

**Johnsburg Planning Board Minutes
August 24, 2009**

ATTENDANCE: Mrs. Osterhout Chair, Mr. Heidrich, Mr. Smith, Mrs. Comstock, Mr. Pelton and Alternate Mr. Klippel Absent Mr. Record and Mr. Sanantonio.

Guests: See attached

Public Hearing

Regular Meeting

Called to order by Mrs. Osterhout at 7:00 PM

Mr. Klippel to be a voting member tonight, in place of the absent members.

Site Plan Amendment #127-06 Johnsburg Public Market

Mrs. Osterhout informed the Board members that background information for this application is in their folders. This information was compiled by Mr. Goodman of the Zoning Board of Appeals for their review. Also in the folders is an improved plat plan. After review of information Mrs. Osterhout opened general discussion. Mr. May the ZEO informed the Board that the applicants can not get a C of O from the County until they get Site Plan approval. He went on to explain the steps that the applicants must complete. Mrs. Osterhout noted the area mandated to be lawn, by the DEC, and asked if that area could be extended closer to Route 8. Mr. May explained that the designated lawn was explicit to where the old store was. Mrs. Osterhout asked how far from Route 8 was the actual location of the old store. Mr. Smith said that there was room for a full size truck to park perpendicular to the building. Mr. Smith said that he would like to see some kind of barrier at that location to better control patron entrance to the store. Ms. Slick said that people do back toward that grate and it only leaves room for 1 car. Mrs. Osterhout asked if it was possible for the applicants to place a barrier in that location to prevent people from driving through that area. Applicants replied that they were considering it. Mr. Smith asked if they were contemplating putting up a split rail fence. Ms. Slick answered that they would eventually. Mr. May said that the drainage grate is a big problem. Mrs. Slick said that they had had a problem getting the State to fix the grate before. It took damage to Fred Hitchcock's' vehicle before they would respond. Mrs. Osterhout asked the ZEO if he had any ideas and he replied that they could put half barrels, flower containers or extend something from the sign. Mrs. Osterhout asked the ZEO if barrels were placed should they go east of the grate and he replied west. Ms. Slick asked if they could place the garbage container out there. Mr. Heidrich said that at the time of his visit to this location someone came barreling in from the East and passed him on the inside. Mr. Smith said that he was not crazy about the garbage container idea, for appearance sake. Mr. May said that

it could be something simple like a split fence or an extension from the sign. Mr. Smith asked the applicants if they planned to come back if they change the sign. Applicants replied yes they would. Mr. Smith asked about the septic. Mrs. Slick said that they had tied into the old septic. Mr. Smith asked the ZEO if he had seen the septic and he replied that he had not but that he had seen the stake that indicated where the septic was. Mrs. Slick said that Hometown Sewer pumps the system every year. Mr. Smith asked about the plan for the required planting and the applicants said that there were other things that needed to be done before that. Mrs. Osterhout said that everyone must consider growing season. Mr. Smith said that it was not unreasonable to ask for this years planting. Mr. Smith presented a motion that Site Plan Amendment application be approved with the following conditions

1. The area between the DOT drainage grate and the sign be blocked to avoid dangerous entrance.
2. The required lawn seeding be done by October 1, 2009
3. A response of no impact returned by the County.

A second was entered by Mrs. Comstock and a vote determined that all were in favor with no one opposed and no one abstaining. Mr. Heidrich said that it was his observation and he believed the consensus of the Board that there is strong favor of personal business success and growth in this area. He hopes that the applicants will follow all points placed by this Board.

Mrs. Osterhout informed the Board that the County did not have a meeting for August as they were unable to meet the quorum requirement. As Wevertown Country Store and the Hudson River Trading Company both were required a favorable response from the County they have received a default approval as there was no meeting.

Presentation by Gregg Taylor

Mr. Taylor informed the Board that he is considering a 4 lot subdivision on his property on Route 28 just south of North Creek. He owns 8.7 acres and the zoning should allow 12 lots. His plan is to be a cul de sac subdivision with possibly a Cell Tower on the lot that he will retain. He has come to this meeting to seek opinions on his plan. Mrs. Osterhout said that she feels that the plan would need to go to Clough Harbour, the Town Engineers. General discussion by Mr. Taylor disclosed that a representative of the Department of Environmental Conservation has visited the site and has agreed with the sediment plan. Mr. Taylor said that everything has been seeded as the work proceeds. His plan is to eventually plant trees. Mrs. Osterhout still felt that it should be sent to Clough Harbour. She informed the applicant that he would need to set up an escrow account with the Town to cover engineering and legal fees. Mr. Taylor asked if the engineers would revisit the items already reviewed by his engineers. Mrs. Osterhout said that they would not they would verify that the project meets all aspects of the Town Land Use Plan. Mr. Smith said that possibly the bends need to be looked at. Mrs. Osterhout asked if these would be sited homes and Mr. Taylor said yes. He explained that because of the ledge involved the septics had to be concise. Mrs. Osterhout told the applicant that he would need a detailed cut away of the road construction. The Board also would

