

**Johnsburg Planning Board Minutes  
June 22, 2009**

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

**Guests:** See attached

**Mr. Klippel a voting member in for Mr. Pelton.**

**Public Hearing**

**Called to order at 7:00 PM by Mrs. Osterhout**

**Subdivision Application #209-09 Mr. Haddad**

**Mr. Haddad is proposing a 3 lot subdivision with part being on a portion of unplowed seasonal road. Mr. Hitchcock, Highway Supervisor, had requested that Mr. Haddad flag the area of the proposed lots so he could find the exact location. Mr. Hitchcock reported that he had found the subdivision to be in a fairly good location and all that would be required would be a 60' by 60' turn around spot for the last lot. Mr. Smith asked if this is something the Highway Department must prepare for or does it just happen. Mrs. Osterhout said generally maintenance begins when building starts. Mr. Haddad needs to provide the turn around area. Mrs. Osterhout explained it was because the subdivision is on a seasonal road and to plow the equipment needs an area to turn around. Mr. Haddad feels the town asks too much. Mr. Record presented a motion to close the Public Hearing, with a second from Mr. Sanantonio and a vote of all in favor, motion carried.**

**Subdivision Application #203-09 Mr. Thissell**

**Mr. Thissell was represented by Attorney Dan Smith. Attorney Smith explained the changes to the proposed lot. The access road was named Gravel Road by Attorney Smith and accepted by the county. Attorney Smith said that it was non jurisdictional by the APA and no Health Department approval was needed. He also informed the Board that the road has already been constructed. Butch Thissell Jr. asked if there was any connection to parcel #132.-10-1.2 for this application. Attorney Smith assured him that this application had nothing to do with that parcel, the reference to that parcel as advertised was a clerical error. Mr. Thissell Jr. said that was his only concern that parcel 132.-10-1.2 was not connected in any way. Attorney Smith again assured him that parcel 132.-10-1.2 was not involved in any way. Mr. Heidrich presented a motion to adjourn the Public Hearing and with a second by Mrs. Comstock and a vote of all in favor, motion approved.**

## **Regular Meeting**

### **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, and seconded by Mr. Sanantonio, a vote determined all were in favor, motion granted.

### **Subdivision Application #202-09 Mr. Haddad**

Mrs. Osterhout said that this is a 3 lot subdivision on a seasonal road of which the Town does not plow a portion in the winter months. The Highway Supervisor had been asked by the Board to check out the location and make a determination of the acceptability of the location of the subdivision. Mr. Hitchcock did visit the site and determined that it was possible to be able to plow for this subdivision with the addition of a 60' by 60' turn around made available. Mr. Haddad felt that 60' by 60 ft was excessive. Mr. R. Smith asked Mr. Hitchcock if he needed 60' or 80'? Mr. Hitchcock replied that 20' of the 80' come from the roadway itself. Mr. R. Smith asked if the applicant understood that the turn around could be included in a driveway? Mr. Record asked who owns the abandoned Holcombville Road? Mr. Hitchcock replied that an abandoned road reverts back to the land owners. Mr. Record asked if it could be incorporated into a turn around. Mr. Hitchcock said that part of it was some of Cunningham's ski trails. Mr. Hitchcock said that it might be able to be used if it went in on the right, therefore not disturbing the ski trails. Mr. Klippel said that the groomers would be able to take care of that. Mr. Record asked Mr. Haddad if it would hold him up if another month was taken to consider this issue. Mr. Haddad said he would like to take advantage of this building season. Mr. Vanselow asked if the Board could give him conditional approval. Attorney Smith said that it would be temporary until someone built further down the road. Mr. Record presented a motion to approve Subdivision Application #202-09 with the condition that Mr. Haddad and Mr. Hitchcock come to an agreement in the placement of the turn around area, and that this agreement is temporary until the next lot is ready for construction. Mr. Smith seconded the motion and with a vote of all in favor no one opposed and no one abstaining, motion approved.

### **Subdivision Application #203-09 Mr. Thissell**

Mr. Record said that the name Gravel Road is the wrong name, he personally thinks that there could be confusion between Gravel Road and a gravel road during emergency reporting. Attorney Smith said that actually it is the third one in the county named that. Mr. R. Smith inquired about asking the fire company to look at this access? Attorney Smith said that per the Town regulations the road cannot exceed 1000 feet, and no place does this road exceed the allowable 12% grade. Mrs. Osterhout asked Attorney Smith if there will be a homeowner's agreement. Attorney Smith said that there will be a driveway agreement. Mr. Record asked if work has to be done to meet bring the road to 12 %? Attorney Smith said no, that the work is done now. Mr. Thissell Jr. said the road is about 1700 feet in its entirety

