

**Johnsburg Planning Board Minutes
October 20, 2008**

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

Guests: See attached

Open Public Hearing 7:00 PM

Site Plan Application #142-08 Mr. and Mrs. Knickerbocker

Mrs. Osterhout read a letter from Jay Reynolds received at this meeting. Mr. Reynolds was in opposition to this project for reasons including but not limited to, the setting of planned project, location, road condition and wetlands. (See attached). Mr. Record asked if there should be an overview of proposed project for audience members not aware of the plan. Mrs. Knickerbocker explained that they had purchased 40 acres of property to accommodate their business, an auto repair shop and their home. She explained that there would be two separate driveways one at the top of the hill for their home and the other closer to Johnsborg for the business. The garage for the business will be of a barn design pleasing to the eye and insulated to cut down on the noise. Mr. Sanantonio asked if applicants were aware that there were wetlands in the area. Mrs. Knickerbocker answered that their discussions with the APA indicated that there were no wetlands involved. Mrs. Reynolds said that DEC had sent her correspondence that said wetlands do exist in that area. Mrs. Osterhout asked how applicants would dispose of used oil and old tires. Mr. Knickerbocker said that the old tires would be stored discreetly and the used oil would be burned in an approved burner to supply heat. Mr. Record visited the site and feels the planned site is adequate for the proposed plan. He would like a more detailed lot design noting a fence if it is planned, the look of the building and planned site of well and any septic. Mrs. Osterhout asked if the commercial building has a dug support. Mr. Knickerbocker said yes it will have a four foot slab. Mr. Record asked if the residence drive is opposite the neighbors with the business drive further away, the applicants replied yes. Mrs. Osterhout inquired about the style of the barn building planned and the applicants replied that it is a modern barn style red and white in color. Mr. Heidrich asked if there will be one septic tank. Mr. Knickerbocker replied there will be two. One for business and one for the residence, and the size would be what size is required by County. Mrs. Osterhout asked if all auto parts would be stored inside. Applicant replied that yes they would. Mrs. Osterhout said that she would like to have the detailed plat plan to include parking and storage area indicated. Ex; tires, oil and auto parts areas indicated. Also the plat plan needs to have driveway completed it will not stop where indicated.

Screening will be decided after construction to meet the required privacy. Mr. Smith asked about battery storage and the applicant said that batteries will be picked up and left off at the same time. He felt that there would not be an abundant number at any one time as he will not store batteries. Mr. Smith asked the applicant the distance to the wet land area and he answered 150ft. to 175ft. Mr. Smith said again that a more detailed map would have answered these questions. Mr. Record said that he had inquired about applicant's current business and had received the reply that all was going well. He asked the applicants if there were any plans to sell cars and the applicant replied absolutely not. Mr. Sanantonio asked about clarification of wetlands and who would oversee that the Board's requirements are met and kept. Mrs. Osterhout said that it is the Planning Boards' job to see that all the Site Plan requirements are met and that if a complaint is lodged it is referred to the ZEO. The new Land Use Plan allows for fines and penalties if approved conditions are not adhered to. Mr. Sanantonio stated that there are many areas that are not up to approved standards and Mrs. Osterhout said that the old Use Plan did not include any allowable enforcement but the new one does and there are instances where the Board has held up sales due to noncompliance. Mr. Record said that is now why the Board needs input from the public voicing concerns. Mrs. Reynolds asked the applicants to just be aware of wetlands. Mr. Reynolds said just be a good neighbor and your neighbors will return the favor. Mr. Reynolds also said that he could walk with applicants and he would show them the location of wetlands. Mrs. Osterhout reviewed that a more detailed map is required. Mr. Record asked applicants to indicate any barriers planned. Mr. Heidrich asked if there had been a survey and the applicants replied that yes at some point. Mr. Smith said the Board was just looking for a scale map with detailed septic location, size, view of the building etc.

Mr. Record presented a motion to close the Public Hearing. With a second from Mr. Heidrich and a vote of all in favor, no one opposed and no one abstaining the motion was carried.

