

**Johnsburg Planning Board Minutes  
Meeting May 19, 2008**

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

**Guests:** Lewis Hitchcock, Bob Austin, Attorney Rob Simon and Mark Bergman

**Guests:** See attached. Tannery Pond Community Center Meeting

**Open meeting at Baxter Mountain 6:02 PM**

**Mr. Record presented a letter with 10 points to be reviewed. The Board studied the site and went over each point (See attached). A general discussion deemed that the property entrance to phase II was an acute L, black top requirement is 20' and measurements confirm that it is only 13' in some areas. Mr. Hitchcock said that for two fire trucks to pass the road needs to be 21' to 24' wide. Storm water drainage has obstacles in the way; most of the storm water missed the planned collection pond. The grade of the road has been deemed to be too steep and Mr. Smith measured roughly 17% to 18%. The APA has determined that the road grade must meet town standards. Mrs. Osterhout informed everyone present that the APA also had an issue with the number of lots proposed. With a motion from Mr. Record and a second from Mr. Heidrich the Board adjourned this location and moved the meeting to Tannery Pond at 6:28 PM**

**Open Regular Meeting: 7:05 PM**

**Minutes:**

**The minutes were approved as written as all were in favor no one opposed and no one abstained.**

**Site Plan Application #139-08 Oasis Massage Parlor  
Applicant needs to submit a sign design.**

**Site Plan Application #137-08 Ski Bowl Café'**

**Mr. Stoddard must appear before the Board to answer any questions. Mr. Record has questions about the structure of the building. It was decided that the county would review structure. Secretary to check with the county to verify their knowledge. Review tabled until applicant is present.**

### **Preliminary Presentation**

**Attorney DeSantis presented a plan to do a Class B subdivision on Peaceful Valley Road. Applicants plan to do a two-lot subdivision with a shared drive. Mrs. Osterhout said the applicants need a written agreement as to the drive to determine responsibility for maintenance. Attorney DeSantis will provide this requirement. Mr. DeSantis explained that the applicants will build a new residence and rent the existing one therefore if they did not subdivide the applicants would have to have the property as commercial. ATT. DeSantis requested a Public Hearing on this application at the June meeting. Mr. Heidrich asked if there were wet lands present and the answer was yes, they will be on the property retained by the applicants. Mr. Record asked if the State was the abutting landowners and the reply was yes. Mrs. Osterhout informed ATT. DeSantis that 911 addresses would be required. Mr. Record said that at one time the snowmobile trail went across that property as a pass through to the Inn on Gore and asked about the applicants' opinion on that issue. ATT. DeSantis will get that information.**

### **Site Plan Application #139-08 Oasis Massage**

**Mrs. Osterhout said that the property owner must sign an Agency Designation Form. Mrs. Osterhout also inquired about handicap accessibility. She informed the applicant they must comply it might be as simple as signage at the foot of the stairs to indicate how that will be satisfied. Applicant explained that massage therapists would travel to the homes of disabled. Mr. Woodlund said that persons disabled should need to prove they needed home care. Mrs. Osterhout said the Board would be remiss if they did not inform applicant of known requirements. Applicant informed the Board that she has spoken with ZEO Mr. Tuttle and the sign will meet Town requirements. Mr. Record inquired about the condition of the stairs and applicant replied that they were replaced a short time ago. The Board inquired about an emergency escape and the landlord will supply emergency stairs. With a motion by Mr. Record and a second by Mr. Heidrich to approve Application #139-08 with the conditions that the sign meet Town requirements and emergency stairs will be provided. A vote determined all were in favor with no one opposed and no one abstaining. Motion approved.**

### **Site Plan Application #138-08A Ski Bowl Café'**

**Mr. Pelton abstaining. Left the table.**

**Mr. Stoddard now present answered questions and concerns. Mrs. Osterhout said that the original approval did not include the additions Mr. Stoddard had done so he had to come back to the Board to submit new plans. Mr. Stoddard explained that he had done all he was aware of for compliance of the addition. Mrs. Osterhout asked about the use of the spaces added. Mr. Stoddard explained that he intends to use the portion of the original porch for additional inside seating and the deck for outside seating. The total seating not to exceed 28. The septic system will meet plans however applicants will install a new one plans submitted. The Board required a new plot plan of improvements prior to June meeting. Mr. Record inquired as to the employment of Mr. Stoddard by the Town of Thurman and his reply was he is the Zoning Enforcement Officer as well as a member of the Board. Mr. Record asked**

the applicant what other projects need to be done and Mr. Stoddard explained that he needs to improve the drive to the original approval stipulations. Mr. Record asked the applicant about the tree cutting and Mr. Stoddard said the trees on the State Right of Way would be cut by the State.

