

**Johnsburg Planning Board Minutes
August 18, 2008**

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

Guests: See attached

Open Regular Meeting: 7:12 PM

Minutes:

Corrections Mr. Heidrich asked to include the word question in regards to the fourth paragraph on page three discussing the Baxter Mountain road issues. With a motion by Mr. Heidrich and a second by Mrs. Comstock, and a vote of all in favor no one opposed and no one abstaining motion was approved. Minutes approved as corrected.

Site Plan Application #141-08 Mrs. Fahy

Mrs. Fahy described the subject property as 107 acres with an existing residence and barn. Her plan is to build a 2431 square foot barn with a 10 acre paddock and a split rail fence around the barn area. The existing residence will be used only for the bathroom facilities. The new barn will contain ten stalls with four to be used for personal horses and the remaining to be used for guest horses they can bring with them and use while staying at the Lodge. Mrs. Fehey also said there will be riding lessons. Mrs. Osterhout asked if this property was adjoining the Lodge and the applicant replied no. General discussion determined that the horse use would be partially on the road and through trails on the property. As the Board had no more questions Mr. Heidrich presented the motion to approve Site Plan Application #141-08 for Apple Hill Farms and with a second by Mrs. Comstock a vote determined all were in favor with no one opposed and no one abstaining. Motion approved as presented.

**Preliminary Presentation Arsenault
Subdivision Application #197-08**

Mrs. Osterhout informed Mr. Arsenault that he needs to get the Agency Designation Form filled out and returned for the Board to consider this application. Mr. Arsenault informed the Board that previously he had applied and been granted a Variance to build a porch to the existing property line. Since this approval the adjoining property owner and applicant have come to an agreement of the purchase of ¼ acre to be added to the Arsenault property. There for the applicant can extend

the original size approved by Zoning to all be located on his property, eliminating the need for the Variance. A motion to hold a Public Hearing, conditional to Mr. Arsenault obtaining the completed Agency Designation Form, on September 15, 2008 at 7:00 PM was placed by Mr. Heidrich and seconded by Mr. Smith. A vote determined all were in favor no one opposed.

Chair Person Report

Mrs. Osterhout informed the Board that Mr. Dougherty has advertised a new business as Dillon Hill B&B and general consensus of the Board is that they need to apply for a Site Plan. Board asked for a Site Visit by the ZEO or a letter to be sent by the Secretary to have Mr. Dougherty submit a completed application for the September meeting.

Ski Bowl Café”

Mrs. Osterhout informed the Board that Mr. Stoddard had promised a 20’ driving surface has been corrected. Mr. Stoddard however has more than one sign and that issue needs to be corrected. Secretary to contact Mr. Tuttle to talk to Mr. Stoddard. Mr. Vanselow commented on Town Boards opinion is to support Site Plan. Also ask Mr. Stoddard for a revised parking plan as constructed and remove all of his nonconforming signs or needs a variance.

Laura’s

Mrs. Osterhout informed the Board that at the time of Site Plan Application Ms. Mace said that she would not serve any food that had to be cooked. She was planning on Bar Snacks that did not require cooking. It has come to the attention of the Board that she is now serving hamburger and fries. The Board requested that the Secretary ask Mr. Tuttle to notify Ms. Mace or write her a letter informing her she needs to amend her Site Plan to include cooking for September’s meeting.

Tall Timbers

Mrs. Osterhout has sent a letter to APA and their application will be heard in September; however that does not eliminate the need for them to answer the 27 points raised by Clough Harbour. Mr. Heidrich asked what applicants were doing about erosion at the East Holcomb Street Location. Mrs. Osterhout said that at her meeting with Mr. Taber they are aware of the issue and will address it. Mr. Heidrich asked about River Road and Mrs. Osterhout said that they gave her a letter of June 2007 from Curtis Richard that the road proved to be adequate for construction and the traffic for the project. Mr. Heidrich heard Mr. Richards say there was no money for road improvements. Mr. Vanselow stated it depends on the year, example this year no black topping however next year maybe. Mr. Heidrich said he is not comfortable with black topping a substandard road. Mr. Vanselow would like to hold a meeting with the applicant, National Grid and the Town to discuss possible widening of River Road. The Planning Board has not given final approval so they still have time to ask for more. Mrs. Osterhout will have to investigate further with Attorney Jordan and others. The Planning Board still has final say before signing maps.

