

**Johnsburg Planning Board Minutes
September 22, 2008**

ATTENDANCE: Mrs. Osterhout, Chairperson, Mr. Record, Mr. Smith , Mr. Sanantonio and Mrs. Comstock Absent Mr. Heidrich , Mr. Pelton and Mr. Osterhout

Guests: See attached

Public Hearing: Opened 7:00 PM

Subdivision Application #197-08 Arsenault

Mr. Arsenault gave the Board a map of his property a map of his property not of the 30 acres of his neighbors property. The map that is needed is the map of Mr. Bolens property. The Board also needs to know the abutting owners of the Bolen property . Mr. Arsenault has given the list of property owners to Marion it has been left on her desk. Mr. Record asked if Mr. Arsenault sent registered mail and left receipts on the desk and Mr. Arsenault replied he had 2 signatures and 1 registered. Mr. Vanselow said that the requirements state a list and no notification requirements. So we have a list of adjoining land owners ? Mrs. Osterhout asked if there were any questions for Mr. Bolen? Mrs. Osterhout informed Mr. Arsenault as he had submitted the application the Board needed the agency designation form. Mr. Record said that the Board was in a Public Hearing and needed to get the needed information. Mrs. Osterhout asked for any questions or comments from the Public. Mr. Record presented a motion to close Public Hearing if there were no questions or comments from the Public. A second was presented by Mrs. Comstock, with a comment by Attorney Jordan that Mr. Bolen can countersign the application and the Board can act as it being a completed application.

Mrs. Osterhout called the Regular Meeting to order at ?

Minutes a spelling error on Mrs. Fahy name. A motion by Mr. Smith to accept the minutes with the correction was seconded by Mrs. Comstock , and a vote determined all in favor no one opposed and no one abstained. Motion carried.

Baxter Mountain Minutes

A motion to approve as written was presented by Mrs. Comstock and seconded by Mr. Sanantonio. A voted determined all in favor no one opposed and no one abstained. Motion approved.

Subdivision Application #197-08 Arsenault-Bolen

Mrs. Osterhout said that before she could sign this Mylar Mr. Bolen's information had to be inserted. The 30 acre information needs to be on the Mylar. Mr. Smith thinks just the opposite. The small Mylar needs to be inserted into the large 30 acre

map. Mr. Smith also asked to see the abutters list. Mr. Record presented a motion to approve subdivision #197-08 conditional on receiving required map, a second was entered by Mrs. Comstock. A vote determined all in favor no one opposed and no one abstaining. Motion carried.

Site Plan Application #142-08 Mr. & Mrs. Knickerbocker

The plan includes a motor vehicle repair shop with storage for petroleum. Applicants currently run a garage in Minerva. They would like to buy a 40 acre parcel on Oven Mt. Road and build a garage and place a mobile home on the property. Mrs. Osterhout asked if the driveway would be flat and the width of the driveway. Mr. Knickerbocker answered that the planned drive was close to 18 feet wide. Mrs. Osterhout said the Board preferred a 20 foot drive and that could be 18 feet drive with 1 drivable shoulder on each side. Mrs. Osterhout asked about lighting. Applicant replied there will be an outside dusk to dawn security light on the peak of the building and an entrance light. Applicant also noted the septic is not there yet. Mrs. Osterhout asked if all the applicant needed to store was petroleum products. Mr. Knickerbocker replied yes but not long term. Mrs. Osterhout said that painted out junk waste rules apply (motor vehicle section 830). Mrs. Osterhout asked how far back from Oven Mt. Road was this planned? Applicant replied 125 feet off the road. Mrs. Osterhout asked where are you going to put the cars? Applicant replied between the buildings and woodline. Mrs. Knickerbocker said it would not be visible from the road. Mr. Knickerbocker said there really would not be any junk cars stored. Mrs. Osterhout asked if you took out any old transmissions where would you store them? Mr. Knickerbocker replied in the garage. Mrs. Comstock asked where on Oven Mt. Road? Applicant replied it will be directly across from Leo and Joan Reynolds. Mr. Smith questioned the public and personal driveway. Mrs. Knickerbocker answered there is a makeshift driveway there we would like to use. Attorney Jordan asked Mrs. Osterhout to check on the zoning for a resident and commercial on the same lot. Mr. Smith asked if the mobile home needed approval. Mrs. Osterhout reviewed zoning regulations on mobile home definition. Mrs. Osterhout explained we want to do this right so that we don't get in trouble in the future. Mrs. Osterhout said that a mobile home does not need a special use.

