

**Johnsburg Planning Board Minutes
Meeting January 28, 2008**

ATTENDANCE: Mrs. Osterhout, Chairperson, Mr. Heidrich, Mr. Record, Mr. Morris, Mr. Smith and Mr. Osterhout

Absent: Mr. Bergman

Guests: See Attached

Public Hearing Called to Order: 7:00PM

Subdivisions Application #190-07 Hudnut/ Haliday

Attorney D. Smith represented the applicants. He explained the property locations and the proposed division. Mr. Smith supplied the Board with the nonjurisdictional letter. The property divided will go to a family member to allow them water front property. Mr. Record asked for clarification of right of way for the Hudnut property. Mr. Smith indicated on the map that the right of way would follow the creek to the westerly-indicated point and would then go southerly to the Hudnut property. With a motion entered by Mr. Record and a second from Mr. Smith the Public Hearing, Subdivision Application #190-07 was closed at 7:04 PM all were in favor no one opposed and no one abstaining.

Subdivision Application #192-07 by Mr. Warner

Mr. Dan Smith Attorney, representing Mr. Warner, stated this subdivision will have all buildings and access to them on their owners property. The planned driveway is compatible with the Town Ordinance with 4 residences per driveway. The minimum lot is one acre with statement of no further subdivision. With a motion from Mr. Morris and a second from Mr. Heidrich the Public Hearing Subdivision Application #192-07 was closed. A vote determined all were in favor no one opposed and no one abstaining.

Subdivision Application #193-07 Mr. DelAquila

Attorney Smith stated that the property is on South Johnsburg Rd. at Danker Road. The applicant is asking for a 9.56-acre subdivision to include the one residence on the property. The applicant will retain a parcel of about 285 acres that contain the wetlands. Investigation revealed that in 1973 subdivision had been approved for 50 lots that never came to fruition. The APA determined that because no action had been taken there was no pending subdivision. Mr. Smith has asked the surveyor to give the total acreage without the wetlands so accurate number of lots available could be determined. Mr. Smith would like approval with contingency of Surveyors

number of lots for the remaining 280 plus acre parcel. Mrs. Osterhout asked when would the surveyor get back with that information? Mr. Smith answered he had expected that information within a day or two. Surely he thought by next week. Mr. Record presented a motion to close the Public Hearing on application #193-07. Mr. Osterhout entered a second and a vote determined all were in favor, no one opposed and no one abstained. Motion carried.

Tall Timbers Subdivision Application #185-07

Mrs. Osterhout informed all present that this Public Hearing is for the subdivision of the property into 141 lots only. Mrs. Osterhout said the applicant is looking for preliminary approval for this subdivision of 141 lots does allow for the garages to be on separate lots. Mr. Taber has determined that most roads will be within Lot one. The road around the Lodge will be on lot 136A. Mr. Record presented a motion to close this Public Hearing Subdivision Application #185-07. A second from Mr. Osterhout and a vote to determine all in favor no one opposed and no one abstained, motion carried.

Tall Timbers Site Plan Application #131-07

Mrs. Osterhout informed all present that there was nothing new. The Zoning Board had approved the area variance to allow for the buildings in excess of the height measurement as allowed by the Town Ordinance. The variance is to be sent to the APA for final approval to be sent back. Mr. Record asked for clarification of #131-07. Mrs. Osterhout said it was the Site Plan for Tall Timbers, which referred to the buildings as opposed to the land. Mr. Dye asked if the road study had included the road in front of the school and Main Street at the intersection of the by-pass. Mrs. Osterhout answered that the Town Engineers had reviewed the study that was done. Mr. Record added that it would include River Road and Main Street, not in front of the School per say. Mrs. Osterhout said that they would be looking at that at the WorkShop. Mr. Dye where can we get that information? Mr. Record said that they could ask at the WorkShop. Mrs. Jill Broderick said she has been coming to these meetings she is concerned about the lack of taxes. The Summit did not build out but they do contribute to the taxes. Her concern is that project available property is limited. Mrs. Osterhout read the letter from Mrs. McNaughton. Attorney Jordan said that this hearing was a clarification of the New Land Use Plan. Having no more comments or questions Mr. Heidrich moved to close Public Hearing for Site Plan Application #131-07. With a second from Mr. Morris and a vote of all in favor, no one opposed and no one abstained, the motion was approved. Public Hearing closed at 7:40 PM.