require a shared drive agreement, storm water management plan and septic plans. Mr. Taylor said the drive was approximately 600 feet. Mr. Taylor inquired about the road entrance requirements. Mrs. Osterhout replied that for one thing the cul de sac needed to be clear of trees or other obstacles. Mr. Heidrich asked about the distance of the proposed Cell Tower and the planned house. Mr. Taylor said the tower would be on the lot that he is keeping and the distance will be 200 to 300 feet. Mr. Smith asked if the APA was aware of this proposal of a 4 Lot subdivision with a possible cell tower. The applicant said that by the time he comes with finalized plans the Cell Tower will have been decided so that part of the plan will be included. Someone to find out the required size of the cul de sac to tell applicant. Mr. Taylor said that it will probably be the October meeting.

Subdivision Application #203-09 Thissell

Attorney D. Smith presenting a change of cul de sac location. Attorney Smith informed the Board that the approved location of the Cul de Sac was compromised because of the steepness of that location and the existence of a culvert at that location. Mr. Smith asked about the length of the road and Mr. Smith answered that the measurement of the road will be a little longer than the allowed however the Board could waive that requirement if they so chose. Attorney Smith said the location of the entrance to lot 3 would not change. ZEO asked if anyone knew why 1000 feet had been put in the plan. Mrs. Osterhout said it was based on past practice. Mr. Klippel said that he could see no reason not to allow the change. Mr. Klippel entered a motion to allow the relocation of the cul de sac and waive the 1000 ft. road requirement. Mr. Smith seconded the motion and a vote determined all were in favor no one opposed and no one abstained. Motion approved to be as shown on Thissell Map dated August 17, 2009. All other Subdivision provisions remain the same as approved.

Preliminary Presentation Cuomo

Attorney Smith presented the plan for a 4 Lot subdivision with a lot line adjustment. He informed the Board that there are no wetlands involved in the actual subdivision however there are wetlands along Mill Creek. Mrs. Osterhout said that the Board could hear the lot adjustment in September and the subdivision would go to the APA to be reviewed later. Attorney Smith said that the lot is non-jurisdictional.

Preliminary Presentation Collignon

Attorney D. Smith presented a plan by the applicant to do a 3 lot subdivision. They are looking to create a lot for the mobile home and would like a 30 acre lot and one for the remaining 74 acres. Attorney Smith said that wetlands require Agency approval. Mrs. Osterhout asked what is being proposed for a road and would this be the end of this project. Attorney Smith replied that the road would be an easement and that they would get into the APA application process and then submits an application with this Board.

ZEO Report

Mr. May reported that Front Street has been approved for one Townhouse and a Gatehouse. The APA had issued a stop work order and it has been rescinded. Applicants are not going to subdivide at this time so the land went back to the original land division. There was a problem of the Town house being on a lot line and has since been resolved. Mrs. Osterhout asked about the septic. Mr. May replied that there had been a time limit placed and the store and pump system had been approved until December 31, 2010. The county passed the decision back to the Local Board because there was only to be one building. The Town Board, acting as the Board of Health, approved it with the December 31, 2010 time frame. The Board also set the construction of the Waste water system to be started prior to December 31, 2010. Mr. May explained the composition of a hold and pump system and how it works. Mr. Heidrich said that the last time he had gone by the project the end of their road was under water. Mr. May explained that that portion was actually on Town Property and that it would change hands when the details were finished.

Old Business

Murphy Lumber company has ordered new lights, Mr. VanVoorhis said that he was aware of the lights brightness and how they shine into the road. Both things will be corrected.

Chris has ordered a sign to come into compliance with the Americans with Disabilities Act.

Minutes:

All members received the minutes electronically prior to the meeting eliminating the need to be read at this time. A motion to approve the minutes as received by Mr. Smith seconded by Mrs. Comstock and a vote determined all were in favor, motion granted.

Mr. Klippel asked about the email about signs and Mrs. Osterhout explained that the 2 businesses in question had come prior to Site Plan review requirements. Sign plans must be submitted prior to Site Plan approval.

Mr. Heidrich presented a motion to adjourn and with a second from Mrs. Comstock and a vote of all in favor, motion was carried. Meeting adjourned at 9:00 PM

Respectfully yours,

Marion Monroe, Secretary