

**Johnsburg Planning Board Minutes
March 23, 2009**

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

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. Mr. Smith requested to have his name removed from the incorrect area in the attendance area of the prior minutes. A motion to approve the minutes as corrected by Mr. Heidrich, and seconded by Mr. Record, a vote determined all were in favor, motion granted.

Mr. Record recused himself and left the members table.

Site Plan Application #145-09 North Creek Farmers Market

Mrs. Osterhout announced that the application was not complete it was missing the Agency Designation Form. The presenter for this item is not in attendance at this time. Board tabled this item until later in the meeting.

Mr. Record returned to the table.

Preliminary Presentation Ward Hill

Mr. James Easton from L.A Group is the presenter for this project. General discussion disclosed that the project still holds a request for 11 lots however the requested road was too steep to meet the Town requirements. The lot sizes have not changed only the lot configuration has changed as the road change has affected some of the lots. Mr. Easton said with the new curvature and alignment the road can meet all existing requirements. Applicant is requesting Sketch Plan approval at this time. This plan shows that all lots and road plans are compliant to Town and APA requirements. Mrs. Osterhout informed the Board that this plan had been presented to the Board before. At that time the entrance planned was too steep to meet roadway requirements. Mr. Easton said that blasting will be necessary but the requirements could be met. Mr. Record stated that this will need to come to Public Hearing and that people had come to the last one to comment. Mr. Record also informed the presenter that the new regulations say 10% maximum grade. Mr. Easton said that the Town regulations refer back to the 12% grade over 150' segment. Mr. Smith asked if access is under agreement. Mr. Easton replied that the

50' access is in fact part of the total parcel of the planned project. Mr. Smith asked if Mr. Easton had any comments at this time about runoff drainage. Mr. Easton replied that he had no specific comments however that runoff and drainage would be constructed to DEC conditions. Mr. Record asked about the drainage on Iroquois Way. Mr. Easton said the plan would take care of a lot of the water currently created by the slope of the planned site. Mr. Record asked what fire district this plan was in. Answer, it is the Bakers Mills Fire District. Mrs. Osterhout informed the presenter that the Town now requires a fund be set up to cover any expenses incurred by the Town. The fund amount would be determined and periodically another amount could be required to cover expenses. At the end of the project any over payment would be returned. Board determined that the Fire Company involved would be notified by a letter. Mr. Record suggested that a letter be sent now to inform the Fire Company of intent to develop. Mrs. Osterhout said that normally the letter would not be sent until final presentation. Mr. Record suggested an informational letter of intent to be sent now and a notification letter sent at the time of final presentation. Mr. Heidrich questioned placement of the arrow on Lot 9 to which Mr. Easton said the arrow was not in the correct location. Mr. Heidrich said that there were letters attached to the presentation package indicating that the applicant must return to these interested departments. Mr. Easton said the letters were included primarily to provide information pertaining to completing SEQR. Mr. Smith asked if this plan was based on a surveyed parcel. Mr. Easton replied that this plan was done on an Aerial view with overlays. Mr. Smith stated that the plan shows there are two storm water ponds planned and asked how the water will get to the ponds. Mr. Easton replied that gravity will be used with some piping to direct the water to the ponds. Mr. Smith asked if the plans included crossing lots for piping. Mr. Easton replied that there will be agreements. Mr. Record asked about the total acreage per lot. Mr. Easton said that he did not have a defining answer however the total acreage is 200 plus. As there were no further questions Mrs. Osterhout explained that the Board does not have a set approval for Sketch Plans however what had been submitted had been accepted.

Mr. Record recused himself and left the table.

Site Plan Application #145-09 North Creek Farmers Market

Barbara Thomas presented for this applicant. Ms. Thomas did not have the required form however Mrs. SanAntonio has sent it to Mrs. Tattish and has requested that she fill it out and return it to her. Ms. Thomas informed the Board that in general the plan was to run the market on Thursdays from 4 to 7 PM from the first part of July until October. The planned site is the pavilion at the Train Station location and parking for the Station will be used. Mrs. Osterhout said that it would be important for the committee to look into the Train Schedule as that might hinder parking plans. Mr. Smith asked about licensing requirements. To which Ms. Thomas replied that the sellers would be licensed by the Agriculture and Markets departments. Mr. Pelton asked if there will be other vendors allowed. Ms. Thomas replied that there will be some other vendors. Mr. Smith asked if they would allow vendors that might drive to a location to purchase items to come to this location to

