

Johnsburg Planning Board Minutes
April 27, 2009

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

Guests: See attached

General Meeting

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

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 by Mr. Smith, and seconded by Mr. Record, a vote determined all were in favor, no one opposed motion granted.

Mrs. Osterhout introduced the new member. Mr. M. Klippel has joined the Board as an alternate member. Mrs. Osterhout explained that the alternate member sits in on all meetings to be kept informed as they could be called to be an active member any time a regular member is out. Mr. Klippel will be a voting member in the place of Mrs. Comstock at this meeting.

Amended Site Plan #123-06A John McAlonen
Mr. McAlonen not present item tabled.

Mr. Record recused himself and left the members table.

Site Plan Application #145-09 North Creek Farmers Market

Mrs. Osterhout informed all present that she had received a message at home late on Friday saying that it was OK with the county that applicants can operate at that location. Mrs. Osterhout explained to Ms. Thomas that the Board needs to have a specific form completed before they can proceed. As that form has not transferred to the correct department Mrs. Monroe will take it to the county 4/28/2009 for completion. Ms. Williams gave a general overview of the plans for the signs as Event Manager will place the requested signs on the day of the event and pick them up that evening. The requested locations are included in the file. Applicants asking for 14 signs to be used. Mr. Sanantonio asked what date the applicants would be starting. Ms. Williams responded June 11, 2009. The Farmers Market may not be in full force at that time but will start with what they have. Mrs. Heckett asked about the fee to which Ms. Williams responded there is a \$35.00 membership fee and a \$99.00 fee for the season for a 10 foot spot. Mrs. Osterhout said that there appeared to be

no issues with the Board however a decision could not be made until the Agency Designation Form had been completed and returned.

Mr. Record returned to the table.

Preliminary Presentation Thissell Subdivision

Presenter Attorney D. Smith

General discussion disclosed that there were 2 cemeteries that were not an issue. The private road planned will more than service the planned lots. There is a plan to use the 1000 ft. of private road from Bartman Road. The beginning is actually a right of way for Ordway's and without that distance the Private Road length will be 1000 feet. Lot 3 is clearly over the 12% grade from Thissell road and under from Bartman Road. There is a 5 acre lot that Attorney Smith has advised the applicant if he wishes to sell this he will need to add it to the rest which will make it an A project per APA. Attorney Smith will secure another non-jurisdictional letter. Attorney Smith not ready for a Public Hearing as they have to change information to include the 5 acre lot mentioned above. Mr. Record asked about the lines on the map in the cemetery areas and Attorney Smith replied that one line indicated a stone wall and the other an abandoned road. Mrs. Osterhout reminded Attorney Smith that the road will have to be named prior to approval.

Preliminary Presentation Vogel

Mr. and Mrs. Vogel presenting a subdivision application for a 4lot subdivision on Route 28 about 5 or 6 miles south of Route 8. Applicant has a 3 lot APA approved plan bout would now like 4 lots of approximately 15 acres, with one lot retaining the balance of the property. Applicants are looking for approval and the APA has issued a permit. Mrs. Osterhout informed the applicants that the next step will be for the Board to schedule a public hearing. Mrs. Vogel to contact Mrs. Monroe for more information. A general discussion about the Pasco Road history showed that any Pasco Road change would not affect this project. Mr. Smith said that the requirements discussed were based on the proximity to the Hudson River. The Board scheduled a Public Hearing for May meeting.

Mrs. Osterhout explained that the next scheduled meeting falls on Memorial Day. The Board suggested that the meeting be backed up to May 18, 2009. With a motion from Mr. Record and a second from Mr. Smith and a vote of all in favor the May meeting will be held on May 18, 2009.

Front Street Amendment.

Attorney Smith explained that due to the Build it or Bond It Ordinance requirement and the state of the economy applicants are asking to change Phase 1A.

Applicants are asking for Phase 1A to include only the 34 room lodge and 4 townhouses. The change indicates that the building referred to as Hudson Lodge would now be included in a later Phase. Attorney Smith said that DEC and Health approvals are near. Mrs. Osterhout said that it could require a Public Hearing. Attorney Smith asked to waive the Public Hearing. Mr. Record asked if the applicant would be returning and Attorney Smith said yes they will be asking for small tweaks for the project naming them 1B, 1C etc. Mr. Record asked when the

applicant plans to start and Attorney Smith said that he cannot answer that question. General discussion revealed that as this request is a request for lesser disturbance of the property and therefore a Public Hearing would be waived. A motion to approve amendment Front Street Application Phase 1A, on the conditions that applicants receive all DEC and Health Department required was entered by Mr. Record and a second from Mr. Smith. A vote determined all were in favor no one opposed and no one abstained, motion carried.

