

Minutes of the  
TOWN OF JOHNSBURG PLANNING BOARD  
July 28, 2014

The Meeting was called to order by Chairperson Cork Nester at 7:00p.m.

Roll Call showed the following persons present: Gretchen Millington, Cork Nester, Tim Record, Ken Murray, Curt Richards, Attorney Mike Hill

Guests: Pete Lenseth, Susan Lenseth, Nancy Persons Kulikowski, Joe Kulikowski, Joe Brown, Roxy Freebern, Reg Freebern, Leslie Clement, Joyce Monthony, Dale Monthony, Mary Jane Hartenstein, Steve Hartenstein, Dylan Smith, Ronald Smith, Daniel Neal

**Public Hearing: SP-03-2014 – Site Plan Review – Smith – 4479 State Route 28 – Tax Map #30.-2-8:** Mr. Nester asks if there are any questions or comments on this project. No responses. Mr. Record makes a motion to close the public hearing, Ms. Millington second, all in favor, motion carried.

**Public Hearing: SU-01-2014-Special Use Permit-Neal-1800 State Route 28-Tax Map# 119.-1-6:** Mr. Nester asks if there are any questions or comments on this project. No responses. Mr. Record makes a motion to close the public hearing, Ms. Millington second, all in favor, motion carried.

**Public Hearing: SUB-01-2013-Subdivision-Clement-Shields Road-Tax Map# 30.-1-75:** Mr. Nester asks if there are any questions or comments. Mr. Lenseth (neighbor) questions if the road is going to be adequate, if the fire dept will be able to access, concerned about traffic, and concerned about how steep the property is in some areas, and he thinks before anything is done it should be engineered properly to be sure it can hold buildings. Mrs. Kulikowski (neighbor) is concerned about washouts on 13<sup>th</sup> Lake Road, thinks the road should be fixed first and there should be an engineered study. She states with building houses it creates new runoff and that there is serious question about how it couldn't impact the area. Also she is concerned that Ms. Clement has the tendency to not follow the rules and regulations, and she proceeds to reread a letter from the DEC which is in the Planning Board file. Mrs. Kulikowski questions Ms. Clement being able to sell any property while the DEC fine is unpaid. Mr. Nester states that the Order on Consent is attached to the deed and no property can be transferred until that fine is paid. Mrs. Kulikowski proceeds to show the Board an email that she had sent to the DEC with regard to the fine. Ms. Freebern stated she is concerned about erosion and stream pollution. She is also concerned about a conditional approval and Ms. Clement not having the funds to meet the conditions. Mr. Record makes a motion to keep the public hearing open, second by Ms. Millington, motion passed with Mr. Record, Ms. Millington, Mr. Murray. Mr. Nester and Mr. Richards oppose.

**Approval of Minutes:** June 23, 2014 (Nester, Record, Millington, Murray). Mr. Record motion to approve, seconded by Mr. Murray, all in favor, motion carried.

**SP-03-2014 – Site Plan Review – Smith – 4479 State Route 28 – Tax Map #30.-2-8**

Mr. Smith explains the project, they have converted the funeral parlor into a bed and breakfast, and a guide service, serving as a hostel type of facility primarily for rafters or skiers. He also explains they have replaced the septic tank with a much larger tank. Mr. Record asks if the residence is the old apartment that was already there. Mr. Smith stated the residence is the old house. Mr. Record also asks about the kitchen. Mr. Smith said it will be an efficiency type of kitchen that the guests will have access to prepare their own food, no food will be prepared for the guests, just coffee etc. Mr. Hill questions whether the Board received a completed SEQR form with regards to this project. Mr. Nester states we do not have one. Mr. Hill stated he can read part 2 of the SEQR questions and the board can reply to all questions. The Board replies no to all questions on the SEQR form. Mr. Record makes a motion to declare a negative declaration, the project will not cause a negative impact, Mr. Richards second, all in favor, motion carried. The SEQR form is available in the Planning Board file. Mr. Richards makes a motion to approve the site plan, Ms. Millington second, all in favor, motion carried.