Baxter Mountain

Mrs. Osterhout said that at the last meeting road issues for this project were discussed. She stated that she has ridden up there and the road appears wider and that the Board has received a stamped and signed road plan. At the time of that visit she had noticed large gouges out of the road from recent rains. Since that visit Mr. Jones has made runoff corrections as well as corrected some grading. Mrs. Osterhout asked if the runoff has been corrected by the electric on Lot 1. Mr. Jones said that they had built a barrier to eliminate the runoff reaching the power box. Mrs. Osterhout said that the Board had received a letter from Smith and Simon and one from Mr. Hutchins regarding construction of the road and its compliance. Mr. Simon had spoken to the APA and applicant agreed to straight road due to visibility of Zig Zag design. Mr. Hutchins stated that his letter was based on Mr. Simons letter that it was the Ape's design, asking for this to be reflected. Mrs. Osterhout asked if the Board has anymore questions. Would you like to do another site visit? Mrs. Osterhout said that the Board still had not received the core sample that had been requested. Mr. Simon asked Mr. Hutchins his suggestions and Mr. Hutchins replied to dig a trench and measure that way, as it is much easier to replace. Mrs. Osterhout asked about how the Board felt about a Site Visit or questions for Mr. Jones or Mr. Hutchins. Mrs. Osterhout asked if the washout area had been corrected and Mr. Jones said yes. In Mr. Hutchins letter he referenced the steps taken as required by the County to route water near intersection to run into ditch for Peaceful Valley Road. Mrs. Osterhout asked if this had been corrected and Mr. Jones said he has corrected as well as he could due to a very large stump and rock. Mr. Heidrich asked if the Fire Chief had been notified and Mrs. Osterhout said that they would not notify him until the Road was deemed complete and in compliance by Mr. Jones and applicant. Mr. Simon asked what happens if the road meets all specks and the Fire Chief still does not approve. Mrs. Osterhout asked if the ditch referred to by Mr. Hutchins had been seeded and Mr. Jones said yes. General Discussion disclosed that Mr. Hutchins had incorporated a pond collection system to address the issue with runoff at the connection with Peaceful Valley Road. This plan was agreed to by APA representative and answers the question of generally meeting accepted methods of treatment. Mr. Smith asked if it was always the intent to allow water to run off in field toward adjoining land owners. Mr. Hutchins stated that the left hand side needed to be dealt with as the land will dissipate. Mr. Jones said that he had generally followed the APA recommendations however he had graded so much he could not guarantee exact depths. Board determined that they would like to take another Site Visit on Monday August 25, 2008 at 6:00PM. Mrs. Osterhout to ask Mr. Hitchcock, Fire Chief, to join them. Mrs. Osterhout asked if the Board was still requesting a Core Sample or are the supporting letters and documents sufficient. The Board determined to accept the documentation, with a motion by Mr. Smith and a second by Mr. Heidrich and a vote of all in favor, no one opposed and no one abstaining. Mrs. Osterhout said the Board will make its final decision at the September meeting. Attorney Simon asked what if the Fire Chief still refuses and Mrs. Osterhout replied that would be a Town Board issue. Mrs. Osterhout said that if the applicant has met all Subdivision Regulations then the Board cannot deny

application. Mr. Vanselow suggested Mr. Simon contact Mr. Lemery at the County as he feels that he would be the person to supply that information.

Mr. Vanselow asked if the Board would again like to have the Chairperson be able to sign lot line adjustments. Also was there still an Alternate Member for the Planning Board? The Board determined it would be good if the Chair could sign lot line adjustments, and there had been no notification that Mr. Osterhout had vacated the Alternate post.

Mr. Smith presented a motion to adjourn at 8:38 and with a second from Mrs. Comstock, a vote determined all were in favor and no one opposed. Meeting adjourned at 8:38 PM.

Respectfully,

Marion Monroe, Secretary