

**Johnsburg Planning Board Minutes
September 28, 2009**

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

Guests: See attached

Public Hearing

Subdivision Application #204-09 Cuomo

Attorney Dan Smith presenting, general information informed that the applicants wish to convey 4.25 acres with no wetlands to the adjoining property owners. This conveyance is strictly to merge with the existing lot of Molensik. Attorney Smith provided the resulting information from the APA onsite visit. It was determined at that time there were no wetlands involved and that an APA permit was not required. Hearing no further questions or comments Mr. Record presented a motion to close the Public Hearing at 7:05 P.M. A second was entered by Mr. Heidrich and a vote determined that all were in favor no one opposed and no one abstaining. Motion carried meeting adjourned at 7:05 PM.

Regular Meeting

Called to order by Mrs. Osterhout at 7:05 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. Pelton, seconded by Mr. Sanantonio and a vote determined all were in favor, motion granted.

Preliminary Presentation Subdivision 3206-09 Mr. & Mrs. Robinson

Mr. and Mrs. Robinson presented their plan to convey 9.527 acres to their son. General discussion discussed that total acreage owned by the Robinsons. Their wish is to convey this property to their son. Mrs. Osterhout inquired about the easement shown on their map and Mrs. Robinson said that the indicated roadway was an easement on their deed. Mrs. Osterhout said that the easement would have to be included on the new deed. Mrs. Osterhout informed the applicants that this was their required preliminary presentation and with consensus of the Board a Public Hearing was scheduled for October 26, 2009 at 7:00 P.M.

Site Plan Preliminary #148-09 Mr. Murray

Mr. Murray presented his plan to open and operate a Financial Services Office on May Street in North Creek. His business is currently in the Albany and Glens Falls area and he has moved into this area and would like to have his business here as well. As his business is conducted mostly via the phone or internet he anticipates very little physical business practice in this location. Main Street parking will provide more than necessary parking for his needs. Having no further questions

Mrs. Osterhout informed Mr. Murray that he would be on the Agenda for review at the October 26, 2009 meeting.

Subdivision #204-09 Cuomo

Attorney Smith has addressed all questions during the Public Hearing and presented all required information to the Secretary for the File. A motion to approve Subdivision Application #204-09 as presented was entered by Mr. Heidrich and seconded by Mr. Pelton. A vote determined that all members were in favor, no one was opposed and no one abstained. Motion was approved.

Preliminary Subdivision #207-09 Cuomo

Attorney Dan Smith presented that plan for a 4 Lot subdivision on Hudson Street in Johnsbury, Attorney Smith advised the Board that he has made all the necessary adjustments to the property lines to meet acceptable class B subdivision for lots 1 and 2. Lot 3 however contains wetlands and will require APA permit.

Preliminary Subdivision #205-09 Collignon

Attorney Dan Smith presented a plan from applicants that wish to do a 3 lot subdivision. Attorney Smith has a non jurisdictional letter from the APA and the subdivision has been devised so no Dept. of Health or APA approvals are necessary. Mrs. Osterhout asked about the size of Lot 2. Attorney Smith explained that he will be using building rights from the large parcel that will be retained. Mrs. Osterhout scheduled a Public Hearing for October 26, 2009.

Quintavalle Request

The Board received a letter from Attorney Rob Simon requesting an approval from the Town of Johnsbury Planning Board to allow a new tax ID number from the County for Quintavalle. General discussion divulged that the New Land Use Plan states that a lot cannot be divided by a road. Mrs. Osterhout informed the Board that they need to notify the county that the Board would allow the applicants to be assigned a separate tax ID number. Mrs. Osterhout also informed the Board that this matter is not new and it has been accepted practice in the past. Mr. Heidrich presented a motion with a second from Mr. Pelton. A vote determined all were in favor, no one opposed and no one abstained. This matter has come before the Board and has been determined acceptable. Mr. Record asked that all persons with this request come before the Board either in person or by attorney. All members being in favor of this request. Motion approved.

Front Street

Attorney Smith presented that Phase 1A has begun and the road is in beyond the 1st building site. Mrs. Osterhout asked the location of the first temporary waste water treatment tank. Attorney Smith said that applicants are looking for final conditional approval. Conditioned on DEC, APA, Department of Health and Build it or Bond it. A motion was entered by Mr. Record and seconded by Mr. Sanantonio. A vote determined that all are in favor, no one opposed and no one abstaining. Motion carried. Mr. Record added that the appearance of the Town Garage area as well as the access road has improved and the Town should do all they can to continue to improve and keep up the property. Attorney Smith informed the Board that there are continuing negotiations regarding right of ways for both the Town and Front

Street. Mr. Vaneslow said that this all will take time as there needs to be demapping and other time consuming actions.

ZEO Report

A copy included in each member's folder.

Chairperson Report

Mrs. Osterhout informed the Board that when Top Ridge got their approval during the process there had been discussion of a secondary access road to be used by emergency vehicles if the need arose. Applicants had agreed to install a break away gate to prevent general use. It was agreed that the applicants did not have to pave this roadway. Mr. Record feels it is time to install the gate. Mr. Record stated that the roadway has been built and has a berm in place to prevent access at this time. Mrs. Osterhout asked if the Board wanted to send a letter to applicants stating it is time that they put in the Gate? Mrs. Heidrich asked how the Board will qualify. Mrs. Osterhout said that at this point it would only be a request such as now that the project is underway the Board requests that you install the break away gate that was agreed upon during your review.

Mr. Record said that several people have asked about Tonya (Bradway) West's area. Mr. Record said that she is operating as a Farmers Market and must be 10 foot from any right of way. Mrs. Osterhout stated that she was in agreement and that the secretary speaks to the ZEO about this issue. Mrs. West does not have a Peddler's license and she cannot be selling in a Town and State right of way. Mr. Sanantonio stated that he would like to see that she does things properly so as not to discourage business. Mrs. Osterhout asked Mrs. Monroe to speak to the ZEO regarding Mrs. West and tell her the Stand must come down and the area be cleaned up. Also next year she must comply and obtain a license and a legal area to operate.

Mr. Sanantonio asked about the lights on T. C Murphy and Mrs. Osterhout reported that Mr. May had spoken to Mr. VanVoorhis and the lights were not what was intended and will be replaced.

Mrs. Osterhout asked if anyone knew who the Wevertown portable saw mill operation belonged to. No one was able to confirm that owner.

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

