

**Johnsburg Planning Board Minutes
November 17, 2008**

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

Guests: See attached

Open Public Hearing 7:00 PM

Subdivision Application #198-08 The Michaels Group

Representative Mr. Hutchins informed the Board that this application was for property on the Peaceful Valley Road bordered by Straight Brook and Peaceful Valley Road. The plan calls for a Three Lot Subdivision with a 100' buffer along Straight Brook and a 50' buffer along Peaceful Valley Road with a no cut with the exception of dead vegetation. Mr. Michaels explained that the Michaels Group are builders and could build a speck home on one parcel or could offer vacant lots or build on the lots before sale. That has not yet been determined however if vacant lots are sold there will be strict deed restrictions. Mr. Michaels and Mr. Hutchins had walked the property and have chosen the most ideal location for the buildings taking into consideration the brook and clearing. Mrs. Osterhout said that the Board would need a copy of the shared drive agreement to which Mr. Michaels replied that it would meet New York State standards and would be included in the deeds. Mr. Michaels will provide the Board with the agreement as soon as it is established. Mr. Smith asked if the discussion pertained to an arrangement rather than an offering plan. Mr. Michaels replied yes. Mr. Heidrich presented a motion to close the Public Hearing at 7:12 PM, and with a second from Mr. Record a vote determined all were in favor, with no one opposed and no one abstaining.

Regular Meeting called to order 7:12 P.M

Minutes

Mr. Record asked to have ENCON changed to DEC regarding paragraph one under the Public Hearing for Mr. and Mrs. Knickerbocker, and presented a motion to approve minutes with ENCON changed to DEC. With a second from Mr. Smith and a vote to all in favor, no one opposed and no one abstaining motion was approved.

Subdivision Application # 198-08 The Michaels Group

With no further questions Mr. Heidrich presented a motion to approve as presented and a second by Mr. Record, with an appreciation of reduced units previously

planned and placement, suggested that Mr. Smith have more time to review the presented SEQR form and then come back to the motion.

Invited guest Mr. Taylor

Mr. Taylor had been invited by the Board to discuss plans for his property on Route 28, where he is building a road or drive. Mrs. Osterhout explained that the Board had been aware of the road, and due to the possibility that the road will not meet current Town specks and therefore not be approvable. Mr. Taylor said that he had been able to keep the average grade of the road to 11.5%. Mr. Record believes the road must meet the 12% grade requirement in all. Mr. Taylor the road has been built to the old standards. He graded the road to the 1st level of the old mine. Applicant is not sure of final plans. He will determine what the best use will be. Mr. Record stated there is water coming down and there is a possibility of freezing. Mr. Taylor said he had addressed that issue by cleaning out the concrete slew and cleaning the debris from culverts. Mr. Taylor also has put water bars in along his road to direct water to go to the right and exit through the culverts under Rt. 28 toward Cunningham's. Mr. Taylor to remove the 17.7% grade.

Mrs. Osterhout informed the Board that their request for a written report on the Gore Electric property from Mr. Tuttle had been denied. Mr. Tuttle's reply was he does not do written reports. He will make notes on a written request from Mrs. Osterhout. He also declined the invitation to attend this meeting as a fire company representative as Monday evenings he is required to attend other meetings. The results of the new building location came out of a conversation Mr. McAlonen and his neighbor. Mrs. Osterhout asked Mr. Vanselow how the Board could get required information from the ZEO. Mr. Record presented a motion to send a letter to explain the actions to the Town Board. Mr. Pelton entered a second and a vote of all in favor no one opposed and no one abstaining motion was carried. Mr. Heidrich stated that all the years of his service to the Planning Board that was a requirement of the ZEO's job.

Mr. Smith stated that he had some experience in Environmental Assessment Forms and he has reviewed Part I and Part II and determined there was no need to go into Part III. Mr. Smith determined a negative impact on the Subdivision Application #198-08 for the Michaels Group. With the completion of Seqr a return to the motion entered by Mr. Heidrich and seconded by Mr. Record produced a vote of all in favor with no one opposed and no one abstaining. Motion carried.

Ski Bowl Café

Mr. Stoddard had been asked to provide the Board with a new diagram of the parking lot as constructed as it was not the same as approved with Site Plan. He did come with a drawing of the parking as is. Mr. Record asked if there had been a specific number of spaces required and Mr. Stoddard said that the required number was 11 and he actually has 14. Mr. Record asked about the location of the septic and its possible location under the blacktop. Mrs. Osterhout also reminded Mr. Stoddard that he had promised to go to the Zoning Board with a request for a

variance if he wanted more than one. Mr. Stoddard said that he felt that he was being picked on as he has noticed around town that others have more than one sign. Mr. Smith explained that this is a Site Plan issue not a sign issue. Mrs. Osterhout explained that some businesses were under the old Ordinance and Mr. Stoddard was under the new land use plan which only allows one. Mrs. Osterhout also notified Mr. Stoddard that the lighting for the building must be downward lighting and by definition must not light up adjoining properties. Mr. Pelton recused himself and left the table. Mrs. Osterhout informed Mr. Stoddard that the Town Code in question was Code #635 stating the light wattage must be of minimum wattage required for patron's safety and not infringe on others property or roads. Mr. Record asked if there had been a complaint lodged and the reply was yes. Mr. Stoddard said that the complainant said that his light lit up the adjoining back yard. Mr. Stoddard invited the Board to come to the property and check out the lighting situation. Mr. Pelton invited the Board and Mr. Stoddard to see the results on his property. Mr. Stoddard said that he had blocked out a portion of the lights that were infringing on others but had replaced the blocked out portion. Mr. Record said that the Board should schedule a visit to check out the lighting situation and check the septic system as well. Mr. Record encourages the applicant to try to resolve the lighting issue as he has a beautiful property and it would be best to just get the issue resolved.

Mrs. Osterhout informed the Board that she had read in a news article that the Barking Spider will soon be opened. General discussion revealed that there had only been preliminary presentation and no final approval had been given. Board asked that Secretary send a letter to Mr. McGraw for Site Plan.

Mrs. Osterhout informed the Board that she had requested the Secretary to send a letter and application to North Acres Bed and Breakfast as well.

Mr. Beaudin and Mr. Ellis informed the Board that they were under contract for the Copperfield Inn. Mrs. Osterhout explained that the Copperfield had never received a Site Plan approval as it was prior to Site Plan regulations in the Town of Johnsburg and as it has been closed for over one year the new owners would need Site Plan approval. Applicants need to pick up an application and get it filled out and returned to be placed on Agenda. If the applicants would like to apply before they close on the property they can have an agency designation form completed and turn it in with the application. Mr. Record said that as recent Bar and Restaurants have needed a Public Hearing did the Board feel that would be necessary with this business. General discussion disclosed that as the Copperfield had its own parking and had recently been an operating business they felt that a Public Hearing was not necessary.

Mrs. Osterhout asked if there were any other major concerns for the Planning Board to discuss with the Town Board. Mr. Sanantonio asked for more professionalism between the two boards. Mr. Heidrich does not understand the lack

of Job descriptions. Mr. Vanselow advised that the Town Board has been dealing with other important issues such as the budget and highway department.

Mr. Heidrich presented a motion to adjourn, seconded by Mr. Smith and with a vote of all in favor the meeting was adjourned at 8:20 PM.

Respectfully yours,

Marion Monroe, Secretary