**SP-02-2014-Site Plan Review & SU-01-2014-Special Use Permit-Neal-1800 State Route 28-Tax Map# 119.-1-6**

Mr. Neal explains he is looking for concept approval, building small cabins 400 square foot or less for couples or small families. Mr. Richards asks if they are still going to build a cabin for laundry facilities, Mr. Neal said he is not sure, they are considering having the facilities in one of the cabins. Mr. Record asks if the cabins will be far enough from the setbacks and the number of cabins, Mr. Neal said they would be and they would be building 3 or 4 cabins. Mr. Record also asks if the driveway will be wide enough for emergency vehicles, Mr. Neal said it would be. Mr. Zappala (neighbor) is concerned about water, and others building similar cabins and there would be too many houses, similar to Long Island. Mr. Nester assures him that will not happen here. Mr. Zappala is also concerned about the engineer study, Mr. Nester states that an engineered plan needs to be submitted to Danae (Tucker) and approved before anything can be built. Mr. Record stated he went out and walked the property, and he feels this project is a good fit. Mr. Hill questions if this has a completed SEQR form. Mr. Nester stated we do not have one. Mr. Hill stated he can read part 2 of the SEQR questions and the board can reply to all questions. The Board replies no to all questions on the SEQR form. Mr. Richards makes a motion to declare a negative declaration, the project will not cause a negative impact, Mr. Record second, all in favor, motion carried. The SEQR form is available in the Planning Board file. Mr. Zappala still questions the permeability and the distance to the wetlands, Mr. Nester stated he will leave it to the Licensed Engineer to make the determination. Mr. Record makes a motion to conditionally approve, provided there is engineered septic plans submitted to the Zoning Enforcement Officer, Mr. Murray second, all in favor, motion carried.

### **SUB-01-2013-Subdivision-Clement-Shields Road-Tax Map# 30.-1-75**

Mr. Nester starts by saying that he has spoken with Dan Hitchcock and Ron Vanselow and there is some work to be done on the road and then it should be ready to be taken over by the Town. Mr. Nester also states anyone who wants to build on the lots, they will be subject to the DEC SWPP plan. Mr. Nester stated only 4 of the lots will be buildable. A concerned neighbor remarks about the construction, and Mr. Nester restates that a SWPP plan will need to be obtained for all the lots and construction. Mr. Nester states that if this is an approved use then the Board has to make a decision based on facts, not personal reasons. Mr. Record asks Mr. Hill if there can be a lot without a driveway, Mr. Hill states it is a non-buildable lot and the map should have a note that Lot 5 will be a non-buildable lot. Mr. Record asks if Clough Harbor Engineering has reviewed the survey map, Mr. Nester said no because DEC had to approve it. Mr. Record states there is some question about trespass with Ms. Clement and asks if Ms. Clement realizes where her property line is, Ms. Clement responds that yes she knows where it is now. Mr. Nester read a letter directly from DEC with regard to the lots having a SWPP plan. Mrs. Kulikowski questions if that SWPP plan is going to have an engineering study, Mr. Nester stated that yes that is what a SWPP plan is, and it will study what effect the construction will have on the property and the neighbors property. Mrs. Kulikowski is concerned about the road being fixed and states she thinks that she be done first, also stating what if the county doesn't have the money to fix it. Mr. Nester states he understands her concern but he can only approve based on the regulations of the town and can't foresee if the county will have the money to fix the road. Ms. Freebern asks if Ms. Clement has to pay the DEC fine before she can do anything, Mr. Nester said yes. Ms. Clement then asks if she can speak about the fine. She has been in contact with Mr. Lupo from DEC in Warrensburg, and was advised that some of the things she has fixed did not need to be fixed. Ms. Clement stated she can challenge the Consent Order and that she has a hearing with them next month. Mrs. Kulikowski stated she would like to see things in writing. Mr. Nester said what the Board is looking for is a sign off from DEC, how Ms. Clement obtains it is not the Board's concern. Ms. Hartenstein asks if it is true that the fine has not been paid nor rescinded. Mr. Record reads a paragraph from the Town's regulations with regard to the storm water protection plan. Mr. Nester stated that the town engineer was superseded by the DEC. Mr. Lenseth asks if they can request that the new construction be screened from neighbors views, Mr. Nester said yes they can curve driveways, etc. Mr. Hill reads part 2 of the SEQR questions and the board can reply to all questions. The Board replies to all questions on the SEQR form with either a no response or small impact. Mr. Richards makes a motion to declare a negative declaration, the project will not cause a significant adverse environmental impact, Mr. Murray second, all in favor, motion carried. The SEQR form is available in the Planning Board file. Mr. Lenseth asks that he not be denied access to his property while any construction or road improvements occur. Mr. Record states he thinks this should be reviewed by Clough Harbor, the town engineer. Mr. Nester said normally it would go to Clough Harbor, but because DEC was involved the SWPP plan was approved by the DEC. Mr. Nester said he could send it to Clough Harbor for their review and comments. Mr. Hill recommended that if Clough Harbor has any questions they should be in contact with DEC. Mr. Nester stated he wanted to make sure he covers everything before bringing it to a vote. Mr. Lenseth asks if the hours of construction can be limited. Mr. Nester said they can put restriction on hours and days of construction. Mr. Nester stated he will table this matter until next month. Mr. Record makes a motion to table the application and continue the public hearing until next month, second by Mr. Richards, all in favor, motion carried.

**Privilege of Floor**

Nothing at this time.

**ZEO Report**

Mrs. Tucker not present at this time.

**Motion to Adjourn:** Made by Mr. Murray at 8:45pm, second by Mr. Richards, all in favor, motion carried.

Respectively submitted:

Shannon Slater

Johnsburg Planning Board Secretary

*Next Planning Board Meeting –Monday, August 25, 2014  
at the Tannery Pond Community Center– 7 p.m.*