Osterhout called the meeting to order, noted that the meeting was being recorded and asked all speakers to identify themselves for the record. The Public hearing session of the meeting was opened.

1. Subdivision #224-11 (Cunningham to Stewarts) cont. – the attorney for the applicant had told Chairperson Osterhout they want to wait until the April 23rd meeting. Chairperson Osterhout asked for a motion to keep the hearing open. The motion was made by Mrs. Konis and seconded by Mr. Nester- All in favor.
2. Subdivision #226-11 (Four V's) cont. – Chairperson Osterhout explained that the applicant has not ready to proceed as they had not remitted the funds for escrow nor completed the application. Chairperson Osterhout asked for a motion to keep the hearing open. The motion was made by Mrs. Konis and seconded by Mr. Nester – All in favor
3. Subdivision #225-11 (Ward Hill) cont. – Hearing no comment from their representative, Chairperson Osterhout opened the discussion to the floor. Mr. Lou Hitchcock, of Bakers Mills Fire, stated they would not provide fire protection for the proposed development citing the proposed road widths and grade were not acceptable and in addition, cul-de-sac was insufficient. Chairperson Osterhout they have already discussed the cul-de-sac and other issues and some changes will be made. She also checked with our engineers regarding the intersection of Iroquois trail and the private road and they assured her that the plan was in compliance with NYS Fire Code. William Bryant, VP of the Chatiemac Village Homeowners Association (CVHA) inquired about the list of questions he'd addressed to the board in this matter (the board did not immediately recall the request, however, the letter had been received at the previous meeting and read into the February 27th minutes) Chairperson Osterhout assured him that his questions would be addressed before any decisions were made. He also inquired about the status of the revised drawings. Mr. Easton stated once they prepared the revised drawings he would provide an electronic copy for Mr. Bryant to review once the Board has received them. Veronica Appelle (President of CVHA) wanted to go on record citing several problems that were still of concern per Mr. Bennett's letter from Clough Harbour dated 3/21/2012 that have not been addressed by the applicant. Her greatest concern was the amount of run-off that would be created by the development. Secondly, regarding the letter from Wm & Mrs. Hudnut from last meeting, about the 172 acres could be used for almost anything and she would like to see that the parcel not be used for excessive noise and trespass and activities that would not be appropriate for residential areas as it would have a tremendous impact. Bill Tannor (HOA member) from last meeting he had inquired of a study for protection of the brook trout, citing a letter that did not know the long term impact. DEC told him trout spawn in those waters and they are protected, which is why he asked that a study be done. He also referred

to a letter dated 6/29/2005 from the Town file regarding the affect there may be on the impact. CHA has no mention of the trout or anything along those lines the board was provided with a copy. This letter talks about wildlife but nothing about the fish. Jean Donnelly – also worried about water issues with the road. Referred to the trout study by APA – who did not fully study the impact of the development. Vita La Penna from CVHA – looking at the prints lots 6,7 & 8, consideration is that if they took the 3 lots and made only 1 – not sure the impact but wonders if that would alleviate one retention pond at this point. Also the road the developer wants to go in; they stated they needed permission of CVHA landowners to have access to their property for road construction. Also, looking at the terrain and drainage, he felt a possibility would be if they eliminated the 3 lots and made one if it would indeed eliminate one retention pond, if that would reduce the impact on Chat. Brook, and if there would still be a need for a study if they reduced the number of ponds. Mr. La Penna also asked about Fire protection and feels the chief is correct in his opinion.– Paul Donnelly of Iroquois Trail- what if the parcels are empty, who is on the hook for overflow from this development onto Iroquois trail and its residents. Mr. Nester stated as with any other development in town, the developer is on the hook – they are the home owners association until an estimated 75% of the lots are sold, the association can not be turned over to the true HOA. Mrs. Appelle spoke again regarding the 3/21/2012 letter, item #12 regarding temporary work easements. Question 1) what if no owners will allow staging on there property, and 2) can the PB forced the issue? The developer representative said that when is says it “appears” means that is the opinion of the engineer that it may or may not be required. The comments on #12 are merely a suggestion, not necessarily how the items will occur. Another concern from Lou Hitchcock was about keeping the width of the private road during plowing. To keep it the full width. Mrs. Osterhout said they could require sufficient snow removal to allow for fire protection as well the installation of dry hydrants. Mr. Smith asked Jim if there was a location that could be identified for a dry hydrant and he indicated yes –at the top of the cul-de-sac near one of the proposed retention ponds and makes it deeper to allow for they dry hydrant to have storage capacity water for a hydrant without having to impact the stream. They would create a utility easement vs. drainage easement. Mrs. Osterhout stated the board will add this issue to their list of requirements. Mr. Nester made a motion to keep the hearing open, seconded by Mr. Smith– All in favor.

