

Johnsburg Planning Board Minutes
March 28, 2011

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ATTENDANCE: Mrs. Osterhout, Mr. Record, Mr. Smith, Mr. Pelton, Mr. Klippel, Mr. Heidrich, Attorneys Mr. Schachner and Mr. Hill.

Guests: See Attached

Public Hearing Called to order 7:08 PM

Subdivision Amendment #179-06A

Attorney Smith, representing the applicants, explained to the Board that Gore Mountain needs more property along the lift and ski trail. This need is based on terrain and the fact that skiers have been skiing outside the lines for safer terrain. The applicants have decided this property to the Town for 90 days pending this application approval. Hearing no further questions Mr. Record presented a motion to close the Public Hearing at 7:10 PM. With a second from Mr. Smith and a vote of all in favor Public Hearing for Application #179-06A was closed.

Public Hearing Opened 7:10 PM

Subdivision Application #220-11 Gerekaris

Attorney DeSantis, representing the applicants, explained to the Board that the applicants wish to create a 3 lot subdivision to allow for additional property for immediate and extended family. Mrs. Gerekaris wishes to merge lot #1 with property owned by Mr. and Mrs. R. Tuma, lot 2 to be merged with property owned by Mr. Kevin Tuma, which will result in a legal size lot and lot 3 to be retained with her property. Attorney DeSantis has an APA Jurisdictional letter. Hearing no further questions Mr. Record entered a motion to close this Public Hearing, with a second from Mr. Klippel and a vote of all in favor motion carried. Public Hearing closed 7:12 PM

Public Hearing Opened 7:12 PM

Subdivision Application #221-11 Kimbrell

Attorney Smith presented the information on behalf of the applicants and explained that this lot line adjustment was an agreement with the former land owners that the current land owners have decided to honor. This transfer includes a small parcel at the rear of the Kimbrell property and connected to property owned by the Church. There were no further questions and a motion was entered by Mr. Record, seconded by Mr. Smith to close this public hearing. With a vote of all in favor this Public Hearing was closed at 7:13PM

Regular Meeting Called to Order 7:14 PM

Minutes

All members received the minutes electronically prior to the meeting eliminating the need to be read at this time. Mr. Record asked to have the minutes show that he had presented a motion to go into Executive Session to include Mr. Vanselow and Mrs. Tucker, [REDACTED]

[REDACTED] The motion was seconded by Mr. Pelton and a vote determined Mrs. Osterhout, Mr. Record and Mr. Pelton were in favor and Mr. Smith opposed. The motion [REDACTED], 3 to 1. A motion was entered by Mr.

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Smith and seconded by Mr. Record to go into Executive Session with only the Board and attorneys, [REDACTED]. A vote determined all in favor no one opposed no one abstaining, motion carried. Mr. Record entered a motion to come out of Executive Session at 9:35 PM, a second was entered by Mr. Smith and a vote of all in favor Executive Session ended, [REDACTED]. Mr. Smith asked for a spelling correction of Mr. Nessel's name on page 3. Mr. Smith also clarified the 0 setbacks to be both front and side setbacks. With a motion by Mr. Record and a second by Mr. Smith to approve corrected minutes, a vote determined all in favor, no one opposed and no one abstaining. Motion carried minutes approved as corrected.

Subdivision Application Amendment #179-06A Front Street

Mrs. Osterhout asked for further questions or comments. With no further comments a motion was entered by Mr. Pelton and a second by Mr. Klippel to approve Subdivision Application Amendment #179-06A as presented. Attorney Smith informed the Board that he was waiting for APA amendment. Mr. Pelton reworded his motion to approve upon receipt of APA amendment approval. Mr. Klippel seconded the amended motion and a vote determined all were in favor, no one opposed and no one abstaining. Motion carried. [REDACTED]

Subdivision Application #220-11 Gerekaris

Mr. Smith asked if the property in question borders on Johnson Brook. Attorney DeSantis replied yes it does. Mr. Record presented a motion to approve Subdivision Application #220-11 as presented and his motion was seconded by Mr. Smith. Attorney Hill asked if the Board did SEQR. The SEORA form was not present in the file, [REDACTED]

With the process complete Mr. Record entered the motion to approve

Subdivision Application #220-11 as presented. A second was entered by Mr. Smith and a vote determined all were in favor, no one opposed and no one abstaining motion carried.

Subdivision Application #221-11 Kimbrell

Mr. Smith asked if SEORA review was needed. Mrs. Osterhout replied yes. [REDACTED]

Having met all requirements of the application Mr. Record presented a motion to approve Subdivision Application #221-11 as presented. With a second by Mr. Heidrich and a vote of all in favor motion was carried.