#### **Chairpersons Report**

Mrs. Osterhout submitted the letter from Front Street. Mr. Vanselow asked what are the applicants looking for approval for? Mrs. Osterhout explained that the Board is responsible for Subdivision approval and Site Plan approval will come from APA.

Mrs. Osterhout read the letter from Tall Timbers regarding withdrawal of waivers for parking and signs, as Attorney Jordan determined they must be variances by the Zoning Board of Appeals. Mrs. Osterhout informed that there are still several questions the applicants must answer from previous review by Clough Harbour. Under class A the APA will approve Site Plan projects the Board will give Subdivision approval only. In reference to the letter written Mr. Record inquired as to the determination of the Zoning Board. The letter incorrectly stated a May 2, 2008 meeting date and the date is actually June 2, 2008. Mr. Heidrich stated that even though the reviews did seem duplicative it is the Board responsibility that all Town requirements are met.

#### **Baxter Mountain**

The Board met at the property at 6:00 PM today's date to seek first hand information to better address the issues at hand. Mrs. Osterhout said that the APA had contacted her and determined the applicant could not receive the four lots requested as they round up for density but the local ordinance does not. Mr. Hutchins has sent a letter regarding the road specks however he did not address the make up of the road. Mr. Jim Jones is making the repair work necessary and Mrs. Osterhout asked how he determined the grade? Mr. Jones answered that he uses a site level and he got a grade of 15%. Mr. Record said that the applicant is a surveyor and knows the local requirements and the applicant is working on the road to bring it in to compliance. Mrs. Osterhout advised the Board that Attorney Jordan's determination was that the new Town Ordinance now requires 12% grade. Also there is the issue of the road width only being 13' to 14' wide with the requirement being 20'. Mr. Hitchcock felt that the cul-de-sac entrance needs to be more level and that the ditch on the high side is at least 4' deep with a required 2' depth. Mr. Record inquired about the Storm Water run off going onto other property and Mr. Jones answered that was a plan design to run it in to a seasonal stream. Mr. Record informed all present that the cul-de-sac drainage needed work as it now runs right to and beyond the transformers. Mr. Record inquired about the 60 acres behind Phase II with Attorney Simon saying that the applicant's intention is for recreation only. Mr. Jones said that the soil would not support further development. Mrs. Osterhout said that the Board could place requirements, as with the Morris property the Board required a sprinkler system for fire protection. Mr. Record asked Mr. Smith as a former fire chief could Mr. Hitchcock refuse fire protection. Mr. Smith said his first responsibility is of his men and

**equipment and that during dangerous conditions he has the right to refuse to put them in harms way. As for the entrance the County has the final say of the degree of entry from Peaceful Valley Road. Mr. Record reminds everyone of the problems with Peaceful Valley Townhouses and the 20' width requirements will prevail.**

**APA under the new Ordinance needs a letter from the Board regarding any issues with the Board about the Benton subdivision. With a motion from Mr. Record and a second from Mr. Heidrich to send the letter saying there were none, Mrs. Osterhout signed a Local Information Form, to be sent by the secretary. Form stating there was no other concerns or comments by the Planning Board. A vote determined all in favor no one opposed and no one abstaining. Motion carried.**

**In response to a motion by Mr. Record and a second by Mr. Heidrich. With all in favor no one opposed and no one abstaining. Mrs. Osterhout signed a form requested by the APA regarding Prashaw and Cleveland conveyance of .19 acres.**

**Mr. Smith presented a motion for Mrs. Osterhout to sign Local Government Form for the Cameron subdivision. Mr. Record entered a second all were in favor no one opposed and no one abstaining, motion carried.**

**Mr. Record asked about the Site Plan Request for the Bridge workers and Mrs. Osterhout said she had requested in writing for the ZEO to look into it. The ZEO reported that he did not act on request of the Supervisor. Mrs. Osterhout to inquire about this issue.**

**With a motion by Mr. Record and a second by Mr. Smith and a vote of all in favor the meeting was adjourned at 8:52 PM.**

**Respectfully,**

**Marion Monroe, Secretary**