Regular Meeting called to order 7:43 PM

Minutes

Mrs. Osterhout suggested that the minutes be sent in rich text from now on. Mr. Record presented a motion to approve the minutes with the date corrected to the 15th and with a second from Mr. Heidrich a vote determined all were in favor with no one opposed and no one abstaining. Motion approved.

Site Plan application #142-08 Moxham Mountain Motors

Mrs. Osterhout said that information had been covered and regulations allow time to continue to next month. Mr. Record asked if the applicant needed to store up to 100 tires and the applicant replied yes that that number is required for pick up. Mr. Record asked about how long it would take to get to that number and the applicant said that he could estimate that in certain times of the year it would not take long.

Mr. Record asked if the waste oil would be stored in an approved tank and the applicant said yes a 275 gallon oil tank. Mrs. Osterhout asked if the stored oil would heat the building and the applicant replied yes. Mr. Record asked if the applicant has a contractor and the applicant replied that he will be doing the work himself, with the exception of the concrete work, to be done by a contractor. Mr. Heidrich asked who will do the septic work and the applicant answered he will do it himself.

Site Plan Application #128-06A

Applicant had to come back to the Planning Board to revise the original approval to include a restaurant. Ms. Mace said that the stairs will be to the right of the bar entrance door as the restaurant is going to be upstairs. She said there will be a fire exit in the back of the building. This will be a fire exit only. Mr. Heidrich asked if the restaurant plan is to have only one rest room. Applicant said yes however there will be an employee rest room that patrons could use. Mrs. Osterhout asked how many patrons the restaurant could service and the answer is approximately 50 there will be 16 tables. Mrs. Osterhout asked if applicant needed a separate liquor license. Ms. Mace replied that she needs to inform the Liquor Authority of any changes she is making. Mrs. Osterhout said that the applicant also needed to meet the fire codes. Mr. Heidrich asked what the status was with the health department. Ms. Mace said that they are waiting for final inspection after construction is complete. Mr. Heidrich asked what impact the restaurant will have on the existing septic system. Ms. Mace said that there would be less solid waste from the restaurant than the apartment that the waste will be primarily water. Mrs. Osterhout asked if there had been consideration to the weight bearing needs and Ms. Mace said yes there had been laminated beams installed where needed. Mr. Record said that there certainly was a need as community residents wanted more of a choice than what was available. Ms. Mace said she wanted to do this because of customer's requests for a place to eat. A motion was presented by Mr. Pelton with a second by Mr. Sanantonio, a vote determined all were in favor with no one opposed and Mr. Record abstaining.

Subdivision Application #130-07A Front Street Development

Attorney Smith representing advised the Board that they had final approval for Phase I and after submission to builders some revisions needed to be done. Because of Build it or Bond it the road would have to be built way out at great expense. The LA Group has brought the changes planned to the APA and they have indicated that the plan would be approved. Mr. Martin gave a description of the changes using the former approved plan and the new proposed plan. The reason for the change is planned road relocation to save some cut (Front Street South) and better visibility, thus creating an easier flow to the project. Mr. Record asked how the town site will be handled. Mr. Martin answered the site of the Town Garage will be handled by shrubbery and the entrance gate. He said the APA is approving the clearing and roadway for four units of the Town House building. The project in scope, magnitude and scale is the same as approved. The planned change is the same unit count; they are just being shuffled around. Nothing has been added or

eliminated. It is simply being split. Mr. Heidrich inquired as to the possibility of this change adding to the planned build out time. Mr. Martin answered no not at this time. Mrs. Osterhout asked what we have at this time from the APA. Mr. Martin explained that they have approved the clearing for four townhouse units and the road for Phase IA. The spokesman for the APA said they are confident they can approve the changes without a Public Hearing and commission approval. Mrs. Osterhout asked if the County had issued new 911 addresses and Mr. Martin replied yes. Mr. Martin also explained that all the heights still meet the previously approved heights. Attorney Smith and Mr. Martin said that the applicant was looking for conditional approval for building and bonding for Phase IA. Mr. Record presented a motion to grant conditional approval, pending APA approval, for Front Street Subdivision Application #130-07A amendment as presented. A second was entered by Mr. Heidrich and with a vote of all in favor no one opposed and no one abstaining, the motion was approved.