Regular Meeting
Called to order 7:40 PM

Minutes

The minutes stand approved with the correction of Mr. Tabor to Mr. Taber. All in favor no one opposed and no one abstaining.

Subdivision Application #190-07 Hudnut/Haliday

Mr. Heidrich stated that the Board was being asked to approve something that they could not see. Mr. Smith said that the right of way was on the map it was indicated along the creek to this point and stated that it would be in this area. Mrs. Osterhout asked if all the property owners were in agreement. Mr. Smith answered yes. Mr. Heidrich expressed concern over approving something without definite layout.

Attorney Smith said it was printed on the map, future right of ways are to be located in the skid row, westerly most end of corse hill and continue southeasterly to Hudnut property. Mr. Heidrich presented a motion to approve Subdivision Application #190-07 with the condition that Mr. Smith asks Mr. Vanduesen, the surveyor, to change wording to expressively locate the right of way. Mr. R. Smith entered a second and a vote determined all in favor with no one opposed and no one abstaining. Motion carried as presented.

Subdivision Application #192-07 Mr. Warner

As there were no questions or comments Mr. Record entered a motion to approve as presented. A second from Mr. Osterhout and a favorable vote of all in favor no one opposed and no one abstaining, motion approved as presented.

Subdivision Application #193-07 Mr. DelAquilla

Mr. Morris asked how would Board know how many lots? Mr. Smith will have a blurb put on the map. Mr. Record asked if this had been done before? Mrs. Osterhout said no. Mr. Record asked when and if there were another subdivision would it be defined? Attorney Smith said that he can put a coviat on the limit. Mr. Morris said that his only concern was the information for the Board. Mr. Record presented a motion to approve with the condition that Att. Smith provides information on maximum number of principal building lots. With a second from Mr. Morris and a vote of all in favor no one opposed and no one abstaining motion approved as presented.

Site Plan Application #136-07

Mr. Bower explained that in view of anticipation of new business coming into town he would like to supply a nice place to sit and have a glass of wine and chat. His plan is to open a Wine Bar with small plate and wine sales. Mrs. Osterhout said that there needs to be a sketch and Mr. Bower answered that he would get it to the Secretary. When asked about the sign applicant said that he would like something like an awning sign to match others on Main Street. Mrs. Osterhout said that the applicant needed to amend a previous approval. The Board needs to determine if a Wine Bar is an acceptable use. Mr. Record requested a completed application with a sketch. Mr. Record also asked about parking and the applicant indicated that he would use street parking. He felt that there would not be an excessive number of cars at any one time. The applicant indicated that there would be 42 seats and 3 employees. Mrs. Osterhout asked what the busy hours would be for a wine bar? Mr. Bowers said that he suspected after skiing until evening hours. Mr. Heidrich stated that Board members were in favor of the project and that while applicant is

waiting for the Liquor Authority the Board would wait for the requested information. Mr. Record entered a motion that Mr. Heidrich seconded for a Public Hearing for the Wine Bar. Mrs. Osterhout stated that the applicant needed a sketch plan and exact sign design. She also added that if the sign were to be lit it had to be included on the sketch. A Public Hearing was scheduled for Monday February 25, 2008. Mrs. Osterhout will check on the parking.

Tall Timbers was looking for waiver for where their road meets the River Road. Clough Harbour's response asked for a couple of measurements. Mr. Record asked if the applicant had spoken with the Town and Mr. Taber said yes that they had. Clough Harbour has agreed that it meets the requirements. Mr. Heidrich made a motion to approve entrance from River Road into project. Mr. Osterhout seconded motion and a vote of all in favor with no one opposed and no one abstaining, motion was carried.