Preliminary Site Plan Mrs. Heckett

Mrs. Heckett asked to do a preliminary presentation as she is in negotiation to purchase the property formerly known as Conway's Store. The contract has not yet been finalized and her interest depends on possibility of reopening the store. The applicants have multiple years experience in grill and food service as well as financial experience. Applicants have checked local and county requirements and are making plans for required building updates. They have investigated the past contamination problem and all have been sufficiently corrected. Applicants have also contacted Ag and Market division and have clarified all requirements with that area. Mrs. Osterhout asked if the applicants were considering selling gas and the reply by Mr. Heckett was no. Mrs. Heckett said that DEC requirements for water and septic would be met. Mrs. Osterhout advised the applicant that septic size, location and condition information would be required for Site Plan review. Also there are sign requirements that Mrs. Heckett would need to follow. Mr. Sanantonio advised the location of the septic. Applicant said there would be 2 restrooms. Mr. Record said that the applicant might need to check the distance between the well and septic. Mr. Smith said that the septic might not need to be moved if there is no failure detected, but if there is a problem they may be required to move it. Mr. Record also informed the applicant that he would like to see some curb cuts to indicate entrance and exit to allow for safety sake. Mrs. Osterhout said with the exception of these few housekeeping items, there seems to be no issues. Mr. Smith also informed the applicants that they could do an Agency Designation form if they would like to begin the process prior to the actual closing. Mrs. Heckett asked what other business could be conducted under this Site Plan and Mrs. Osterhout answered that if there was no change of use they would not have to come back. If however the applicant got approval for a deli market and changed from retail they would have to come back for an amendment to their Site Plan.

Site Plan Amendment Pricing

Mrs. Osterhout explained to the Board that the Town Board makes the fee schedule but there is nothing on the fee schedule for Site Plan Amendments. Mrs. Osterhout thought that there should be a fee set, perhaps enough to discourage constant changes but not so much that it would discourage people from following the correct procedure. General discussion disclosed that Mr. Record felt that there was no need for a fee if it does not happen frequently. Mr. Vanselow said that any additional costs could be recouped (ex: legal or engineering fees). Mr. Smith suggested that the Board not go with an amendment change but an applicant should not get approval for a 14' building and then build a 35' building. Mr. Klippel asked about penalties being issued and Mrs. Osterhout replied that the Town Board would need to

approve any penalties. General consensus of the Board is to continue as is and not implement a charge.

General discussion of Mr. McAlonen

Does the Board want to give the applicant in writing that the Board will have a Stop Work Order issued if he does not comply? Mr. Smith asked Mr. Tuttle if he could rescind a compliance certificate, to which Mr. Tuttle answered yes but his last day on this job is Thursday, and there will be no one to follow through. A motion for Mr. Tuttle to start the stop work order on Thursday April 30 was presented by Mr. Smith and seconded by Mr. Record. A vote determined all were in favor no one opposed and no one abstaining, motion carried. Mrs. Monroe to notify Mr. McAlonen the way to comply was to come to the meeting and amend his Site Plan. The three items to be addressed are building height and footprint, side line set back and possible fencing.

Mr. Tuttle Report

Mr. Tuttle advised the Board that in Maine, subdivision approval reviews, there is a requirement that the developer place an underground water storage unit for emergencies. He said that as a fireman it is difficult to get water to a fire especially in the winter. Mr. Record said that this is an idea that should certainly be followed up on. Mrs. Osterhout said that if Mr. Tuttle wanted to inform the Fire Chiefs, and it is something they would like to see, they should send the Planning Board a letter of request. The Board at that time will continue to investigate what it would take to act on this item.

Mr. Vanselow reported that the Town Board is advertising for a new ZEO and that they are working on rewriting the job requirements. The Town Board is to appoint the position.

A motion by Mr. Record and seconded by Mr. Klippel for the Chairperson is to meet with the Town Attorney and will determine what the next step should be regarding Christine's. Determination was that Christine needs to pay the fee and attend the next meeting on May 18, 2009.

Mr. Record inquired about past projects and how many units were required before the applicant needed to put in a second emergency exit. Mrs. Osterhout said that information would have to be gathered. Also there is a residence on Ordway lane that has multiple road signs. Mrs. Osterhout will also inquire as to that answer.

With a motion to adjourn by Mr. Record and a second by Mr. Smith, a vote determined all in favor motion carried. Meeting adjourned 8:55 PM

Respectfully yours,

Marion Monroe, Secretary