APPROVAL OF MINUTES

There were a few holes in the minutes of the last meeting as the recorder did not work. Mr. Hill had sent an amendment that was not available in time to add to the minutes. The proposed changes were read and approved by the board and directed them to be added as corrections. Regarding hearings for Cunningham to Stewarts and Ward Hill were both left open and all continued to next months meeting, the motion made and second A motion was made by Mr. Smith and seconded by Mrs. Nester – attorney feels its important to include who motioned and seconded for the record. Regarding the SEQR, the motion was made by Mrs. Konis and seconded by Mr. Nestor and regarding the Special Use Permit for White Water Challengers regarding the change of hours of operation, the motion was made my Mr. Nester and seconded by Mrs. Konis. They also made and seconded the motion to approve the minutes of February 27, 2012 as corrected.– all in favor

Before beginning the regular meeting Mrs. Osterhout wanted to formally welcome a new member to the planning board; Mr. Bill Moos

OLD BUSINESS

1. Subdivision #224-11 (Cunningham to Stewarts) – we have been asked to table this application by the applicant until April – motion by Mr. Nester, second by Mrs. Konis – All in favor. Mrs. Osterhout did speak with counsel to see that since it was tabled if it was ok if there was anything the board wanted to discuss and he recommended that the board should wait until the applicant was present. But Mrs. Osterhout did want to note they had received another set of plans from the applicant that did not look too much different from the first set of plans the board was not happy with. She also stated the applicant was not interested in pursuing an easement due to his dealings with the other party, but she is concerned about not having an easement in place. Counsel had suggested that the board could send a letter to Mr. Cunningham with the final plans that Stewarts has submitted asking if he has seen the plans, adding that the hearing has been held open if he had anything he wishes to add he would be invited to the April meeting. Mr. Moos did not see an erosion problem with the new plans he's received. Mr. Smith suggested the addition of dry wells besides the catch basins. The general concession was that they wait till April and discuss this with the representative.
2. Subdivision# 225-11 (Ward Hill) – Chairperson Osterhout sent out an email to the board and it was decided that it would be easier to discuss the project item by item at a workshop session rather than at tonight's meeting do to the pending length of the discussion. The board generally holds workshop meetings on large developments such as this. Mr. Bennett from Clough Harbour said he would be available any evening. The date of Thursday April 12 was chosen to allow time for the applicant has time to work with the engineers concerns. The meeting will be held at 6:30pm at Tannery Pond if the space is available though the attorney will not be available on that date. No decisions will be made at this meeting. This meeting is just for discussion purposes. This meeting is an open but the public can not comment at a workshop session unless solicited by the board to do so. The public hearing has been continued to April 23rd so public comment can be heard at that time. The applicants representative said he would like to address the issues now that were brought up in the public hearing portion of the meeting. Regarding the fires departments issue of grade, the Ward Hill representative was confused about where they are getting 14% -Mr Hitchcock stated it was code for town and county, that Bakers Mills Fire is not going on any road over 8 percent, that the road was too narrow and the turn around too small – he state was not going to argue about it any longer demanding that the town and county regulations stated that roadways were limited to less than 8 percent grade and left the meeting. The project representative stated he was working within the town specifications of 12% for 150 feet the 10% there after, with 10 foot lanes and since Clough Harbour had also mentioned the turn-around, they will replace it with a “T” intersection per NYS Building codes. He explained he would widen the driveway on lot 7 to meet the requirements. Mr. Smith concerned about utilizing a driveway – he thought it would be better to keep the turn around within the “HOA” right of way. A member of the public was worried about the fire company refused to respond to- the board will work with the other companies to make sure the project will be covered. We will not approve something that does not have fire coverage but every fire dept in each hamlet--
3. Site Plan Amendment 123-06A1 - Gore Electric – Mr. McAlonen has come back before the board to seek relief from the time constraints of having to remove portions of the old building on the site as agreed upon in a prior amendment to the original site plan. The findings of the negative declaration of SEQR were reviewed and felt that there was no adverse effect by leaving or

