

**Johnsburg Planning Board Minutes
May 18, 2009**

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

Guests: See attached

Public Hearing

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

Subdivision Application #201-09 Vogel

Mr. Vogel gave general information about the proposed subdivision plan, including location and size of the lots planned. All lots meet the density and road frontage requirements. Applicants have a received an APA permit. As there were no further questions Mr. Record presented a motion to close the Public Hearing. A motion 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 7:06 P.M.

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. Heidrich, and seconded by Mr. Record, a vote determined all were in favor, motion granted.

Subdivision Application 201-09 Vogel

Mr. Record asked if there was wording in the deed regarding Pasco Road. Mr. Pisano said that the road indicated was actually the old St. Rt. 28 road and old Pasco Road. General discussion proved that Pasco Road did not actually reach the property in question. Pasco Road falls about 200 feet short of reaching this parcel. Mr. Vogel said that the surveyor did a search and found nothing in deeds or records that the Pasco Road had ever been associated with this parcel. With a motion to approve as presented by Mr. Record with a second by Mr. Smith, a vote proved all in favor, no one opposed and no one abstaining. Motion carried.

Site Plan Amendment #123-06A John McAlonen

Mrs. Osterhout explained why the applicant had to return for an amendment as the building built did not meet the specifications approved in the original Site Plan approval. Mr. Record asked for clarification of the actual side set back measurements. Mr. McAlonen explained that the set back building measurements for the south side lines were in fact 22 ft. at the rear of the building and 16 ft. at the

front. Mr. Record asked if these were accurate measurements to which Mr. McAlonen replied yes. Mr. Smith asked what the floor measurements were in regards to the ground level. Mr. McAlonen replied 1 to 1.5 feet. Mrs. Osterhout asked what the planned use was for the old building in the prior approval. Mr. McAlonen replied that it was for an Ice Cream Shop. Mr. Record asked what the plan now is. Mr. McAlonen replied that the plan has not changed. Mr. McAlonen came in to the Board for renewal before that approval ran out. General discussion divulged that there will be a new septic for the new building. The use of the new building will be storage, office and sales. There will be a rest room available. The runoff issue from the rear of the property has been resolved and there is 16 ft. from the rear of the building to the stone wall that has been erected. The original fence that had been required by the previous site plan will be replaced by a living separation such as cedar trees at request of the adjoining property owners. The front fence will be taken down to allow access to the new building. Parking for business will be along the side and rear of the building. Truck deliveries will pull in the front as they do now. As to the septic specifics Mr. Smith would like a more detailed plan and Mr. Record said the Board should proceed as if it were there as the septic will be covered by the Land Use Plan. Mr. Heidrich said there is no requirement for an application but it will have to be approved. Mr. McAlonen said he has five employees and they will have room to park in the back. Mrs. Osterhout asked about the system for the old building and Mr. McAlonen said he believed it to be an old 250 gallon system. Mrs. Osterhout said that when it comes to the Ice Cream section it will have to be addressed. Mrs. Osterhout asked about signage plans and Mr. McAlonen said it would be the same as existing. With a motion to approve as submitted by Mr. Heidrich and a second by Mr. Record, a vote determined all were in favor, no one opposed and no one abstaining. Motion carried.

Mr. Record recused himself and left the members table.

Site Plan Application #145-09 North Creek Farmers Market

Mrs. Osterhout thanked Ms. Thomas for coming and explained that the Board needed a signed Agency Designation Form to proceed. As this Form has been received the review could continue. General discussion disclosed that the temporary signs would go up and come down the day of the event. Mr. Tuttle had said the signs would not be allowed so the Board must consider the signage. Ms. Thomas requested that a banner be allowed for the months that the Market would be in operation. Mrs. Osterhout said the Planning Board could not make that decision and that the applicants must apply to the Zoning Board of Appeals. Mr. Bergman clarified a banner would be different than a flexible sign attached around the edges. Mrs. Osterhout said the question remains as to who owns the building and that the owners need to allow the sign. The sign would also have to meet the sign regulations and a 3 by 15 ft. sign would require a variance. Mrs. Osterhout would accept a signed agreement from the property owners. Mr. Smith offered a conditional motion to approve based on temporary signs be installed and removed the days of the events only and that the seasonal permanent sign meet all sign requirements and

a signed approval from owners be provided the Board. Mr. Klippel entered a second for the conditional motion and a vote determined that all were in favor, no one opposed and Mr. Record recused.

Mr. Record returned to the table.

Site Plan Application #144-09 Christine's

Mrs. Osterhout explained that Ms. Smith has owned and operated a Salon for awhile. The first location had previously been a Salon not requiring Site Plan however the current location has never been therefore requiring a Site Plan Review. Mrs. Osterhout asked how many chairs the owner has and Ms. Smith replied one. Mrs. Osterhout inquired about the location of the septic and Ms. Smith replied that she was under the understanding that it was between her shop and the Church. Mrs. Osterhout asked if the septic serviced the entire building. Mr. Smith asked what is upstairs and Ms. Smith said that there are two apartments. Ms. Smith said that she is in operation Tuesday through Saturday and she has room to expand for one more chair. Ms. Smith said that the chemicals that she uses are rinsed off and go down the drain. Mrs. Osterhout told the applicant that to comply with the Americans with Disabilities act she would need to install a ramp or place a sign with services, prices and a number where she could be reached to provide services in their homes. Ms. Smith said that she has had customers that have been able to come to the shop with assistance. A motion to approve Site Plan Application #144-09 with the condition that Ms. Smith places a sign for compliance to Americans with Disabilities Act was entered by Mr. Record and seconded by Mr. Smith. A vote determined all were in favor with no one opposed and no one abstained, Motion carried.