Laura's Site Plan Application #128-06

Laura's site plan stated that she would not be preparing food. It would be ordered out. It has been brought to the Planning Board's attention she is doing more than that. Laura was asked to come and detail her kitchen. Mrs. Osterhout said she is in violation of her site plan.

Site Plan Application #142-08 Mr. and Mrs. Knickerbocker

Attorney Jordan thinks a car repair ship is an 8.5 zone and would be a class A project. Mrs. Osterhout informed the applicants they needed to ask the APA for a nonjurisdictional letter. Then she explained the difference between a nonjurisdictional and jurisdictional project. Attorney Jordan (after some research) said it was a class B regional project. Mrs. Osterhout asked if the Board could then

give conditional approval on APA determination? Attorney Jordan answered No. Mr. Smith then said the applicants would also need approval for the sign. Mrs. Osterhout asked if there needed to be a Public Hearing scheduled? The Board needs a diagram for the signage. Applicants do not have to ask APA for nonjurisdictional letter.

Laura's Site Plan #128-06

Next Step for Laura's

Mr. Sanantonio asked if someone spoke to her. Mrs. Osterhout said yes Mr. Tuttle spoke to her and she stated she always intended to serve food. She couldn't get a liquor license without it. Mr. Record said that with talking with Laura that was true, does she have to amend her site plan? Mrs. Osterhout said yes she does and the Planning Board governs that. She also asked if there is a fire wall and what size is the stove? Mr. Record asked about Bar Vino? Mrs. Osterhout said there is no apartment upstairs. Mrs. Osterhout said that Laura just needs to come in to file a change of use. Where is she preparing the food? What type of kitchen equipment does she have? Is she expanding upstairs? Does she need more parking? Send registered letter to Laura asking her to amend site plan and attend October Planning Board Meeting.

Mrs. Osterhout

Asked Mr. Stoddard to update the Board on the parking area. Mrs. Osterhout has a concern with section 635 regarding outdoor lighting and Mr. Stoddard with placement of his lighting. Mrs. Osterhout suggests the Board sends him a letter regarding the lighting and parking. Mr. Record asked if the Ski Bowl Café' has final approval? Board answered yes about 1 week after he opened. Mrs. Osterhout will send Mr. Stoddard a letter, he is in violation of his site plan with his signage.

Ms. Ann Brassell said Sign Ordinance needs to be enforced.

Mrs. Osterhout informed the Board Front Street Development will not come to tonight's meeting ask they want to flip flop the Lodge and the Inn. Att. Simon said they did not have their information together. They would like to return in October.

Mrs. Osterhout said that Mr. Dougherty has a zoning compliance from about 1985. He is grandfathered in so it is O.K. he has a B&B and Cabins.

Mrs. Osterhout Baxter Mountain Update

3 Items of Concern

Ditch at the top

Washout at Lot 4

Intersection of Peaceful Valley Road

Mr. Simon - Top ditch big rock around

Too shallow ditch - put rocks in

Move rocks at the bottom

Attorney Simon noted there is no erosion of the road. It looks funny but it works. Mrs. Osterhout recommends to lift the stop selling order. Relying on Attorney Simon's word should it be lifted? Mrs. Osterhout said to lift restrictions or lift restrictions contingent on someone revisiting the site again. Mr. Record presented a motion to lift stop work order and stop selling order on Application#173-05 and work and selling would be allowed to carry on. A second was presented by Mrs. Comstock and all were in favor with no one opposed and no one abstaining. Motion carried.

**Site Plan Application #142-08 Mr. and Mrs. Knickerbocker
Mrs. Osterhout asked if the Board could schedule a Public Hearing tonight, with the idea we will have everything we need? Mr. Record entered a motion to schedule a Public Hearing providing applicants bring all needed information by Friday Sept. 20, 2008. A second was presented by Mrs. Comstock and a vote determined all were in favor no one opposed and no one abstained. Motion carried.**

Motion to adjourn presented by Mr. Smith, seconded by Mrs. Comstock with all in favor meeting was adjourned at .

Respectfully
Marion Monroe, Secretary
As recorded by Candace Lomax