retaining a portion of the building. The board also inquired of possible parking for a future business at the old site after the remodeling was complete and the applicant stated that there was space behind the building and additional space would be created by the removal of the 3rd bay to potentially accommodate 8-10 cars. After significant discussion, Mr. Smith made a motion to affirm the prior findings of the negative declaration of SEQR, authorize the shed addition on the back of the new building, approve the septic and lot line review per the memo of the ZEO, require landscaping to be completed per the prior site plan and authorized the applicant to retain the building at its original size with the understanding that any future commercial use of the space would require new site plan review. Mr. Nester seconded the motion with all members voting in favor. Mrs. Konis asked for a time frame for the completion of the landscaping. Mr. Smith added the condition that Mr. McAlonen may not apply for his certificate of occupancy until the landscaping was complete and that such work must be complete by May 1, 2012.

4. Site plan #02-2012 Camp Orenda – Chairperson Osterhout had asked the Board to review the applicant’s website prior to this meeting. The applicant briefed the board about the project he has proposed. ZEO Tucker and Mrs. Osterhout have come to the decision that this project will also require a Special Use Permit and a Public Hearing – the time in which this application was received did not allow for the review in time to determine the need of additional permitting and the required advertising. A motion was made to schedule a public hearing for the Special Use portion of this project for 7p on April 23, 2012 by Mrs. Konis and seconded by Mr. Nester – All in favor. During the discussion, it was determined that Department of Health certification for food service would not be required for this project. Waste water handling from the kitchen facility and showers was discussed. The applicant planned to contain the water from the kitchen and use it to fill the port-a-johns for use which will be pumped out on a regular basis. He proposed to build a leach type system under the showers in layers of varying types of stone to allow filtration of the water back into the ground – cleaning supplies would be natural products and/or biodegradable. The water supply for the showers would be a rain catch basin on a tower and gravity fed to the needed locations. These towers are in the design phase and will be presented at the hearing. Mr. Nester thought there is a new regulation requiring an actual tank and leach system for grey water – our ZEO will investigate and also report at the hearing. Attorney Mike Hill will find out if a SEQR will be required for this project. No other signage is being requested other than the one on site. The operation season/dates of occupancy proposed are from April 15 to November 1 of each year. The board advised the applicant that he is not to “open” to the public prior to receiving the final approval of the board.

CORRESPONDENCE

Two letters of support were requested to be read into the minutes that were in favor of the project of the zip line and paint ball course presented by White Water Challengers approved at the last meeting, which Chairperson did at this time.

NEW BUSINESS

1. A preliminary review was done for North River Hobby Farm, a proposed small animal farm and stands with pick your own gardens etc. An accessory structure is proposed for serving of processed foods from the site. She will be obtaining her food processing license. It is planned to

plans to be open 7 days a week from 7a-4p. There will be one sign shown may included sketch for which she will also obtain a permit. She had inquired about a sign on Rt. 28 and it was determined the directional sign needed to be applied for to the State DOT. She plans to advertise in newspapers, the internet, website and other local businesses to promote this venture. ZEO Tucker said almost everything she was doing basically approved without review except for the farm stand. There will be no public bathrooms available. The outhouse as noted on the map has now been removed and the well is 800 feet deep. Everything else seems to be in order and she was advised that she will need to notify her adjoining landowners of the April 23, 2012 meeting for official site plan review.

Regarding escrow accounts – Ward Hill owes us \$2000 and if it is not received the workshop meeting will not be held and it will be the end of discussion until it is received. We don't usually ask for escrow for smaller subdivisions and site plan. Town board is concerned about the planning board overspending their budget and it is caused by sometimes the smaller applications end up needing engineering or legal fees. The applications fees do not get credited to the Planning Boards account – they go into the General Fund budget line. Mrs. Osterhout feels it should go into some sort of an account for Planning Board legal and engineering fees. The planning board feels, not only is the original budget line in the Town budget insufficient to fund operations that the funds raised by at least the application fees for projects should be credited to that line to help offset the other incidental fees for professional services.

The monthly report from the ZEO was provided to the board electronically before the meeting which brings the meeting to privilege of the floor but everyone had already left the meeting.

A motion was made by Mr. Nester and seconded Mrs. Konis by to adjourn the meeting at 9:52 pm – All in favor.

Respectfully submitted by:
Cherie Ferguson, Secretary