sell. Ms. Thomas replied that the preference was to utilize larger farms in the area. Mr. Heidrich asked who specifically the organizer was. Ms. Thomas replied that it would be the North Creek Farmers Market Association, with the County being the originator and organizer. Mrs. Osterhout said the first thing needed was the Agency Designation Form, then it was important that the planned parking arrangement would work with the Rail Road Schedule. Mr. Smith inquired about the signs. Ms. Thomas said that the signs would be corrugated and could hopefully be set along Main Street. Mrs. Osterhout said that Site Plan regulations would require specific location and number of signs. Mr. Heidrich asked if she could explain who filled out the application. Ms. Thomas said whoever had crossed out that entry had probably been confused as to what the application was asking for. Mr. Record said that as a Business man and recused Board Member he would like to state what a good thing this would be for the community. He also explained that a grower did not need an Agriculture and Marketing license however if you were to prepare to sell you must be licensed. Mr. Record also suggested that the applicants get written approval to use parking to avoid any conflicts. Ms. Thomas will get written approval prior to next meeting.

Mr. Record returned to the table.

Mr. Vanselow informed the Board that Mr. Stoddard had come to the Town Board to state he felt that he was being signaled out by the Planning Board. The Town Board however informed him that they did not get involved in the Planning Board business. Mrs. Osterhout informed the Board that Mr. Tuttle had given Mr. Stoddard notice that he could be fined for noncompliance. General discussion disclosed that Mr. Vanselow had explained the facts to Mr. Stoddard that the Site Plan approval he had applied for and received had specific items that he had immediately proceeded to go against. The Site Plan that he had received was in essence an agreement with the Town via the Planning Board that he had agreed to. Once approved the plan must be followed precisely as presented and approved and any deviation would be considered a violation. Mr. Stoddard must live up to his agreement. Mrs. Osterhout asked where this could go from here regarding a fine or Town Board action. Mr. Vanselow said that the Town Board would have to consult the Town Attorney and go from there. Mr. Smith asked Mr. Tuttle if the notice he had given had a definite date, or given the offender a set time. Mr. Tuttle said yes. Board members asked for a copy of the list Mr. Stoddard had presented the Town Board. Mr. Tuttle has one. Mrs. Osterhout read the notice sent to Mr. Stoddard. Mr. Smith said that if the offence is a violation of Site Plan then it should be handled as such. Mrs. Osterhout expressed the importance of enforcement of the diligent work done by the Planning Board. With a motion from Mr. Smith and a second from Mr. Record a vote of 5 for and 1 abstaining to send a letter the Town Board regarding the Mr. Stoddard situation. (For Mrs. Osterhout, Mr. Record, Mr. SanAntonio, Mr. Smith and Mr. Heidrich. Abstaining Mr. Pelton.)

Chairperson Report

Mrs. Osterhout told the Board that Mr. McAlonen has built a building that is larger than the approved plan and that the building is not in the approved location. Recommendation, to send a letter to the offender to explain that he needs to come into compliance by amending his approved plan. He will need a variance to comply with the setback infringement and to amend his Site Plan to comply with the building height.

Christine's'

Mr. Record recommends that a letter be sent notifying her of her violations and that she needs to come into compliance. The Planning Board needs your presence and completed application with fees prior to the next meeting, or the Board will forward the information to the Town Board for enforcement.

Mrs. Osterhout would like to thank Mr. Tuttle for his information and attendance as it is helpful to the Board.

Mr. Heidrich asked what the Sodom Church was doing. Mr. Tuttle said that it is building an addition less than 25% of original foot print. Mr. Heidrich asked about information or action on Cell Tower interests. General discussion states that there has been some inquiries but no sincere interest as of yet. Mr. Vanselow stated that the Supervisor has dealt with several but no one plan has been solidified.

Mrs. Osterhout announced that an alternate member has been appointed however he was not present. Matt Klippel.

Mr. Pelton informed the Board that Mrs. Deppe has asked the Board to remember and try to pass on the merged wording on deeds of property being subdivided with at least one parcel to be merged.

Mr. Record recusing himself said that it is to the NC Farmers Market' advantage to get the parking information in writing. This would allow for guaranteed parking. Mr. Vanselow added that it would be to the Market' advantage to be operating while the trains were running.

With a motion by Mr. Heidrich and a second by Mrs. Osterhout, and a vote of all in favor, the meeting was adjourned at 8:35 P.M.

Respectfully yours,

Marion Monroe, Secretary