Baxter Mountain Subdivision # 194-08 Mr. Johnson

To allow for concerns by Attorney Smith classification of density is 3.2. Easement will be owned by lot 5 Area C on map is low intensity, one lot cannot have a building right. During a three-year period no more than 4 lots can be sold. The original road grade approved was 15%. Mr. Johnson has measured and the grade exceeds the grade approved. Applicant is requesting approval with the road corrections. Mrs. Osterhout asked what stage was applicant in and ATT. Smith answered that they would like to schedule a preliminary approval Public Hearing with road corrections. Mr. R. Smith entered a motion with a second from Mr. Morris to schedule a Preliminary Plat Public Hearing for February 25, 2008 at 7:00PM. At Tannery Pond Community Center. A vote determined that all were in favor no one opposed and no one abstaining.

Mrs. Osterhout said that Clough Harbour deemed, Tall Timbers plans submitted, meet the criteria for preliminary approval per the New Land Use Plan. Mrs. Osterhout would like to schedule a workshop session. General discussion led to Workshop scheduled February 4, 2008 at 7:00 PM at Tannery Pond Community Center.

Preliminary Plat approval Tall Timbers map to be stamped Preliminary Plat approval. Mr. Heidrich questioned the gates as being on 12/28 letter and missing on the letter of January 9, 2008. Mr. Taber said that the gates are there. Mr. Heidrich wants the gates indicated. Mr. Heidrich presents a motion for Preliminary Plat approval with the contingency that the APA approves the identical plan. Mr. R. Smith seconded the motion and a vote determined that all are in favor with no one opposing and no one abstaining. Motion approved.

Clough Harbour

Mrs. Osterhout said that the Board needed to approve giving the Clough Harbour letter to Mr. Taber. Mr. Record entered a motion to give the letter to Mr. Taber. Mr. Osterhout seconded the motion and a vote determined all in favor no one

opposed and no one abstaining. Motion carried. Attorney Jordan said that it might be possible for both sides to discuss the items on the list.

Chairpersons Report

APA letter to be sent to them regarding Kurka. There was a letter today from Mr. Goodspeed that he no longer was the attorney. Mrs. Osterhout has spoken to Mr. Akstens and told him with documentation as representative from Mr. Kurka he could attend as applicant representative. Mr. Record asked where is property and Mrs. Osterhout replied by Yoga Studio in Bakers Mills. Mrs. Osterhout said the letter is an example of what the letter to them should say. Mr. Hutchins has sent in the NIPPA response that includes the parcels for sale and purchase. Mr. Record entered a motion for secretary to send the letter, which was seconded by Mr. Morris. A vote determined all were in favor with no one opposed and no one abstaining. Motion passed.

Mr. Roger Smith has become a certified Board member by passing the New York State certification tests.

Mr. Hutchins presented for Mr. Slear subdivision. Mr. Outcalt from the APA called and told him that he would see a 2-lot subdivision. Because of wet lands exception from density in the new Land Use Plan Mr. Hutchins received the .2 acre variance at the Zoning Board. Mr. Hutchins has applied at the DOT for driveway. Mrs. Osterhout said that this is a class A project because of wetlands. Applicant has asked for simultaneous review of project. Att. Jordan said as there has been a previous Public Hearing and this is the same it is the Boards discretion to hold another one. With a motion by Mr. Heidrich and a second by Mr. Osterhout the Board gave final conditional approval. The condition being that the APA approves the exact same subdivision. All were in favor, no one opposed and no one abstained. Motion carried as presented.

Mr. Stoddard came back to the Board to refresh his plan for a coffee and doughnut shop on the corner of Rt. 28 and Rt. 28N. The Board had requested the applicant return to detail the cooking plan. Mr. Stoddard said the only cooking would be done by crock-pot or coffee machines and possibly microwave. Mr. Stoddards' plan is to widen the driveway to 22 feet or what the Board deems necessary.

A general discussion ensued on Code of Ethics and Mr. Jordan said that if a member has a conflict of interest he must recuse himself from the discussion and should remove himself from the room. If that does not happen it is up to the Board to insist he remove himself or they could table the item until he complies.

Mr. Record presented a motion to adjourn. Mr. Osterhout entered a second and with all in favor, no one opposed and no one abstaining, motion carried. Meeting adjourned at 9:10 PM

Respectfully,

Marion Monroe, Secretary