

**Johnsburg Planning Board Minutes
October 26, 2009**

ATTENDANCE: Mrs. Osterhout Chair, Mr. Heidrich, Mr. Pelton, Mr. Record, Mr. Sanantonio, Mr. Smith, Mr. Klippel, Absent Mrs. Comstock
Guests: See attached

Public Hearing

Subdivision Application #206-09 Mr. and Mrs. R Robinson

Mrs. Osterhout clarified that applicants plan is for a two lot subdivision to transfer a parcel to their son. Mrs. Robinson informed the Board that there are no wet lands involved in the parcel to be transferred. Mr. Record presented a motion with a second from Mr. Smith to close this Public Hearing. A vote determined that all were in favor, no one opposed and no one abstaining. Motion carried.

Subdivision Application #205-09 Collignon

Attorney Dan Smith, representing applicants, informed the Board that they have a non jurisdictional letter from the APA. He also clarified that the acreage to be 96.551 total after the application. Mr. Record presented the motion to close the Public Hearing, with a second from Mr. Smith, a vote determined that all were in favor, no one opposed and no one abstained. Motion carried.

Subdivision Application #204-09 and #207-09 Cuomo

Attorney Dan Smith, representing the applicants, informed the Board that the first is really a lot line adjustment and is non jurisdictional the second is a four lot subdivision with lots 1 and 2 not involving wetlands however lot three has wetlands and will require an APA determination. With a motion to close Public Hearing by Mr. Record and a second by Mr. Sanantonio, a vote determined all were in favor, no one opposed and no one abstaining, motion carried.

Regular Meeting

Called to order by Mrs. Osterhout at 7:08 PM

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. Record, seconded by Mr. Pelton and a vote determined all were in favor, motion granted.

Subdivision Application #206-09 Mr. & Mrs. Robinson

Mr. Record inquired as to any clarification of no wet lands being present on this property. Mrs. Robinson informed him that there was a stream but it was down hill and away from the parcel to be conveyed. With a motion from Mr. Record and a

second from Mr. Pelton and a vote of all in favor no one opposed and no one abstaining, the motion was approved as presented.

Subdivision Application #205-09 Collignon

Mrs. Osterhout asked for further comments or questions. With no further questions or comments Mr. Record presented a motion to approve Application #205-09 as presented. With a second from Mr. Smith and a vote of all in favor no one opposed and no one abstaining, motion was approved as presented.

Subdivision Application #204-09 & #207-09 Cuomo

Attorney Smith asked for approval on Application #204-09 as a lot line adjustment as being determined Non jurisdictional. A motion was presented by Mr. Heidrich to approve Application #204-09 with the condition that a Non jurisdictional determination be received from the APA. A second was entered by Mr. Smith and a vote determined all were in favor no one opposed and no one abstained. Motion for conditional approval was approved.

Application #207-09 Attorney Smith asked for conditional approval for lots 1, 2, 3 and balance of parcel to be determined as 4. Mr. Record entered a motion to approve application #207-09 conditional on approval or receipt of a Non jurisdictional determination by the APA. With a second from Mr. Heidrich and a vote of all in favor, no one opposed and no one abstaining, conditional approval was granted. Motion carried.

Site Plan Application #148-09 Mr. Murray

Mr. Murray informed the Board that his plan was to open a financial services office at 238 Main Street, North Creek. Mrs. Osterhout asked him if he thought he would have a number of walk in clients. He replied no. Mrs. Osterhout asked about the sign plans. Mr. Murray provided a plan of the sign size and advised the location will be under the canopy hung from the building. Mr. Record informed him that if he ever were to use lighting it must be downward facing. Mr. Murray said there would be no need for lighting as all hours would be daylight hours. A motion was presented by Mr. Pelton and a second by Mr. Smith to approve Application #148-09 as presented. A vote determined all were in favor with no one opposed and no one abstaining. Motion carried.

Site Plan #76 A Charismos

Mr. Bower not present. Application tabled.

Mr. Nester not present no presentation.

Chairpersons Report

Mrs. Osterhout informed the Board that the ZEO was going to check with R. VanVoorhis again about the Wevertown lighting. He was also going to check on the Johnsburg Market actions taken. The last information given was that they had not yet gone to the county. Mr. Vanselow asked what the conditions were set for The Johnsburg Public Market. Mr. Heidrich replied that there was supposed to be a barrier installed to form an ingress and egress for the store and to prevent entrance

and parking near the rental property. Mr. Record said that the last time he was there he noticed bare wires coming out of the front of the building.

Mrs. Osterhout asked Mr. Vanselow if the Town Board had made it a condition that the ZEO must be present at the Planning Board meetings. Mr. Vanselow said that there is a job description for that position and did the Board want him to communicate to the Town Board their desire for him to attend. Mrs. Osterhout has asked Mr. May if there has been any problems with issuing citations. His reply was there had not.

Mr. Smith asked what the Board is doing about the new Pizza Shop and Mrs. Osterhout said that it could not be entertained because the applicant was not present. He does need to amend the approval as he is changing the use of the half of the building that was a Video shop.

Mr. Record said that he was not present when Mr. Taylor had come to the Board with his plans. He said that he had gone up the road a couple of times and it appears that Mr. Taylor is continuing with his plans without approval. Mrs. Osterhout informed him that Mr. Taylor had been told at the meeting that he needs subdivision approval and the Board has grave concerns about the road and he probably should not do work without an application by him. Mrs. Osterhout said that without an application the Board cannot act upon it. Mr. Smith said that if he is commencing with a Class A project then the Zoning Officer can act. Mrs. Osterhout said that she had left it with Mr. Taylor that she had spoken to Mr. Grissi who said that the Cell Tower makes it a Class A project. Mr. Grissi also said that if the applicant got the Cell approval from APA and then came to the Town for subdivision it would be non jurisdictional. Mr. Heidrich said that Hamilton County and other areas are working with a network with the hopes of expanding into Warren County. His hope is that if individual towers are constructed there would no negative effect on that expansion. Mr. Vanselow said that it is his understanding that there is a contract in place for construction of one tower and that the network would be one tower feeding off the other.

Mr. Heidrich asked the outcome of Laura's as he was away when the decision was finalized. Mrs. Osterhout explained that Laura had received final approval from the Board however the County and prior ZEO found a structure problem and had placed a stop work order. At this time she has met and finalized all regulations and has all necessary permits.

With a motion from Mr. Heidrich, a second from Mr. Smith and a vote of all in favor, no one opposed and no one abstaining motion to adjourn was approved.
Meeting adjourned 7:55 PM

Respectfully,

Marion Monroe, Secretary

ZEO Report

A copy included in each member's folder.

Mr. Record presented a motion to adjourn and with a second from Mr. Heidrich and a vote of all in favor, motion was carried. Meeting adjourned at 8:05 PM

Respectfully yours,

Marion Monroe, Secretary