Preliminary Site Plan Presentation Laurie Arnheiter

Ms. Arnheiter informed the Board that the condition of the barn at her store location was dictating action. She needs to add two one bedroom apartments to help justify this planned project. Her plan includes two apartments with upstairs porches. She wants to connect her existing business with the new construction so she plans a closed roofed area to connect the two. Applicant has gotten a plan from Mr. Schrade to install a new 1000 gallon septic and a new 800 gallon dry well to handle the new planned project. His plan is to add the new dry well to the existing dry well system. Mr. Schrade has done the perk tests and this plan will handle all the new planned construction. Ms. Arnheiter wants to construct a new porch roof for the front of Hudson River Trading Co. building to replace the tattered awning. The applicant feels that the extended roof line will eliminate sun damage to her stock and improve safety. Her plans will be a build out project with the new barn and apartment structure to be followed by the front porch roof and other improvements she has shown and discussed. Mr. Heidrich commended applicant for her clear and concise presentation and asked why Mr. Schrade suggested connecting the dry well systems. Ms. Arnheiter said it was to help apartments and future growth. Mrs. Osterhout advised applicant to bring in entire plan when she was ready even though she planned on construction stages. Mr. Klippel inquired as to the planned stairway

to the back of the property and its access to the river front area. Ms. Arnheiter said that it would not be a conventional stairway but levels with landings. Ms. Arnheiter said that public use of the stairway posed an insurance issue. Mr. Smith asked applicant to show customer and employee parking as well as build out plans. Mr. Smith also asked that she show building heights, lighting and signs. Mrs. Osterhout said that she did not see anything that would require multiple meetings with designers. Mr. Record reminded applicant that an architectural drawing was not required that she could just identify rooms with the dimensions stated.

Subdivision Application #202-09 Preliminary Presentation, Haddad

Mr. Haddad wishes to build a single family residence on his property. As the Town Land Use Plan allows for only one residence on a parcel he must subdivide his property for this building. He is requesting a three lot subdivision on River Road. Mr. Smith asked if this property is on the seasonal section of the road and Mr. Haddad said that the road is plowed to his drive. General discussion divulged that the seasonal road is up to the Town Board and Highway Supervisor for determination. Mrs. Osterhout advised Mr. Haddad that the next step would be to schedule a Public Hearing. In the meantime Board will advise the Supervisor of applicant's intent pertaining to Road status. Mr. Smith said that the proximity of the property to the Hudson River may require a Non Jurisdictional letter from the APA. Mr. Haddad has that letter and will provide it to the secretary. Mr. Record asked about the Woods Road and Mr. Haddad said it was an old abandoned road no longer used. A motion to set a Public Hearing for June 22, 2009 was entered by Mr. Record with a second from Mr. Smith. A vote determined all were in favor no one opposed and no one abstaining. Motion carried. Mrs. Osterhout advised the applicant that the Board would speak to the Supervisors and that a Mylar would be needed once the highway made a decision. Allowing there would be no needed changes to the map.

Subdivision Application 203-09 Urban Thissell

Attorney Dan Smith did the presentation that a final decision has been made as to the number of lots and all dimensions. The common road way will be on lot 4. Lot 3 has been changed to meet the 1000 ft requirement from Bartman Road. Applicant has added one lot because of title wording. Attorney Smith said that they need 911 information and where to put density to conform to requirements. Sherry Norton has determined not to issue 911 addresses until she gets the drive locations. Mrs. Osterhout told Attorney Smith that he will need to provide road names and he said that he has asked applicant for 3 names to submit. Mr. Smith asked why the Board was not asking for specific house and septic information. Mr. Smith said that if the Board was so inclined they could ask for A- typical plans. Mrs. Osterhout asked if the applicant has plans to provide this information. Attorney Smith said they would provide anything necessary. Mr. Record inquired as to the dispersion of these lots and Attorney Smith said that some will be gifted out. General discussion and reference to the Johnsbury Land Use Plan allows for the Planning Board to waive the A-typical designs. Attorney Smith asked to waive this item. The Board informed Attorney Smith he needs to provide remaining density and road name possibilities.

Board will place Thissell on the Agenda for a Public Hearing and will need a finalized vicinity map.

Chairpersons Report

Mrs. Osterhout advised the Board that Ward Hill has made recent inquiries and via a letter from the APA, the applicants have unresolved issues from 2003 that need to be addressed.

Subdivisions

Mrs. Osterhout asked in the absence of a ZEO would the Board be interested in volunteering to check on approved subdivisions for compliance. Mr. Record said that he would rather see all the Board members meet at the sites. Mr. Smith said that he would be willing to take on a project.

Meeting Date

Mrs. Osterhout asked the Board to confirm that they would keep the meetings on the fourth Monday of each month. The Board members have agreed.

Laura's

Mr. Klippel asked if Laura Mace was informed of the restrictions placed on her via the letter from the Department of Health. Mrs. Osterhout said yes she has received this letter. Mr. Klippel mentioned that the seating was restricted to 15 seats upstairs.

Route 28 Trailer

Mr. Heidrich asked who owned the trailer on Rt. 28 and Mrs. Osterhout said that in conversations with law enforcement she found the trailer in on the owners' property and that of the State Highway. Any enforcement would have to come from Department of Transportation as they are the only ones who can do anything. At this time there has been no DOT action.

A motion to adjourn, presented by Mr. Heidrich and seconded by Mr. Klippel, was voted and approved by all in favor no one opposed and no one abstaining. Meeting adjourned at 9:17 PM.

Respectfully yours,

Marion Monroe, Secretary