

**Johnsburg Planning Board Minutes
January 24, 2011**

ATTENDANCE: Mrs. Osterhout, Mr. Heidrich, Mr. Record, Mr. Smith, Mr. SanAntonio and Mr. Klippel. Absent Mr. Pelton.

Guests; See Attached

**Public Hearing
Called to Order 7:00P.M.**

Site Plan 151-10 North Creek Trading Post

Attorney DeSantis representing the applicants informed the Board that the presentation was given at the last meeting and that this Public Hearing was scheduled to present the Board with specific dimensions. Attorney DeSantis submitted the requested information to the Secretary Prior to this meeting and each Board member has a copy in their packets. The information requested and supplied was scaled plat plan, list of abutting land owners, hours of operation drawing of the sign design and size and location of the septic for the main building. Mr. Record entered a motion to close the Public Hearing, 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. Public Hearing closed at 7:06 P.M.

**Regular Meeting
Called to Order 7:06 P.M.**

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 was entered by Mr. Record and seconded by Mr. Smith. A vote determined all were in favor no one opposed and no one abstained. Motion carried.

Site Plan Application #151-10 North Creek Trading Post

Mr. SanAntonio asked if the drawings on the sign indicate mountains and clouds. Attorney DeSantis responded that yes they do. Mr. Record asked if the four parking spaces indicated would remain for this portion of the business. Attorney DeSantis responded yes. There could be additional one or two on the opposite side of the road if necessary. Mrs. Osterhout asked where the rental equipment will be moved to. Attorney DeSantis said that this will not be a combined business. The rental will not be run from this location. Mr. Nettle said that the applicants own the property across the road where the barn is located with an access to that parcel. The parking referred to would be on the road parking as it would not require more than one or two spots. Mr. Smith asked if this would effect this application. Attorney DeSantis answered that per the Land Use Plan the square footage requires 4.6 parking spaces. This will meet this requirement. With a motion to approve Site Plan application #151-10 as presented, a second by Mr. Smith and a vote of all in favor, no one opposed and no one abstaining, Motion was carried. Attorney DeSantis

requested that when the approval notice was complete that he be notified so he could pick it up at the Town Hall.

Attorney Simon

Attorney Simon asked if the Town of Johnsbury Land Use Plan has a stipulation that adjoining properties under the same ownership be merged. The property in question was approved as a prior subdivision with the outside two lots under one ownership and the two middle ones titled to the other owner. It was determined that there is no automatic merger under the Town of Johnsbury Land Use Plan. The original subdivision stands and there is no need for a new subdivision review. ZEO Mrs. Tucker to supply a letter to Attorney Simon with that determination.

Attorney Simon also represents Mr. Galusha and informed that Board that the NJ letter by the APA only addresses the property on one side of the road. The applicant owns parcels on both sides of the road. The applicant has plans to transfer a part of a parcel to an adjoining land owner. Attorney Smith asked if they needed to apply for a subdivision. The Board answered yes that it will be required. Mr. Hiedrich asked what size the lot would be. Attorney Smith replied that one parcel would be a non conforming lot in size. The applicant would like to retain the small portion to build on. General discussion disclosed that the applicant would have to add land from the adjoining lot. The action would require a Subdivision and it probably would require a survey. Attorney Schachner said as long as there is no arms length sale planned it would be allowable.

Mr. Robert Nettle

Mrs. Osterhout informed that Board that Mr. Nettle had supplied the Board with some suggestions to make changes to the Land Use Plan. Mrs. Osterhout informed Mr. Nettle that most of these decisions are Town Board issues. Mr. Nettle suggested that the Planning Board could make recommendations to the Town Board. Mr. Nettle said that he owns property on Main Street that is classified as HB1 and that he and his wife own property on Circle Avenue classified as HB2. He showed the Board the mapping of the HB2 designated area and was concerned that a plan similar to the recent one reported for the property of the same classification, in the Town of Lake George just south of Warrensburg, might be considered in the Town of Johnsbury. Because the classification provides the opportunity for this to happen there. Mr. Nettle feels that the HB2 classified area is too large. He feels that a development there could decimate Main Street. His opinion is that if major development occurs there it would not be good. His suggestion would be to eliminate HB2 completely. If a developer came along they would have to go through a Variance procedure. He asked "what is the possibility of debating this idea or possibly reducing the size of HB2?" Is the Planning Board interested? Mr. Record suggested that Mr. Nettle has a second point and that he should present it prior to a response. Mr. Nettle said that his second request involved HB1 side set back regulations of 10 feet. He said in the original building code the set back was 0 and that with the new code his property would come under a hardship as the dimensions of his property would not allow for 10 foot setbacks. His concern is that Main Street Businesses that wish to expand would be forced to go out to Route 28. His example would be that Rite Aid could expand to about 8000 square feet where they are if they did not have to comply with set backs. Mr. Nettle is very much in favor of small retail not big box stores. His opinion is that the Town should concentrate on expanding HB1 and could meet a greater demand down the line. Mr. Record stated that many towns support 0 set back and that he would support 0 set back. Mrs. Osterhout suggested to the Board that they take these 2 items to be discussed at later meetings perhaps February or March or both. Mr. Nettle said that perhaps several amendments could be covered and sent to the Town Board at once. Mr. Smith said that Mr. Nettle is asking for support for specific changes. Is he asking if this Board will back him? Mrs. Osterhout said that she would put the discussion on the agenda for the next meeting. Attorney DeSantis said it is a relatively new ordinance and that there must have been some basis for the decisions and that the rational needs to be known as to why certain decisions were made. General discussion about the By Pass and what improvements have actually been made in Town led to no definite answers.

ZEO Report

Mrs. Tucker has presented a written report and she also stated that the light wattage in the Wevertown sign had been reduced. Mr. Record said that the Board wanted the upward facing lighting to be returned to downward facing lighting. Mrs. Tucker said that she could not enforce because of the addition of the flag

and the previous ZEO statements. Mr. Smith would like Attorney Schachner to look into Rudd's lighting. Mr. Record would like to have Mrs. Tucker to talk to the attorney. She said that she needs to go to Attorney Jordan as he is the Town Attorney. Mr. Smith inquired about the Beaver Brook sign at Dillon Hill. Mrs. Tucker to look into it.

Chairpersons Report

Mrs. Osterhout said that she had received a letter from the Cell Tower Company asking if there were any Historic influences on the proposed cell location at Gregg Taylor's property. Does the Board feel that there is any potential historical problem? Mr. Record said that the only item was what the applicant had brought to the Boards attention about the old mine that he was trying to preserve. Attorney Schachner said that the Board is under no obligation to respond.

Mr. Smith asked if there had been any movement by the Town Board in amending the Land Use Plan with regard to the sign issue. None of the Board members were aware of any such information.

The Board reviewed the new application forms and said that question #1 must be "Has any portion of the project or use described herein requiring Planning Board approval commenced construction or operation? Yes or No

ZEO said that practically all businesses are allowed in HB2.

With a motion from Mr. Record and a second from Mr. Klippel and a vote of all in favor the meeting was adjourned at 7:55 P.M.

Respectfully,

Marion Monroe, Secretary

Town of Johnsbury Planning Board Meeting

Please Sign In

Date: Jan 24, 2011

1 James V. Martineau

2 Brad Bacon

3 Andy Bennett

4 Rick Bennett

5 Len Knaflke

6 FRANK DUBOIS

7 Danae Tucker

8 Rob Simon

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