Attorney Smith presented a letter requesting to extend the Front Street Development approval. Mr. Osterhout informed him that the applicants must request an extension within the 180 day allotted time. Attorney Smith replied that no place in section 665 states they must request within that time frame. Mrs. Osterhout suggested tabling this until clarification can be made. Attorney Schachner said that this is cut and dry. The Board cannot extend something that does not exist and as this approval has expired it no

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longer exists. Mr. Smith entered a motion to deny request to extend Front Street Development approval as it has already expired. With a second from Mr. Klippel and a vote of all in favor motion carried. Extension denied.

Lot Line Adjustment

General discussion showed that the Planning Board attorneys have prepared a simple draft to cover this issue within a single meeting with some flexibility to schedule a Public Hearing if needed. APA restraints include that a lot line adjustment cannot measure more than 25 feet [REDACTED] and there is an [REDACTED] limit as well. Mrs. Osterhout suggested that the Board take the provided information home to read and place this item on the Agenda for April.

The Board needs to set a deadline time frame for interested people to be placed on the Agenda as the Secretary only works on Monday now. Mr. Record entered a motion for all requests to be presented by the close of business on the Monday [REDACTED] prior to the meeting date. A second was entered by Mr. Klippel and a vote determined all were in favor, no one opposed and no one abstaining. Motion carried.

Mr. Nessel has come to the Board previously with a request for this Board to ask the Town Board to amend the Land Use Plan to amend the setback requirements in the Business District and to eliminate the Hamlet Business district 2. General discussion revealed that Mr. Nessel had obtained the verbiage used by Lake Placid outlining their Business District objective. It outlined what they felt was important for the essential downtown core. They list, among other items, an area clean, safe, walk able and providing residential areas. Information from Lake George discussed zero (0) setbacks and the ability to walk the district because of this. Mr. Smith did ask if Lake George has a municipal sewer, and explained that this would make this set back possible. Discussion also revealed that there would be special fire proof regulations with different property owners. Mr. Nessel asked that the Board get behind him and send it to the Town Board. Mr. Nessel was of the opinion that it was the Planning Boards responsibility to amend the Land Use Plan. Attorney Schachner said that the Planning Board could recommend but could not amend. Mr. Heinrich said that it is the responsibility of this Board to enforce the Plan that is in place. Mr. Smith felt that there are larger issues to deal with prior to making this recommendation such as municipal sewer. Mrs. Osterhout said that although the Board did not oppose his idea they would not suggest sending a recommendation to the Town Board.

Mr. Nessel asked for a vote of Board members on this issue. Mr. Record said he would like to invite Mr. Nessel back for a discussion on the setback issues and to include a motion to continue discussion with Mr. Nessel on this issue. No second was entered on this motion requiring no further discussion. Mr. Heinrich asked Mrs. Osterhout to ask Professor Lamb why this issue had not be changed.

ZEO Report

Mrs. Tucker reported that she has been working with the county and that as of April 1, 2011 the county would not issue a C of O until the project has obtained a Zoning Compliance Certificate from the Zoning Enforcement Officer.

Mr. Record entered a motion to go into Executive Session with just the Board and their attorneys to discuss possible [REDACTED] Mr. Smith seconded the motion and a vote of all in favor, no one opposed and no one abstaining the motion was carried.
Executive Session 8:40 PM

With a motion by Mr. Record and a second by Mr. Klippel to end executive session at 9:08, a vote recorded all in favor, no one opposed and no one abstaining. Executive Session ended at 9:08 PM

Mr. Record entered a motion to send a copy of the memorandum received from the Attorneys to the ZEO. A second was entered by Mr. Smith. A discussion followed as to sending the memo to the Town Board and the APA. Mrs. Osterhout repeated the motion to send a copy of the memorandum to the Zoning Enforcement Officer for a vote. A vote determined all were in favor, no one opposed and no one abstaining. Motion carried.

Mr. Smith entered a motion to send a letter to Front Street Development notifying them that the conditional approval for Phase 1 A residential had expired. Mr. Klippel seconded the motion and a vote determined all were in favor, no one opposed and no one abstaining. Motion carried. Mr. Vanselow said that perhaps they should include that all previous approvals were included. Attorney Schachner said that it would not be necessary.

Mr. Millington asked the Board to take a look at the plan that a property owner was considering and asked if they Board had any concerns with the changes considered. He had proposed this plan at the previous meeting and there was an ingress egress concern with 3 lots. The applicant addressed this issue with the moving of the garage and keeping the shared drive within the 12% grade requirement. The Board had no major concerns and told them to do an application and come for a preliminary when ready.

Having no further business Mr. Klippel entered a motion to adjoin, which was seconded by Mr. Smith and a vote of all in favor adjourned the meeting at 9:23 PM

Respectfully,

Marion Monroe, Secretary