and there are plenty of places to turn emergency vehicles around. Attorney Smith added that there is the ability to turn around a modular home as is. Mrs. Osterhout said that the Board needs something giving the Fire Company authority to turn around if they need to use private property. Mr. Record and Mr. Smith said that the cul de sac, as shown on the map of 75 ft. could be entered as a condition of the approval. R. Smith asked what would prevent people from using Gravel Road as a pass through road for access to lot 4. Mr. R. Smith added that a condition of restriction for lot 4 access to be Thissell Road. Mr. Record entered a motion to approve Subdivision Application #203-09 with the conditions 1. The cul de sac is constructed to 75 ft. radius as shown on plan presented. 2. Access to lot #4 to be Thissell Road. A second was entered by Mr. Heidrich and with a vote of all in favor, no one opposed and no one abstaining, motion carried.

#### **Site Plan Amendment #146-09 Mrs. Heckett**

Mrs. Heckett received a signed agency form formulated for the Wevertown property. Mrs. Osterhout read the document received and the Board approved accepting the document received in lieu of Board provided document. Mrs. Heckett checked the septic system condition with the engineer and his report to her was there are 3 separate septic systems in place. (1 for the house, 1 for the store and one for food.) Engineer's suggestion was to construct for 2 bathrooms but to open with just one operating for now. The perk tests were done and results were found acceptable. Engineer reported that existing is acceptable for now. As the existing tanks are probably unable to support expanding leach, a new system for the store with an expanding field to be installed after opening. Mr. R. Smith asked if the Board needed a report from Mr. Bolster. Mrs. Osterhout asked if Mr. Bolster could supply this report in writing to the Board. Mrs. Heckett replied that it was possible for her to request that. Mrs. Osterhout said that it could just be a statement that he has spoken to the clean out person and that he knows where the clean out is. Mr. Record said that they would like to see a plan of what the applicants plan for a curb or barrier for the road front. Mr. Record said that the applicants could define it as 2- 24 foot curb cuts to allow ingress and egress for safety. Mr. Sanantonio asked if the sign would be put in the location of the existing flower box. Mrs. Heckett said yes. Mr. R. Smith requested to table action on application for more information. Mrs. Osterhout said that the applicant could come back to the July meeting for final approval with a specific plat plan including sign information ( size, color and wording) how the sign will be lit, designated parking areas with handicap parking indicated, center burm or curb cuts indicated and the letter from the engineer regarding the septic system.

#### **Chairperson Report**

Mrs. Osterhout read a letter from Dan Walters requesting information as to who needed to be listed on Special Use Permit approved in 1983 if the pit were to be leased. General discussion determined that the Board should require lessee to be added to Special Use Permit.

**Site Plan Application #127-06 Slick**

**This application was removed from the Agenda as the applicants did not provide the required information to the Secretary prior to the meeting. The persons in attendance were allowed to show the information they brought without any review. Mrs. Osterhout informed the Board that the original Site Plan was approved for a garage and now the Store has burnt down applicant would like to operate from the garage building. The applicant wants to amend the Garage approval to a Store approval. Mr. Record asked if the Board should just request a preliminary application. Mrs. Osterhout said the amendment application and the actual process contain issues. The application states that there will be no building structural changes and it is apparent that there is a new area on the side of the building toward the Prouty property. The second problem is that the building does not meet the commercial side set back from the adjoining property. Mr. Record advised the applicants that the Board will need a complete plat plan with all the information required about parking, including size, spaces and location, septic size, location and when last pumped, the sign size, color and wording as well as planned entrance and exit to enhance safety. Mrs. Osterhout advised that the owners had provided the application so they knew that they needed approval. Applicants are to get back to Mrs. Monroe with required information prior to rescheduling appearance.**

**Attorney Smith offered an update on Front Street Development. At this time Front Street is proposing to construct 2 townhouses and the Gate House on their land to show intent. Attorney Smith commented that this change is due to the poor economy and this project being market driven.**

**Mr. Record informed the Board that he had recently been to the DEC and had the opportunity to learn about Storm Water Management. Mr. Record suggested that the Board look at the Rogers Road area and perhaps invite a Storm Water Management Pro to the Planning Meeting for further information. Mrs. Osterhout suggested that the DEC be contacted and see which fourth Monday would be best for them.**

**Mrs. Osterhout advised the Board that there might be misinformation around to Cell Tower Companies. Town Land Use Plan determines that all Cell towers are considered an APA Class A Project, even though they do not require local review.**

**Mr. Sanantonio 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 9:05 PM**

**Respectfully yours,**

**Marion Monroe, Secretary**