

**Johnsburg Planning Board Minutes
December 15, 2008**

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

Open Public Hearing 7:04 PM

Subdivision Application #199-08 Copperfield

Mr. Carr agent for applicant E. Monter explained the map seeking to add 66.10-1-45, 3 parcels to be combined into one parcel. (2.329 acres). Access easement owned by the office building would like to give driveway to Copperfield and retain easement use. Presented plan is to sell it as one whole unit to potential buyers. Applicant is asking permission to aggregate to one parcel with no new construction and no movement of earth. This plan actually being a lot line adjustment. Mrs. Osterhout asked if there were any remaining Board questions. Having a negative response she asked the audience if there was anyone wishing to speak with a negative response. With a motion from Mr. Heidrich and a second from Mrs. Comstock the Public Hearing was closed at 7:10 PM.

Open Regular Meeting

Minutes approved as presented with a motion by Mr. Heidrich and a second by Mr. Smith. A vote determined all in favor, motion approved.

Subdivision Application #199-08 Copperfield

There were no written responses to the Legal Notice. Attorney Jordan asked if SEQR was done and Mrs. Osterhout answered yes. Mr. Smith read all questions on SEQR and with all answers being no he presented a motion for a negative impact declaration. Mr. Heidrich seconded the motion and a vote determined all in favor, no one opposed and no one abstaining. Motion approved. Mrs. Miner inquired about the adjoining letter she had received. Mrs. Osterhout explained the information process. Mr. Smith submitted a motion to approve Subdivision Application #199-08 as presented. With a second from Mr. Heidrich a vote determined all in favor, no one opposed, and no one abstaining. Motion carried.

Mrs. Osterhout presented a few items of business.

Site Plan for Copperfield new regulations have no window of time requiring return to the Planning Board for Site Plan renewal on existing business property. Attorney Jordan said this case was not a discontinuance of use. Mr. Vanselow said that the APA policy is 5yr discontinuance of use. Attorney

Jordan said the short of it the Copperfield does not have to come to the Planning Board. Attorney Simon asked Site Plan to include Trappers portion of the building. Does this renovation require a change in use? Attorney Jordan to locate that information.

Mrs. Osterhout informed the Board that a long time ago Lori Benton had presented a subdivision application which is APA jurisdictional due to wet lands. (Candace to email Lori to contact Mrs. Osterhout.)

Attorney Jordan located the information needed for the question if the renovation needed Site Plan. Mrs. Osterhout said that in the light of this information it appears that they do not need it.

Mrs. Osterhout said that she had received a notice of incomplete application from the APA from a Harrington Road resident. This Board has not received any application for.

Brian Grisse asked Mrs. Osterhout about Tall Timbers timing. Mrs. Osterhout has a copy of what they received and they do not have a permit and will not get one until they answer this Boards concerns. Order of project approval subject to conditions. Tall Timbers has a draft permit.

Attorney Jordan added- Define term of years for change of use when a building sets dormant for a period of time. Park agency says 5 years. Mr. Heidrich suggested 1 year and Mr. Pelton said 1 year to keep up to date. Mr. Smith did not feel strongly either way. Mr. Vanselow will talk to the Town Board about this inquiry about policy as apposed to a length of time. Attorney Jordan said there could be risks with a policy. Mrs. Osterhout asked Attorney Jordan if the Board could adopt a resolution for a business closed more than one year they could be required to come for Site Plan. Attorney Jordan said no.

Mrs. Osterhout said that a few Planning Board members had gone to the Town Board executive session and left with the impression that the Town Board would further look into enforcement matters. The Town Board was receptive.

With a motion entered by Mr. Hiedrich and a second by Mr. Pelton the meeting was adjourned at 7:45 P.M

Respectfully yours,

Marion Monroe, Secretary