Preliminary Presentation

Mr. Hutchins did a preliminary presentation for The Michaels Group. Mr. Hutchins explained that the parcel was on Peaceful Valley Road. Applicants are asking for a three lot subdivision, measuring 2.5 acres 3.1 acres and 5.7 acres. Applicants plan to leave a 100 ft. buffer on Straight Brook. Applicants plan to limit clearing to APA standards. They plan on leaving a 50 ft. buffer along Peaceful Valley Road except dead trees. The maximum grade is 10% and the allowable grade is 12%. Mrs. Osterhout noticed that all building footprints are indicated as the same she asked if applicants planned to build. Mr. Hutchins replied that the applicants had not decided if they will sell vacant or build. The foot prints are only to show a plan for single family dwelling as planned per lot. Mr. Record presented a motion to schedule a Public Hearing for November 17, 2008 at 7:00PM, with a second from Mr. Heidrich a vote determined all in favor, no one opposed and no one abstaining, the motion was approved.

Chairperson Report

Mrs. Osterhout reported that Gore Village had abandoned its approved subdivision and given up its unused building rights that now make the project one lot. Mr. Record clarified the location as being on State Route 28 across from Nice N Easy Shop.

Co-Chair

Mrs. Osterhout informed the Board. These duties will be to take charge and conduct the meetings in Mrs. Osterhouts' absence. There will be no map signing but person must be able to make site visits and preferably have a flexible schedule to make meetings, for example with the APA. She also informed the Board that she had asked the Town Board to do this and they had asked the Planning Board to handle this situation. Mr. Heidrich suggested Mr. Record as he has worked with him and Mr. Record has worked diligently and is very thorough. Mr. Smith and Mr. Pelton agree as Mr. Record has background knowledge and he tries to take the time for site visits. Mr. Record is able to run meetings and is willing to accept.

Mr. Record asked about the Gore Electric property and the prior approval being for an Ice Cream Shop and storage area. Mr. Heidrich stated that they wanted to build a new building for their business and use existing building for the Ice Cream Shop. Mrs. Osterhout said Mr. Heidrich was correct and that applicant had to renew that approval last year. The renewal is good for 2 years.

Mr. Sanantonio asked what is going on with the road next door to the Gore Electric building and Mrs. Osterhout said that the owner had presented a preliminary presentation about a small subdivision he had in mind, but he never came back to finalize it. Board requested Mrs. Monroe invite the owner, Mr. Gregg Taylor to attend next months meeting and give any planned information.

Mr. Smith asked if there would be an inspection report for the Gore Electric site and Mrs. Osterhout said that Mrs. Monroe could ask for one. The ZEO had gone to the site and there should be some information.

Regarding the business on Bridge Street, Ms. Leonard does not need to come she submitted the additional information needed for the file and as the business remains retail she is up to date.

Ski Bowl Café

Mr. Stoddard has been requested by the Planning Board to furnish more detailed information and to answer to Site Plan violations. Mr. Heidrich asked if there was a way of having Mr. Tuttle carry out this requirement. Mr. Sanantonio asked if it would be beneficial to have a meeting with the Town Board.

Mr. Heidrich stated that there was an area down on Route 28 near the Outreach that needed attention. The house with two trailers and numerous outbuildings.

Mrs. Osterhout said that the Planning Board can go to the Town Board. Mr. Smith suggested that the Planning Board should get an agenda before scheduling that meeting. Mrs. Osterhout said she could write an agenda and send it to everyone and they could add or subtract from it. Mr. Sanantonio agreed that would be the direction to take.

Mr. Record presented a motion to adjourn and with a second from Mr. Pelton and a vote of all in favor meeting was adjourned at 9:05 PM

Respectfully yours,

Marion Monroe, Secretary